



City Council Meeting NOVEMBER 29, 2021 Office of the City Clerk

ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 6:30 PM

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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
 - Mike Stacy, City Attorney
 - James Drinkard, Asst. City Administrator
 - Lauren Shapiro, City Clerk
 - Peter Sewczwicz, Director of Public Works
 - Tom Harris, Director of Finance
 - Kathi Cook, Director of Community Development and Economic Development
 - Eric Graves, Senior Traffic Engineer / Planner
 - Christine Young, Recreation Services Manager

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS & PRESENTATIONS

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 11/15/2021)

- ❖ Council Member Hipes offered a motion to approve the consent agenda.
- ❖ Council Member Burnett seconded the motion.
- ❖ The motion was approved (6-0-1; Council Member Richard abstained as she was not present during the November 15, 2021 City Council Meeting).

VI. PUBLIC HEARING

A. PH-21-AB-27 Minimum Distance Requirement Waiver Request for 241 South Main Street

Consideration of a variance from the minimum distance required between an establishment seeking an alcoholic beverage license and a school.

- City Clerk, Lauren Shapiro, came forward to present this item.
- The applicant, David Filipwicz, has applied for a variance from the alcoholic beverage license minimum distance requirements at 241 South Main Street, Alpharetta, Georgia 30009. The proposed concept of the establishment is a southern food restaurant that offers walk-up counter service, catering pickups, and deliveries.
- In order to obtain an alcoholic beverage license from the City of Alpharetta, the location has to meet the distance requirements per City Code Section 4-17(a)(3) which states: "No person may sell or offer to sell alcoholic beverages: 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."
- The applicant submitted a certified distance survey, which states that the proposed location is 82 feet from the Amana Academy property line.
- City Code Section 4-17 (e) allows city council to grant a variance to the minimum distance requirement between a school and an eating establishment seeking an on-premises consumption license provided that they meet the following conditions:
 - (1) The location for which a license to sell alcoholic beverages for on-premises consumption is being sought has previously been operated as an eating establishment licensed by both the city and the state for the sale of alcoholic beverages for on-premises consumption within the five years immediately preceding the application for the new license;
 - (2) The primary entrance to the eating establishment is physically separated, either by a street, a fence, shrubbery, a parking lot, another building, or some other form of physical barrier, from the school grounds or college campus which is in close proximity to the eating establishment;
 - (3) There are practical or economic difficulties in carrying out the strict letter of the distance requirements, including the fact that the proposed premises from which alcoholic beverages for on-premises consumption, would be sold already contains a commercial kitchen;
 - (4) The request is not based primarily on the desire to reduce the cost of developing the site;
 - (5) The proposed variance will not substantially diminish the property value 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;
 - (6) 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;

- (7) The proposed variance will have no material effect on the use of the property on which the school grounds or college campus is located as either a school grounds or college campus.
- Staff has reviewed the application for a variance and believe that they meet all conditions in code section 4-17(e), as this building was previously occupied by Pizza Hut and had an alcoholic beverage license for on-premise consumption within the last 5 years; the primary entrance is physically separated by Roswell Street; the proposed premises already has an existing commercial kitchen; the proposed variance is not based on a desire to reduce cost of developing the site nor will it diminish surrounding property values; the proposed variance will also have no material effect on the Amana Academy property.
- The applicant, Dave Fillipowicz, came forward to speak on behalf of this item.

Public Comment:

- Ehab Jaleel, Executive Director for Amana Academy, came forward to speak in opposition of this item.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve PH-21-AB-27 Minimum Distance Requirement Waiver Request for 241 South Main Street.
 - Council Member Merkel seconded the motion.
 - The motion was approved unanimously (7-0).

VII. OLD BUSINESS

A. PH-21-18 Code of Ordinances Text Amendments – Alcoholic Beverages, Distance Requirements and Ancillary Tasting License – Second Reading

Consideration of text amendments to the Code of Ordinances to add and amend regulations related to ancillary tasting license and to add a distance requirement between retail package sales establishments.

- Director of Community Development and Economic Development, Kathi Cook, came forward to present this item.
- Director Cook shared that two changes have been made since the first reading of the proposed ordinance (removed "mortuary" and changed the language about the flight to read as "total of 16 ounces")
- City Attorney, Mike Stacy, read the ordinance aloud.
- ❖ Council Member Richard offered a motion to approve PH-21-18 Code of Ordinances Text Amendments – Alcoholic Beverages, Distance Requirements and Ancillary Tasting License.
 - Council Member Burnett seconded the motion.
 - The motion was approved unanimously (7-0).

B. An Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia – Second Reading

- City Administrator, Bob Regus, came forward to present this item.
- City Administrator Regus shared that no changes have been made since the first reading of the proposed ordinance.
- City Attorney, Mike Stacy, read the ordinance aloud.
- ❖ Council Member Burnett offered a motion to approve an Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia.

- Council Member Hipes seconded the motion.
- The motion was approved (6-1 ; with Council Member Richard in opposition).

VIII. NEW BUSINESS

A. RFP 22-104 & RFP 22-105 Citywide Landscape Maintenance and On-call Landscape Construction

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- The Department of Public Works simultaneously prepared, advertised, and received submittals for two separate Requests for Proposals (RFP 22-104 & RFP 22-105) for Citywide Landscape Maintenance (excluding park lands) including On-call Landscape Construction.
- The Level 1 maintenance contract includes work areas with greater amounts of ornamental landscape such as street trees, shrubs, and groundcovers. Examples include the new Rucker Rd streetscape, Bethany Rd roundabouts, Old Milton Parkway medians (SR 400 to Main St), and City facilities such as Public Safety headquarters and the fire stations.
- The Level 2 maintenance contract includes work areas where mowing is the primary maintenance activity. Examples include sections of Mayfield Rd, McGinnis Ferry Rd, and Westside Pkwy (Encore Pkwy to Mansell Rd).
- Based on the received proposals and scoring results, Public Works recommends that both the Level 1 and Level 2 contracts be awarded to Russell Landscape.
- The current contract is \$398,746.08 per year and the contract was awarded 5 years ago with annual increases in the contract passed approximating CPI. The maintenance cost of the proposed contract is \$675,224.00. The price of labor, fuel, and equipment has directly impacted the total maintenance costs, as well as the higher level of service and attention various corridors need to have due to landscape improvements over the years.
- The additional funds to complete the maintenance needs from February 1, 2022 to June 30, 2022 is \$115,200 and will be requested in the upcoming mid-year budget. The annualized impact approximates \$276,478 (current contract of \$398,746; proposed contract of \$675,224) and will be programmed into the FY 2023 budget.

Public Comment:

- There were no public comments.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the award of the contracts for RFP 22-104 - Level 1 Landscape Maintenance and On-call Landscape Construction in an amount not to exceed \$325,864.00 and for RFP 22-105 - Level 2 Landscape Maintenance and On-call Landscape Construction in an amount not to exceed \$349,360.00 to Russell Landscape and authorize the Mayor to execute all necessary documents.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (7-0).
 - There was discussion during the motion about suggesting that maintenance occur only during off-peak hours on the main roads, especially on Rucker and Kimball Bridge roads.

B. Land and Water Conservation Fund Grant Award

- Senior Traffic Engineer / Planner, Eric Graves, came forward to present this item.
- On October 5, 2020, Council approved Staff's request to seek funding through the GA Department of Natural Resources Land and Water Conservation Grant to assist with the

construction of a portion of the Alpha Loop between Old Milton Parkway and Westside Parkway. The City's request was for the maximum amount of \$500,000, requiring a minimum \$500,000 local match.

- The \$500,000 grant has been awarded, and a resolution now needs to be adopted accepting the grant and committing to the terms of the grant agreement.
- City Attorney, Mike Stacy, read the resolution aloud.

Public Comment:

- There were no public comments.
- ❖ Council Member Richard offered a motion to approve the resolution accepting the Georgia Department of Natural Resources Land and Water Conservation Grant and authorizing the Mayor to execute all required documents.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (7-0).
 - There was discussion during the motion about thanking Community Development for their work on receiving this \$500,000 grant.

C. Alpharetta Impact Fee Program Update

- Senior Traffic Engineer / Planner, Eric Graves, came forward to present this item.
- Staff is recommending that an analysis be conducted as the basis for updating the Impact Fee Ordinance and Fee Schedule in order to incorporate current growth projections and related infrastructure improvement needs. The Ross and Associates team prepared the previous update and is being recommended as a single-source vendor due to their unique knowledge of the current City Ordinance.
- The Alpharetta Impact Fee Program is an effort to assign new development the proportional share of costs for capital improvements necessary to accommodate new growth. New developments are currently assessed impact fees for Parks, Public Safety, and Roads. The City last updated the Impact Fee Ordinance and Fee Schedule in September of 2015 in conjunction with the 2030 Comprehensive Land Use Plan update. The fees for the vendor will be paid for by the Impact Fee Program.
- Alpharetta recently adopted the 2040 Comprehensive Plan and a Capital Improvement Element (CIE) defining anticipated growth and the capital investments necessary to accommodate new residents and businesses.

Public Comment:

- There were no public comments.
- ❖ Council Member Richard offered a motion to approve awarding Ross and Associates a single-source contract for the Alpharetta Impact Fee Program Update in an amount not to exceed \$69,500 and authorize the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (6-1; with Council Member Burnett in opposition).

D. Renewal of Miracle League Facility Use Agreement

- Recreation Services Manager, Christine Young, came forward to present this item.
- In May, 2003, the City of Alpharetta and the North Metro Miracle League (NMML) entered

into a Facility Use Agreement for certain facilities at the City's North Park. The North Metro Miracle League agreed to operate the City's adapted sports facility for the benefit of the community. The NMML has enjoyed tremendous success in offering many programs and services for those with disabilities and their families. This extension will allow the NMML to continue to offer these programs and services for the next 20 years.

- The agreement, as presented, does include a clause allowing either party to terminate the agreement "without cause" with 90-day written notice to the other party.
- The NMML is requesting a new agreement to be signed a year prior to the current expiration due to upcoming changes in staff and procedures within their organization. The current agreement runs through the end of 2022.

Public Comment:

- There were no public comments.
 - ❖ Council Member Merkel offered a motion to approve the renewal of the Miracle League Facility Use Agreement for an additional twenty (20) years starting at the expiration of the original 2003 Contract and authorizing the Mayor to execute all necessary documents.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (7-0).
 - There was discussion during the motion about how wonderful the North Metro Miracle League organization is for the community.

IX. PUBLIC COMMENT

- A. There were no public comments.

X. REPORTS

- A. Council Member Richard announced that the next virtual Community Zoning Information Meeting will take place on Wednesday, December 8, 2021 at 6:00 p.m. via Zoom. There are four (4) public hearing applications that will be presented at this meeting.
- B. Council Member Richard announced that there is a new member of the Community Development Team, Lance Morsell, who is serving as the new Economic Development Manager.
- C. Council Member Merkel announced the Alpharetta Season of Celebration will take place the next three Fridays (December 3, 10, and 17) from 5:00 to 9:00 p.m. in Downtown Alpharetta. The Christmas Tree Lighting will occur this upcoming Friday, December 3, 2021 at 6:30 p.m.

XI. ADJOURNMENT

- Mayor Gilvin adjourned the meeting at 7:13 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk