



City Council Meeting & Public Hearing

MAY 23, 2022

Office of the City Clerk

ALPHARETTA CITY HALL

COUNCIL CHAMBERS | 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 or viewed online at <https://www.youtube.com/user/alpharettagov>.

I. CALL TO ORDER

- **Mayor Gilvin called the meeting to order at 6:30 p.m.**
- Mayor Gilvin announced that V-21-33 / Citgo 174 North Main Street Variance has been deferred by the applicant to a date to be determined.
- Mayor Gilvin announced that Council Member Binder is not yet present, and he will be about thirty (30) minutes late.

II. ROLL CALL

- **Council Members**
 - Mayor Jim Gilvin
 - Mayor Pro Tem Dan Merkel
 - Donald F. Mitchell
 - Brian Will
 - Douglas J. DeRito
 - John Hipes
 - Jason Binder
- **Staff**
 - Bob Regus, City Administrator
 - Molly Esswein, City Attorney
 - James Drinkard, Asst. City Administrator
 - Lauren Shapiro, City Clerk
 - John Robison, Director of Public Safety
 - Kathi Cook, Director of Community and Economic Development
 - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
 - Peter Sewczwicz, Director of Public Works

- Randy Bundy, Director of Information Technology
- Tom Harris, Director of Finance
- Adam Montgomery, Information Security Manager
- Eric Graves, Senior Transportation Engineer
- Kim Zane, Cultural Services Manager
- Michael Woodman, Planning and Development Services Manager
- Shawn Mitchell, Budget & Procurement Manager

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 5/16/2022)

B. Alcoholic Beverage License Applications

1. PH-22-AB-14 3325 Alpharetta Package, LLC d/b/a/ Liquor Emporium
3325 Old Milton Parkway, Suite B, Alpharetta, GA 30005

Package Store
Retail Package Sales
Liquor, Beer, Wine, & Sunday Sales
Owner & Registered Agent: Hussein Sultan

- ❖ Council Member Hipes offered a motion to approve the Consent Agenda.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

V. PUBLIC HEARING

A. MP-22-02 / CU-22-01 / Bright Path Academy of Georgia

Consideration of a master plan amendment and conditional use to allow a 'School, Academic' for Bright Path Academy. A master plan amendment is requested to the Immco, Inc. Master Plan to add the proposed use and a conditional use to allow a 'School, Academic' for Bright Path Academy. The property is located at 12395 Morris Road and is legally described as being located in Land Lot 1189, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered at the 5/5/2022 Planning Commission meeting. Staff recommended approval subject to 5 conditions (vote 6-0). There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions.
- Staff is recommending that Mayor and Council approve MP-22-02/CU-22-01 Bright Path Academy of Georgia, subject to the following conditions:
 1. Add 'School, Academic' to the Professional Turf Supply Master Plan as a conditional use.

2. 'School, Academic' use shall be added as a conditional use at 12395 Morris Road and limited to no more than 11,150 square feet.
 3. Conditional use approval shall be limited to Bright Path Academy of Georgia; no additional 'School, Academic' businesses or subleasing shall be permitted within the approved space.
 4. In the future if an outdoor recreational area is contemplated, it shall be limited to the north side of the building and the 50' buffer adjacent to the residential property shall be maintained.
 5. Prior conditions of approval related to the Professional Turf Supply Master Plan shall remain in effect.
- The applicant, Bright Path Academy of Georgia, is requesting a master plan amendment and conditional use to allow a 'School, Academic' use for Bright Path Academy in a 11,150 square foot existing office building on 1.4 acres. An amendment to the Professional Turf Supply Master Plan is requested to add the proposed use. The subject property is located at 12395 Morris Road.
 - A low-rise office building occupies the adjacent parcel to the north, to the south is the Little Sunshine's Playhouse and Preschool daycare facility while to the east is the Caravelle townhome community. West, across Morris Road from this site, is a large fitness center and multi-story office buildings.
 - Bright Path Academy of Georgia is a not-for-profit school for children with special needs. The academy will provide educational services for students in grades 6-12 and will follow a typical school calendar year. The students will comprise mostly of non-verbal children with an autism diagnosis and sensory processing disorders. Initially expected enrollment will be approximately ten (10) students beginning in August 2022 with an eventual student population of approximately 30 children. School hours of operation will range from 8:00 AM to 4:00 PM, Monday through Friday.
 - 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 CZIM was held on April 13, 2022. There were no public comments.
 - The applicant, Thane Brooks, came forward to speak on behalf of this application.

Public Comments:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve MP-22-02/CU-22-01 Bright Path Academy of Georgia, subject to the following conditions:
1. Add 'School, Academic' to the Professional Turf Supply Master Plan as a conditional use.
 2. 'School, Academic' use shall be added as a conditional use at 12395 Morris Road and limited to no more than 11,150 square feet.
 3. Conditional use approval shall be limited to Bright Path Academy of Georgia; no additional 'School, Academic' businesses or subleasing shall be permitted within the approved space.

4. In the future if an outdoor recreational area is contemplated, it shall be limited to the north side of the building and the 50' buffer adjacent to the residential property shall be maintained.
5. Prior conditions of approval related to the Professional Turf Supply Master Plan shall remain in effect.

- Council Member Will seconded the motion.
- The motion was approved unanimously (6-0).

- Council Member Binder joined the meeting.

B. Z-22-02 / V-22-08 / 116 & 126 North Main Street

Consideration of a rezoning and variance to allow for 2, 3-story mixed-use buildings on 1.43 acres. The mix of uses includes 32,000 square feet of office, 4,000 square feet of retail, 6,000 square feet of restaurant, and 4 'For Sale' condominium units. A rezoning is requested from C-1 (Neighborhood Commercial) to DT-MU (Downtown Mixed-Use) and a variance is requested to reduce setbacks from a dumpster enclosure. The property is located at 0 Christine Drive and 116/126 North Main Street and is legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- This item was tabled at the 4/14/2022 Planning Commission meeting and then reconsidered at the 5/5/2022 meeting. Staff recommended approval subject to 22 conditions. The applicant made changes to the proposed development to reduce the height of the buildings to 3 stories, moved the rear building away from West of Main and proposed 21 – 6" caliper overstory trees in place of the 2 recommended tree saves. The applicant also provided a stream determination and the City determined that the stream did not qualify as a buffered stream. There were several public comments at both Planning Commission meetings in support of the applicant's development. Concerns were voiced regarding additional traffic on Lily Garden Place and Violet Garden Walk (roads too narrow), City should remove the Cumming Street extension from the Downtown Master Plan, move the dumpster off Violet Garden Walk, growth should be reasonable, construction vehicle impacts on West of Main, and buildings should be 3 stories with no occupiable space on rooftops. The contractor for 100 North Main commented that he was in favor of the Cumming Street extension for that project. Planning Commissioners asked the applicant to conduct the resistograph assessment of the 2 proposed tree saves and explore moving the dumpster prior to the City Council meeting. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting changes from the applicant (Vote 6-0; Planning Commission changes are depicted in RED below).
- Staff is recommending that Mayor and Council approve Z-22-02/V-22-08 116 & 126 North Main Street, subject to the following conditions:
 1. The site, consisting of approximately 1.43 acres, shall be zoned DT-MU and developed substantially similar to site plan prepared by AEC, dated ~~3/18/2022~~ 4/28/2022, except for modifications required to comply with the conditions below. Uses shall be limited to office, retail, restaurant and 'For-Sale' residential.

2. Maximum building height shall be no greater than 3 stories and 46'.
3. Building 'B' shall be limited to office and residential uses. Rooftop shall be limited to residential amenity space.
4. A 15' building setback shall be provided on North Main Street and shall include a minimum 5' landscape strip located outside of any easements. A 20' building setback, as measured from the existing right-of-way, shall be provided on Violet Garden Walk and shall include a minimum 15' landscape strip.
5. Architecture and materials shall be developed similar to the submitted renderings, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code, subject to approval by the Downtown Consultant and DRB. Openings in parking deck walls shall include decorative screens similar to Teasley Place, with final approval by DRB.
6. The historic building at 116 North Main Street shall be limited to office or restaurant use.
7. 116 North Main Street shall be saved on the property, restored, and designated under the City's Historic Preservation Incentive Ordinance. Restoration shall be completed by the 1st TCO/CO, subject to a Certificate of Appropriateness from the Historic Preservation Commission.
8. Lot coverage shall not exceed 80%.
9. Parking deck shall be screened with a mix of landscape materials of varying heights, with final approval by DRB.
10. Decorative lighting and trees shall be placed on the upper deck, with final approval by DRB.
11. Although the road is not being built at this time, developer shall set aside land to accommodate future right-of-way for the Cumming Street extension (as established in a Development Agreement), as depicted on the site plan prepared by AEC, dated ~~3/18/2022~~ 4/28/2022. Area shall be maintained as greenspace until such time that it is improved for the road extension.
12. Final streetscape shall include decorative pedestrian lighting, as approved by Staff.
13. Street trees shall be required in the planter along North Main Street (as approved by GDOT) and Violet Garden Walk, as well as behind the sidewalks as a continuation of what has been previously planted or designed in the Downtown and outside of any utility easements, as approved by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
14. Amenity space shall be developed on building rooftops and limited to use by the occupants, invitees and guests of the development. Occupiable vertical structures shall be prohibited on rooftops. Greenspace amenity areas shall be planted with decorative landscaping, hardscape, walls and seating. The landscape shall include plant selections promoting the historic district.

15. Foundation plantings, consisting of ornamental trees, shrubs, vines and/or grasses, shall be required for buildings with frontage along North Main Street, Cumming Street and Violet Garden Walk.
 16. ~~Developer shall conduct a resistograph full assessment for tree #787 (46" Water Oak) and #788 (37" Willow Oak). If trees are in Good condition they shall be saved, as approved by Staff. Developer shall remove tree #787 (46" Water Oak) and #788 (37" Willow Oak) and in exchange will plant 21 – 6" caliper overstory trees on the property at final development.~~
 17. Decorative paver aprons shall be required at project driveways, as approved by Staff.
 18. 10' sidewalk requirement on Violet Garden Walk shall be reduced to 5' with the remaining 5' added to the landscape area.
 19. Developer shall construct a minimum 5' sidewalk along the Cumming Street extension connecting sidewalks on North Main Street and Violet Garden Walk, as approved by Staff.
 20. Developer shall screen car head lights with sufficient parking deck wall height and landscaping.
 21. Developer shall improve project driveway access to North Main Street based on the recommendations of the traffic study, with final approval by Staff. Access modification shall require a GDOT driveway permit, ICE study, and signal modification for both existing and future GDOT improved condition. If a CO is anticipated post GDOT construction, only final condition required).
 22. ~~Site improvements shall not preclude a possible future vehicular connection between Violet Garden Walk and North Main Street.~~
- The applicant, Market District Crabapple, LLC, is requesting to rezone 1.43 acres from C-1 (Neighborhood Commercial) to DT-MU (Downtown Mixed-Use) to allow for the construction of two (2), four (4) story mixed-use buildings, including 32,000 square feet of office, 4,000 square feet of retail, 8,000 square feet of restaurant and four (4) 'For-Sale' condominium units with structured parking. 116 North Main Street is on the City's Contributing Historic Buildings list and is proposed to be saved and re-used as a restaurant. Variances are requested to eliminate stream buffers and reduce setbacks for a dumpster enclosure. The subject property is located at 116 and 126 North Main Street and 0 Christine Drive on the west side of North Main Street across from the intersection with Cumming Street.
 - The subject property represents three (3) parcels of land with frontage on North Main Street and Violet Garden Walk.
 - Surrounding properties are zoned C-1 to the north, O-I (Office- Institutional) to the east, DT-MU (Downtown Mixed-Use) to the south, and R-10MHD (Dwelling, 'For-Sale', Residential) to the west. Gracious Home is located to the east, a dentist office to the north, West of Main subdivision to the west, and 100 North Main is under construction to the south.
 - As it relates to the dumpster setback variance, the presence of public right-of-way on three (3) sides of the property limits the placement of the dumpster on the property.

The dumpster is proposed to be located within approximately twenty-feet (20') of Violet Garden Walk. The applicant states that the dumpster will be screened within a masonry enclosure and landscaping.

- The Downtown Master Plan promotes a system of connected streets, including the extension of Cumming Street from North Main Street to Canton Street along an alignment with Lily Garden Place. The extension of Cumming Street impacts the applicant's property along its southern boundary and would require future right-of-way for the extension. The City has secured right-of-way for the extension from the adjacent property to the south, 100 North Main Street. If approved, the applicant should set aside future right-of-way to accommodate the Cumming Street extension.
- Building 'A', which is located along North Main Street, will include retail, restaurant and office uses. Building 'B', which is located at the rear of the property, will include office and residential uses.
- Access to the site is depicted from a new driveway off North Main Street.
- The site plan reflects 7,000 square feet, or 11%, amenity space in a rooftop terrace and front plaza. For comparison, the development to the south provided approximately 28% amenity space, which included a rooftop amenity and tree save area.
- the City Arborist recommends a resistograph full assessment be conducted on two (2) boundary trees #787 (46" Water Oak) and #788 (37" Willow Oak) in order to determine the condition of those trees. In addition, a 14" Oak located west of the existing shed should be saved.
- Stormwater management will be handled underground under the structured parking deck.
- The submitted renderings reflect a Mercantile/Mill architectural style, which is approved for use in the Downtown Overlay. The City's Downtown Consultant provided the following comments on the proposed renderings: 1) certain aspects of the building are too modern; 2) lack of cornice treatment; 3) balcony, railing, detailing and materials are not consistent with Mercantile/Mill style; and 4) suspended canopy is too monumental in scale and not consistent with Mercantile/Mill style.
- The tallest buildings in the vicinity of the subject property are three (3) stories, including West of Main townhomes and 100 North Main Street which was limited by zoning condition to no more than three (3) stories and 46'.
- The applicant provided a trip generation report, which shows that the proposed development would generate 87 AM Peak Hour trips and 169 PM Peak Hour trips.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the applicant was been contacted by surrounding property owners with questions and concerns over increased traffic and access from Violet Garden Walk, setbacks and landscaping on North Main Street and Violet Garden Walk, building architecture and height, uses in the rear building, and concerns over the Cumming Street extension.
- Staff has received emails from West of Main residents with concerns over traffic impacts from the Cumming Street extension, access to the lower deck through Lily

Garden Place, building setbacks and landscaping on Violet Garden Walk, building height, and noise from outdoor (including rooftop) commercial activity.

- The CZIM was held on March 9, 2022. There were public comments with questions and concerns over building height, use of the rear building, whether traffic projections included re-use of the historic building, whether the lower parking deck will be open to the public, and setback/landscape along Violet Garden Walk.
- The applicant, Brent Beechem with Market District Crabapple, LLC (1104 Breckenridge Lane, Alpharetta, GA 30005), came forward to speak on behalf of this application.

Council Member Discussion:

- Council Member Will asked about the options for the entrance to the development and traffic.
- Council Member DeRito asked about the dumpsters and wanted to know why the stream buffer variance was removed.
 - Manager Woodman shared that the dumpster is for the entire development, and Planning Commission asked for the applicant to look at the location of the dumpsters. Also, the stream buffer variance was removed because the stormwater engineer determined that this is no longer a stream that requires buffers (basically a ditch).
- Council Member Hipes asked if this application took into consideration the new Highway 9 project.
 - Senior Transportation Engineer, Eric Graves, shared that the applicant completed a study with current traffic counts, and we do require the applicant to complete a traffic study to propose what traffic would be like at the opening year of the development.
- Council Member Hipes asked about construction staging and the mercantile/mill architecture style.
 - Manager Woodman shared that the applicant would need to stage on their property, and if they did need right of way access, they would apply for a permit with Public Works. Also, the downtown consultant reviewed the renderings and believed that there were aspects of the building that were a little too modern (stairwells, overhang, building design, etc.)
- Council Member Binder shared that he would be comfortable with removing Condition #11. Council Member Binder shared that he received an email from Mr. Hawkins and most of his concerns have now been addressed, however, Mr. Hawkins would like to have vehicular access limited to one specific driveway off North Main Street brought inside the development. Also, Council Member Binder would like to have something that states that no deliveries nor vehicular access to the site shall be provided from Lily Garden Place or Violet Garden Walk.
 - Manager Woodman shared that he did make a recommendation at the April 2022 Planning Commission meeting that deliveries to the property shall be made from the driveway off North Main Street, and that there shall be no loading on Violet Garden Walk. However, because this item was tabled at

Planning Commission, this comment was not addressed at the May 5th Planning Commission meeting.

- Mayor Gilvin asked staff to clarify the difference between coverage and open space as it relates to this site and the recommended conditions.
- Mayor Pro Tem Merkel shared that he would like to see that we are enforcing the law of blocking traffic, especially due to deliveries.
- Council Member Mitchell shared that he does not have an issue with the trees, and he encouraged the applicant to use a design within the historic context.
- Mayor Gilvin asked the applicant if he preferred the site plan that did not reserve right of way.
 - The applicant shared that they included the right of way because the City required it. Also, the garbage dumpster is there because they could not find another location for it, is amendable to relocating the dumpster, with final approval by City Staff or Design Review Board.

Public Comments:

- Jim Breen (55 Church Street, Alpharetta, GA 30009) came forward to speak in favor of the application.
 - Holmes Hawkins (126 Lily Garden Place, Alpharetta, GA 30009) came forward to speak in favor of the application.
 - Brian Richey (204 Violet Garden Walk, Alpharetta, GA 30009) came forward to speak on this application.
 - Mr. Richey would like for City Council to approve the plan that was presented and approved by the Planning Commission on May 5, 2022). Additionally, he mentioned that this will bring around 1,900 cars through his neighborhood.
 - Larry Bracken (208 Violet Garden Walk, Alpharetta, GA 30009) came forward to speak in favor of the application.
 - Mr. Bracken shared that the road extension is no longer needed in this area. He stated that most are in favor of this project, but he wants to get rid of the Cumming Street Extension.
 - Tyler Vasser (89 Canton Street, Alpharetta, GA 30009) came forward to speak on this application.
 - Mr. Vasser shared that moving the building slightly to the north is keeping the possibility of adding the road extension in later, if needed. He also shared that one wants the dumpster at the front of the building.
 - Tim Becker (97 Canton Street, Alpharetta, GA 30009) came forward to speak on this application.
 - Mr. Becker asked City Council to remove Condition #11.
- ❖ Mayor Pro Tem Merkel offered a motion to approve Z-22-02/V-22-08 116 & 126 North Main Street, subject to the following conditions:

1. The site, consisting of approximately 1.43 acres, shall be zoned DT-MU and developed substantially similar to site plan prepared by AEC, dated 4/28/2022, except for modifications required to comply with the conditions below. Uses shall be limited to office, retail, restaurant and 'For-Sale' residential.
2. Maximum building height shall be no greater than 3 stories and 46'.
3. Building 'B' shall be limited to office and residential uses. Rooftop shall be limited to residential amenity space.
4. A 15' building setback shall be provided on North Main Street and shall include a minimum 5' landscape strip located outside of any easements. A 20' building setback, as measured from the existing right-of-way, shall be provided on Violet Garden Walk and shall include a minimum 15' landscape strip.
5. Architecture and materials shall be developed similar to the submitted renderings prepared by Tracy Ward dated 2/28/2022, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code, subject to approval by the Downtown Consultant and DRB. Openings in parking deck walls shall include decorative screens similar to Teasley Place, with final approval by DRB.
6. The historic building at 116 North Main Street shall be limited to office or restaurant use.
7. 116 North Main Street shall be saved on the property, restored, and designated under the City's Historic Preservation Incentive Ordinance. Restoration shall be completed by the 1st TCO/CO, subject to a Certificate of Appropriateness from the Historic Preservation Commission.
8. Lot coverage shall not exceed 80%.
9. Parking deck shall be screened with a mix of landscape materials of varying heights, with final approval by DRB.
10. Decorative lighting and trees shall be placed on the upper deck, with final approval by DRB.
11. Final streetscape shall include decorative pedestrian lighting, as approved by Staff.
12. Street trees shall be required in the planter along North Main Street (as approved by GDOT) and Violet Garden Walk, as well as behind the sidewalks as a continuation of what has been previously planted or designed in the Downtown and outside of any utility easements, as approved by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
13. Amenity space shall be developed on building rooftops and limited to use by the occupants, invitees and guests of the development. Occupiable vertical structures shall be prohibited on rooftops. Greenspace amenity areas shall be planted with decorative landscaping, hardscape, walls and seating. The landscape shall include plant selections promoting the historic district.

14. Foundation plantings, consisting of ornamental trees, shrubs, vines and/or grasses, shall be required for buildings with frontage along North Main Street, Cumming Street and Violet Garden Walk.
 15. Developer shall remove tree #787 (46" Water Oak) and #788 (37" Willow Oak) and in exchange will plant 21 – 6" caliper overstory trees on the property at final development.
 16. Decorative paver aprons shall be required at project driveways, as approved by Staff.
 17. 10' sidewalk requirement on Violet Garden Walk shall be reduced to 5' with the remaining 5' added to the landscape area.
 18. Developer shall construct a minimum 5' sidewalk along the Cumming Street extension connecting sidewalks on North Main Street and Violet Garden Walk, as approved by Staff.
 19. Developer shall screen car head lights with sufficient parking deck wall height and landscaping.
 20. Developer shall improve project driveway access to North Main Street based on the recommendations of the traffic study, with final approval by Staff. Access modification shall require a GDOT driveway permit, ICE study, and signal modification for both existing and future GDOT improved condition. If a CO is anticipated post GDOT construction, only final condition required).
 21. Dumpster placement will be determined by Staff and Design Review Board prior to construction.
- Council Member Binder seconded the motion.
 - Council Member Binder offered a friendly amendment to add Condition #22: All vehicular access to the site, including all truck deliveries, shall be provided through a driveway off North Main Street; no vehicular access or truck deliveries to the site shall be provided from Lily Garden Place or Violet Garden Walk.
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - The motion was approved unanimously (7-0).
 - There was discussion during the motion about how to enforce the vehicular access and deliveries to a specific location. Director Cook shared that if the roadway is blocked, then a call should be made to public safety.

B. V-21-33 / Citgo 174 North Main Street Variance

DEFERRED: Please note this item has been deferred by the applicant and will not be heard or considered during this evening's meeting.

Consideration of a variance to reduce the landscape strip along North Main Street from 10' to 2'. The property is located at 174 North Main Street and is legal described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

C. Public Hearing on the Fiscal Year 2023 Budget and Millage Rate Levy

- Director of Finance, Tom Harris, came forward to present this item.
- No changes have been made since the May 16, 2022 workshop.

- The Marjean Way Road Extension was removed from the unfunded list.

Public Comments:

- There were no public comments.

II. NEW BUSINESS

A. Approval of Fiscal Year 2023 Budget & Millage Rate Levy

1st Reading

1. Fiscal Year 2023 Budget Ordinance (1st Reading)

- City Attorney, Molly Esswein, read the ordinance title aloud.

Public Comments:

- There were no public comments.
- Council Member Binder offered a motion to approve the Fiscal Year 2023 Budget Ordinance.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

2. Fiscal Year 2023 Millage Rate Ordinance (1st Reading)

- City Attorney, Molly Esswein, read the ordinance title aloud.

Public Comments:

- There were no public comments.
- Council Member Binder offered a motion to approve the Fiscal Year 2023 Budget Ordinance.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).

B. A Resolution Approving FY2022 Bulletproof Vest Partnership Grant Application

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Mayor and Council approve a resolution for the submission of a grant application to the U.S. Department of Justice for the purchase of ballistic vests.
- There is a 50% match requirement from the City totaling \$27,408. If awarded, total funding for this initiative (grant and match components) will be \$54,816.
- City Attorney, Molly Esswein, read the resolution aloud.
 - ❖ Council Member Will offered a motion to approve a resolution for the submission of a grant application to the U.S. Department of Justice for the purchase of ballistic vests.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

C. Joint Defense Agreement and Conflict Waiver between Milton, Alpharetta, and Jarrard & Davis, LLP

- City Attorney, Molly Esswein, came forward to present this item.
- The City received a notice of claims by the former City Solicitor. The claims asserted against the City of Alpharetta and the City of Milton are identical. At this time, the interests of the City of Alpharetta and the City of Milton are aligned and there is no conflict.
- This Joint Defense Agreement will allow Jarrard & Davis to represent both parties while maintaining attorney client privilege.

Public Comments:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the Joint Defense Agreement and Conflict Waiver between Milton, Alpharetta, and Jarrard & Davis, LLP.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (7-0).

D. "A" Sculpture – Gift Request from Teasley Place Condominium Association Inc. & Teasley Place Building Developer

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is recommending that Mayor and Council approve the gift of the "A" sculpture and allow the sculpture to become a part of the public art process.
- If city accepts the "A" Sculpture as a Gift, the Cultural Arts Commission, Arts Alpharetta Public Art Review Committee and Staff will work together to rebuild, strip, and repaint the sculpture (cost: about \$7,000 and total cost: \$14,000).
- The new "A" Sculpture would be owned by the city and scheduled for maintenance approximately every 6 years, depending on weathering through this time frame. The sculpture would be repainted with new art and curated by Arts Alpharetta and launched as a New Sculpture in 2028 Outdoor Sculpture Exhibit Program.

Public Comments:

- There were no public comments.

Council Member Discussion:

- Mayor Pro Tem Merkel shared that he is struggling with spending \$14,000 on the sculpture and suggested that Innovation Academy take it on as a project.
- Council Member Binder shared that he was also a little concerned with the cost and asked how much it would cost to add it to the art rotation on the East side of town.
 - Director Rodgers shared that it would cost about \$6,500 to demolish the sculpture and to match the pavers at the corner so that space could be ready for a new piece of art.

- Council Member Hipes shared that he would like for the Cultural Arts Commission to get data on whether the sculpture is well perceived in this part of town and then get better ideas (and pricing) on how to fix the sculpture.
- Council Member Will shared that he does not have an issue with accepting the sculpture for ownership purposes, but he does not think that it makes sense to spend money on to paint it. Also, he mentioned the idea of allowing local high school students the opportunity to come in and create a project on the sculpture.
- Council Member Mitchell shared that the sculpture was used for social media for the City, but there was no "Alpharetta" on the sculpture. Also, he would like for the Cultural Arts Commission and Arts Alpharetta to have a say in what to do with the sculpture.
- ❖ Council Member Hipes offered a motion to approve and accept gift request and we ask the Cultural Arts Commission to give us direction on the future of art placement and usage for that location.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

III. PUBLIC COMMENT

- There were no public comments.

IV. REPORTS

- Council Member Mitchell announced his appointment of Clifford Martin to serve as a member of the Natural Resources Commission.

V. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn to executive session.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:43 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk