



City Council Meeting & Public Hearing

OFFICIAL MINUTES

JUNE 27, 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 video 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 Pro Tem Merkel called the meeting to order at 6:30 p.m.

II. ROLL CALL

- **Council Members**
 - Mayor Jim Gilvin
 - Donald F. Mitchell
 - Brian Will
 - Douglas J. DeRito
 - John Hipes
 - Jason Binder
- **Council Members Absent**
 - Mayor Pro Tem Dan Merkel
- **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, and Cultural Services
 - Pete Sewczwicz, Director of Public Works
 - Michael Woodman, Planning & Development Services Manager

- o Eric Graves, Senior Engineer – Development Services

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

- a. Council Meeting Minutes (Meeting of 6/6/2022 at 11:30 a.m.)
- b. Council Meeting Minutes (Meeting of 6/6/2022 at 6:30 p.m.)
- c. Alcoholic Beverage License Applications

1. PH-22-AB-18 Daepak Sabu, LLC, d/b/a Sabu
35 Milton Avenue, Suite C, Alpharetta, GA 30009

Restaurant
Consumption on Premises
Liquor, Beer, Wine, & Sunday Sales
Owner: Daepak Sabu, LLC
Registered Agent: Sora Yi

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

V. PUBLIC HEARING

A. MP-22-05 / CU-22-04 / SS Entertainment, LLC Event Facility / 5815 Windward Parkway

Consideration of a master plan amendment and conditional use to allow a 'Special Event Facility' for SS Entertainment, LLC. A master plan amendment is requested to the Windward Master Plan to add the proposed use and a conditional use to allow a 'Special Event Facility' for SS Entertainment, LLC. The property is located at 5815 Windward Parkway, Suite 101 and is legally described as being located in Land Lots 1112, 1113, 1176 & 1177, 2nd District, 1st Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- This item was considered at the 6/2/2022 Planning Commission meeting. Staff recommended approval subject to 6 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (7-0).
- Staff is recommending that Mayor and Council approve MP-22-05 / CU-22-04 SS Entertainment, LLC Event Facility / 5815 Windward Parkway, subject to the following conditions:
 1. 'Special Event Facility' shall be added as a conditional use at 5815 Windward Parkway, Suite 101 and limited to no more than 5,794 square feet.

2. Conditional use approval shall be limited to SS Entertainment, LLC; no additional 'Special Event Facility' use or subleasing shall be permitted within the approved space.
 3. Special event facility shall be limited to no more than 225 people, with final maximum occupancy subject to Fire Marshall approval.
 4. Events shall be limited to corporate and business conferences, banquets, wedding receptions, and graduation and birthday celebrations.
 5. Hours of operation shall be limited to Monday – Friday 6:00 PM – 1:00 AM and Saturday – Sunday 11:00 AM – 1:00 AM.
 6. If a parking problem is identified by the City, SS Entertainment, LLC shall be required to correct the problem by reducing the capacity of events, providing an off-site parking agreement for parking within 500' of the facility, and/or providing valet services, as approved by Staff.
- The submitted request, if approved, would allow SS Entertainment, LLC to operate a 'Special Event Facility' in a 5,794 square foot suite in the Windward Crossing shopping center. A maximum capacity of 408 people is requested. A master plan amendment and conditional use are requested to allow a 'Special Event Facility'. The subject property is located at 5815 Windward Parkway, Suite 101 at the southeast corner of Windward Parkway and North Point Parkway.
 - Windward Crossing is approximately 11.5 acres and was developed in 2005 as a 2-story over basement, 48,327 square foot shopping center with office on the 2nd floor. Other businesses occupying the building include Roam Innovative Workplace, KnuckleUp Fitness, Little Tokyo Sushi and Nalan Indian Cuisine, to name a few. The property is zoned CUP (Community Unit Plan) and is subject to the Windward Master Plan Pod 66, which does not list 'Special Event Facility' as a permitted or conditional use. Surrounding properties are zoned CUP and subject to the Windward Master Plan. The Windward Park mixed-use development is located to the west, the former Black Walnut Café and Georgia's Own Credit Union are located on outparcels to the north, AT&T is located to the south and Windward Oaks office park is located to the east.
 - The applicant proposes to use Suite 101, which is located in the basement level of the shopping center. Suite 101 can be accessed from the main level of the center by way of an elevator lobby, as well as at the rear of the building through the basement level parking deck.
 - The facility would accommodate corporate and business conferences, banquets, wedding receptions, and graduation and birthday celebrations. Catering, photography, music and entertainment will be provided by others. Hours of operation will be Monday – Friday 6:00 PM – 1:00 AM and Saturday – Sunday 11:00 AM – 1:00 AM. The applicant anticipates approximately four (4) employees.

- Required parking exceeds available (existing) parking between 6:00 PM – 8:00 PM Monday through Friday and between 11:00 AM – 2:00 PM on Saturdays. A parking deficit of as many as 30 parking spaces is possible during those times. To avoid a parking shortage, it is recommended that the maximum capacity of the applicant's special event facility be reduced.
- 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 May 11, 2022. There were no public comments.
- The applicant, Satish Chipulla, came forward to speak on behalf of this application.

Public Comments

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve MP-22-05 / CU-22-04 SS Entertainment, LLC Event Facility / 5815 Windward Parkway, subject to the following conditions:
 1. 'Special Event Facility' shall be added as a conditional use at 5815 Windward Parkway, Suite 101 and limited to no more than 5,794 square feet.
 2. Conditional use approval shall be limited to SS Entertainment, LLC; no additional 'Special Event Facility' use or subleasing shall be permitted within the approved space.
 3. Special event facility shall be limited to the lesser of 225 people or the final maximum occupancy subject to Fire Marshall approval.
 4. Events shall be limited to corporate and business conferences, banquets, wedding receptions, and graduation and birthday celebrations.
 5. Hours of operation shall be limited to Monday – Friday 6:00 PM – 1:00 AM and Saturday – Sunday 11:00 AM – 1:00 AM.
 6. If a parking problem is identified by the City, SS Entertainment, LLC shall be required to correct the problem by reducing the capacity of events, providing an off-site parking agreement for parking within 500' of the facility, and/or providing valet services, as approved by Staff.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

B. MP-22-01 / Bridge Road Holdings LLC

Consideration of a master plan amendment to add a 2.45-acre property to the Preston Ridge Master Plan Pod M to allow for a 2-story, 19,000 square foot retail and medical office building and a 1-story, 1,950 square foot medical office building. The property is located at 0 Old

Milton Parkway and 11505 Morris Road and is legally described as being located in Land Lots 855 & 856, 1st District, 2nd Section, Fulton County, Georgia.

- Council Member Hipes recused himself from this item, as his law firm partner represents the applicant for this item. Council Member Hipes left the meeting.
- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered at the 6/9/2022 Planning Commission meeting. Staff recommended approval subject to 9 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (6-0).
- Staff is recommending that Mayor and Council approve MP-22-01 Bridge Road Holdings, LLC/Preston Ridge, subject to the following conditions:
 1. The 2.45-acre property shall be added to Pod M of the Preston Ridge Master Plan and limited to medical and professional office and no more than 9,500 square feet of accessory retail, limited to the following uses:
 - a. Animal Hospital, Small Animal
 - b. Bakery
 - c. Bank
 - d. Barber Shop
 - e. Beauty Shop
 - f. Dry-Cleaning, Pick-Up Station
 - g. Fitness Studio
 - h. Florist, Retail
 - i. Laboratory, Research Commercial
 - j. Laundry, Self-Serve, Pick-Up
 - k. Pet Day Care
 - l. Pet Grooming
 - m. Print Shop
 - n. Restaurant
 - o. School, Commercial (Beauty, Business)
 2. Site shall be developed substantially as depicted on the submitted site plan, labeled Exhibit A, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.

3. Trees shall be saved as depicted on the submitted site plan, labeled Exhibit A, as approved by Staff.
 4. Building A shall have a minimum 20' height along Old Milton Parkway. Exterior building materials shall be comparable to the materials on nearby Preston Ridge office buildings, with final approval by DRB.
 5. Developer shall construct a 6' sidewalk along the east side of the Old Morris Road right-of-way connecting the Old Milton Parkway sidewalk to the Morris Road sidewalk. Existing sidewalk along Morris Road shall be removed and area shall be planted with street trees.
 6. Buildings shall connect to the public sidewalk system.
 7. Developer shall coordinate with the City and GDOT to provide the required landscape material in the 20' landscape strip along Old Milton Parkway.
 8. Walls signs visible from Old Milton Parkway shall be limited to signage permitted for an office building and shall be for an office tenant.
 9. Property owner shall dedicate Morris Road to the City as public right-of-way.
- The submitted request, if approved, will allow for the construction of a 2-story, 19,000 square foot medical office over retail building and a 1-story, 1,950 square foot medical office building on 2.45-acres. A master plan amendment is requested to the Preston Ridge Master Plan to add the property to Pod M. The subject property is located at 11505 Morris Road and 0 State Bridge Road, near the southwest corner of Old Milton Parkway and Morris Road.
 - Surrounding properties are zoned O-I to the east and west, CUP (Community Unit Plan) to the south, and C-2 (General Commercial) to the north. Quik Trip gas station is located to the north; Waffle House, Shell gas station and Life Hope Alpharetta are located to the east; floodplain to the west; and an undeveloped property to the south.
 - Preston Ridge Master Plan was approved in 1987 as a 500-acre mixed-use development. Pod M, which is approximately eight (8) acres, was approved for office-institutional and accessory retail uses with a maximum non-residential density of 18,000 square feet per acre. There is no limitation on the percentage of retail use as it relates to the overall development. Outside of the master plan, O-I limits the percentage of retail use to no more than 25% of the overall building area. The subject property abuts the west side of Pod M and has access through the pod by way of the Morris Road extension.
 - The site plan depicts a 2-story, 19,000 square foot 'L-shaped' building (Building A) with office over retail along Old Milton Parkway and a 1-story, 1,950 square foot office building (Building B) on the south end of the 2.45-acre property. The proposed non-residential density is approximately 8,550 square feet/acre. Access to the property is from Morris Road, which bisects the property from north to south. Building A is served by 91 parking spaces, of which

12 spaces are shared with Waffle House, and Building B is served by eight (8) parking spaces. The building setback along Old Milton Parkway varies from approximately 27' on the east end of Building A to 35' on the west end of the building. Fifteen-foot (15') building setbacks are depicted on the sides and rear of the property.

- The applicant provided a trip generation analysis, which shows that the proposed uses would generate approximately 35 AM Peak Hour trips and 75 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 no comments were received.
- The CZIM was held on February 9, 2022. There were no public comments.
- The applicant, David Belle Isle, came forward to speak on behalf of this application.

Public Comments

- Andy Shipp (P.O. Box 1375, Conyers, GA 30012)
 - Mr. Shipp shared that he owns property immediately south of this proposal and would like for Mayor and Council to approve Condition #9 as part of this application because he would like to have access to his property via this road.

City Council Discussion

- Council Member Mitchell shared that the retention pond should have screening.
 - Director Cook shared that there is a 10-foot landscape strip, but that we could also add to the conditions that the retention pond shall require heavy screening.
- ❖ Council Member DeRito offered a motion to approve MP-22-01 Bridge Road Holdings, LLC/Preston Ridge, subject to the following conditions:
 1. The 2.45-acre property shall be added to Pod M of the Preston Ridge Master Plan and limited to medical and professional office and no more than 9,500 square feet of accessory retail, limited to the following uses:
 - a. Animal Hospital, Small Animal
 - b. Bakery
 - c. Bank
 - d. Barber Shop
 - e. Beauty Shop
 - f. Dry-Cleaning, Pick-Up Station
 - g. Fitness Studio

- h. Florist, Retail
 - i. Laboratory, Research Commercial
 - j. Laundry, Self-Serve, Pick-Up
 - k. Pet Day Care
 - l. Pet Grooming
 - m. Print Shop
 - n. Restaurant
 - o. School, Commercial (Beauty, Business)
- 2. Site shall be developed substantially as depicted on the submitted site plan, labeled Exhibit A, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
- 3. Trees shall be saved as depicted on the submitted site plan, labeled Exhibit A, as approved by Staff. In addition, detention pond shall require heavy landscaping, to be approved by Staff.
- 4. Building A shall have a minimum 20' height along Old Milton Parkway. Exterior building materials shall be comparable to the materials on nearby Preston Ridge office buildings, with final approval by DRB.
- 5. Developer shall construct a 6' sidewalk along the east side of the Old Morris Road right-of-way connecting the Old Milton Parkway sidewalk to the Morris Road sidewalk. Existing sidewalk along Morris Road shall be removed and area shall be planted with street trees.
- 6. Buildings shall connect to the public sidewalk system.
- 7. Developer shall coordinate with the City and GDOT to provide the required landscape material in the 20' landscape strip along Old Milton Parkway.
- 8. Walls signs visible from Old Milton Parkway shall be limited to signage permitted for an office building and shall be for an office tenant.
- 9. Property owner shall dedicate Morris Road to the City as public right-of-way.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (5-0-1; as Council Member Hipes recused himself before this item was heard)
- Council Member Hipes rejoined the meeting.

C. PH-22-04 / Z-22-04 The Bridges Alpharetta / Webb Bridge Road

Consideration of a change to conditions of zoning and rezoning to allow for a 6-lot 'For-Sale' single-family detached subdivision on 8.1 acres. A change to conditions of zoning is requested to reconfigure the site layout and a rezoning is requested from CUP (Community Unit Plan) to R (Dwelling, 'For-Sale', Residential, Minimum 1 acre) on 2.22 acres. The property is located at 0 Webb Bridge Road and 4430 Webb Bridge Road and is legally described as being located in Land Lot 1125, 1st District, 1st Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-22-04 / Z-2-04 The Bridges / Webb Bridge Road, subject to the following conditions:
 1. The site, consisting of approximately 7.83 acres, shall be zoned R and developed substantially similar to site plan prepared by Travis Pruitt & Associates, Inc., revised 5/9/2022, 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. Subdivision shall be gated, subject to final approval by Staff.
 3. Homes visible from Webb Bridge Road shall be 75% or more brick or stone, as approved by Staff. Home elevations shall be substantially similar to the submitted photograph, labeled Exhibit A, with final approval by Staff. Homes shall have 3-sided architecture and materials, except those rear elevations visible from Webb Bridge Road shall have similar architectural details and materials as the front façade, as approved by Staff.
 4. Minimum 20' decorative landscape strip shall be provided along Webb Bridge Road, consisting of trees, shrubs and ground cover, as approved by Staff. Existing tree groupings and trees of quality shall be saved in the landscape strip, as approved by Staff.
 5. Minimum 10' landscape strip shall be provided along new private street, consisting of trees, shrubs and ground cover, as approved by Staff.
 6. Project entrance shall include decorative ornamental plantings, as approved by Staff.
 7. Common area on the south side of the private street shall be planted with a mix of deciduous and evergreen landscape materials and shall meet the minimum planting requirements of the 10' landscape strip, 6' planter and 5' perimeter landscape strip, as approved by Staff.
 8. Per the original conditions (Z-19-01 Walker/4360 Webb Bridge Road), minimum 25' undisturbed buffer, replanted where sparse with evergreen trees and shrubs, shall be provided along the common property line with the adjacent Broadlands subdivision.

9. Stormwater management facility shall be an amenity to the development. The developer shall work with adjacent neighbors to make the stormwater management facility aesthetically pleasing (no walls, earthen bank) and screened (with evergreens), with final approval by Staff. Dragonfly attracting plants shall be utilized around the pond as a means of mosquito control. At a minimum, an aesthetically pleasing stormwater facility shall include:
 - a. A variety of water loving vegetation planted in and around the pond;
 - b. A pond design that is attractive when empty, no muddy areas that would promote mosquitos and unpleasant smells; and
 - c. A natural or organic shape to the pond.
10. Per a private agreement, the rate of stormwater runoff shall be slowed by 10%, if feasible, over the current flow from the pond to neighboring properties.
11. Developer shall dedicate necessary right-of-way to accommodate the City's Webb Bridge Road improvements.
12. Developer shall improve the new private street with a minimum 5' sidewalk (one side of the street), minimum 6' planter planted with street trees, and decorative pedestrian lighting, as approved by Staff. Streetscape modifications shall be permitted for the purpose of tree preservation or utility conflicts, with final approval by Staff.
13. Fencing visible from Webb Bridge Road shall be a continuation of the existing 5-board horse fence. Unfinished wood fences and decks shall not be visible from Webb Bridge Road.
14. Home footprints shall be laid out to minimize impacts to the existing tree canopy, as approved by Staff.
15. Specimen trees shall be preserved as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., revised 5/9/2022.
16. Developer shall identify and save additional tree groupings and/or trees of quality outside of required stream buffers, as approved by Staff.
17. Drainage easement rock swale material shall require final approval by Staff. Drainage swale shall be maintained by the HOA.
18. Developer shall make reasonable efforts to obtain easements to tie stormwater pond outfall through a pipe directly into a downstream structure rather than releasing at-grade, as approved by Staff. If tie in is not possible, measures shall be used to prevent concentrated flow at the property line, as approved by Staff.
19. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from the Broadlands subdivision, as approved by Staff.
20. No more than 10% of the residential units, or 1 dwelling unit, shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
21. If fencing is utilized around the stormwater facility, fencing shall be five-board horse fence to match the fence required along Webb Bridge Road.

22. Per a private agreement, developer shall remove the large hazardous tree leaning towards 121 Westchester Way.

23. Per a private agreement, developer shall remove boundary tree number 9 located in the rear yard of 510 Cambridge Court.

- The applicant, Madewell Homes, is requesting a change to previous conditions of zoning and a rezoning to allow for the construction of a six (6) lot 'For-Sale' single-family detached gated subdivision on 7.83 acres. A change to conditions of zoning is requested related to file# Z-19-01 Walker/4360 Webb Bridge Road and a rezoning is requested for a portion of the property from CUP (Community Unit Plan) to R (Dwelling, 'For-Sale' Residential). The subject property is located at 0 & 4430 Webb Bridge Road southeast of the intersection of Webb Bridge Road and Shirley Bridge Road.
- Most of the property was rezoned to R (minimum 1-acre lots) on May 28, 2019 subject to several conditions of zoning. The current applicant has acquired an adjacent property at 4430 Webb Bridge Road and would like to incorporate the property into the overall site plan. At a minimum, the previous site plan-specific condition must be changed to reflect the inclusion of the newly acquired property. The applicant is requesting that all previous conditions of zoning be deleted related to file #Z-19-01 Walker/4360 Webb Bridge Road.
- The submitted site plan depicts six (6) single-family detached lots on 7.83 acres. The average lot size is 1.01 acres. Access to the property is proposed from Webb Bridge Road. Lots are oriented interior to the site along a gated, private cul-de-sac street. A four-foot (4') planter and five-foot (5') sidewalk are depicted on one (1) side of the new street.
- The proposed project, consisting of six (6) single-family detached homes, would generate approximately five (5) AM Peak Hour trips and six (6) 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 met with several residents in the adjacent Broadlands subdivision on May 23, 2022. According to the applicant, everyone was satisfied at the conclusion of the meeting. The applicant agreed to the following conditions as it relates to the stormwater management pond: no walls (earth only), provide evergreen plantings along the outside of the 10' access easement to screen the pond from neighboring properties, and slow the flow of runoff from the pond onto the neighboring property. The applicant also agreed to remove a hazardous tree leaning toward an adjacent property. City Staff also received similar comments of concern from adjacent residents in the Broadlands subdivision.
- The CZIM was held on May 11, 2022. There were public questions and comments with concerns over stormwater run-off on neighboring properties, what the stormwater management facility will look like, buffers and fencing, tree removal, and impacts to the nearby stream.
- The applicant, Tori Young (2109 Commerce Street, Alpharetta, GA 30009) came forward to speak on behalf of this application and shared that he was in agreement with all conditions.

Public Comments

- Amber Brannon (510 Cambridge Court, Alpharetta, GA 30005)

- Ms. Brannon shared that Conditions # 8, 9, 10, 18, 21, 22, and 23 are very important to her and her neighborhood. Also, Condition #23 is specifically important, because that boundary tree is in the rear of her property.

City Council Discussion

- Council Member DeRito shared because of the Webb Bridge Road improvement project, there should be clarification on Condition #11 as to the right-of-way that is needed. Further, he does not want there to be confusion on what amount of right-of-way or easements may or may not be needed.
 - Director of Public Works, Pete Sewczwicz, shared that in addition to the right-of-way a 45-foot temporary construction easement is needed for this area.
- Council Member Will asked about Condition #21 and whether fencing is required for stormwater facilities.
 - Manager Woodman shared that the City does not require stormwater areas to be fenced, but does require landscape screening. However, insurance companies and/or HOA's may require fencing. Further, Condition #21 was added by the Planning Commission and the applicant stated that they were amenable to adding this condition.
- Mayor Gilvin asked about the removal of the tree on the property for Condition #23.
 - Manager Woodman shared that this tree is on adjacent property at 510 Cambridge Court. This tree is not a specimen tree (very large at 70 inches), and it was previously struck by lightning. Property owner hired her own arborist and assessed the tree. This tree will be impacted by the construction of the stormwater pond.
- Mayor Gilvin asked the applicant if he was familiar with the easements and road construction on Webb Bridge Road.
 - The applicant, Tori Young, shared that he is familiar with this.
- Council Member Hipes asked the applicant whether he is in agreement with the 22 Conditions and the added Condition #23.
 - The applicant, Tori Young, shared that he is in agreement.
- ❖ Council Member Hipes offered a motion to approve PH-22-04 / Z-2-04 The Bridges / Webb Bridge Road, subject to the following conditions:
 1. The site, consisting of approximately 7.83 acres, shall be zoned R and developed substantially similar to site plan prepared by Travis Pruitt & Associates, Inc., revised 6/9/2022, 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. Subdivision shall be gated, subject to final approval by Staff.
3. Homes visible from Webb Bridge Road shall be 75% or more brick or stone, as approved by Staff. Home elevations shall be substantially similar to the submitted photograph, labeled Exhibit A, with final approval by Staff. Homes shall have 3-sided architecture and materials, except those rear elevations visible from Webb Bridge Road shall have similar architectural details and materials as the front façade, as approved by Staff.
4. Minimum 20' decorative landscape strip shall be provided along Webb Bridge Road, consisting of trees, shrubs and ground cover, as approved by Staff. Existing tree groupings and trees of quality shall be saved in the landscape strip, as approved by Staff.
5. Minimum 10' landscape strip shall be provided along new private street, consisting of trees, shrubs and ground cover, as approved by Staff.
6. Project entrance shall include decorative ornamental plantings, as approved by Staff.
7. Common area on the south side of the private street shall be planted with a mix of deciduous and evergreen landscape materials and shall meet the minimum planting requirements of the 10' landscape strip, 6' planter and 5' perimeter landscape strip, as approved by Staff.
8. Per the original conditions (Z-19-01 Walker/4360 Webb Bridge Road), minimum 25' undisturbed buffer, replanted where sparse with evergreen trees and shrubs, shall be provided along the common property line with the adjacent Broadlands subdivision.
9. Stormwater management facility shall be an amenity to the development. The developer shall work with adjacent neighbors to make the stormwater management facility aesthetically pleasing (no walls, earthen bank) and screened (with evergreens), with final approval by Staff. Dragonfly attracting plants shall be utilized around the pond as a means of mosquito control. At a minimum, an aesthetically pleasing stormwater facility shall include:
 - a. A variety of water loving vegetation planted in and around the pond;
 - b. A pond design that is attractive when empty, no muddy areas that would promote mosquitos and unpleasant smells; and
 - c. A natural or organic shape to the pond.
10. Per a private agreement, the rate of stormwater runoff shall be slowed by 10%, if feasible, over the current flow from the pond to neighboring properties.
11. Developer shall dedicate necessary right-of-way to accommodate the City's Webb Bridge Road improvements.
12. Developer shall improve the new private street with a minimum 5' sidewalk (one side of the street), minimum 6' planter planted with street trees, and decorative pedestrian lighting, as approved by Staff. Streetscape modifications shall be

permitted for the purpose of tree preservation or utility conflicts, with final approval by Staff.

13. Fencing visible from Webb Bridge Road shall be a continuation of the existing 5-board horse fence. Unfinished wood fences and decks shall not be visible from Webb Bridge Road.
 14. Home footprints shall be laid out to minimize impacts to the existing tree canopy, as approved by Staff.
 15. Specimen trees shall be preserved as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., revised 6/9/2022.
 16. Developer shall identify and save additional tree groupings and/or trees of quality outside of required stream buffers, as approved by Staff.
 17. Drainage easement rock swale material shall require final approval by Staff. Drainage swale shall be maintained by the HOA.
 18. Developer shall make reasonable efforts to obtain easements to tie stormwater pond outfall through a pipe directly into a downstream structure rather than releasing at-grade, as approved by Staff. If tie in is not possible, measures shall be used to prevent concentrated flow at the property line, as approved by Staff.
 19. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from the Broadlands subdivision, as approved by Staff.
 20. No more than 10% of the residential units, or 1 dwelling unit, shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 21. If fencing is utilized around the stormwater facility, fencing shall be five-board horse fence to match the fence required along Webb Bridge Road.
 22. Per a private agreement, developer shall remove the large hazardous tree leaning towards 121 Westchester Way.
 23. Per a private agreement, developer shall remove boundary tree number 9 located in the rear yard of 510 Cambridge Court.
- Council Member Binder seconded the motion.
 - Council Member DeRito offered a friendly amendment to Condition #11: Developer shall dedicate necessary right-of-way and temporary construction easement to accommodate the City's Webb Bridge Road improvements as shown on the plans on file with the Department of Public Works.
 - Council Member Hipes denied the incorporation of Council Member DeRito's friendly amendment.
 - The motion was approved unanimously (6-0).
 - There was discussion during the motion about the following:
 - Council Member DeRito suggested that language be added to Condition #11 so that the right-of-way designation is more specific.
 - Director of Public Works, Pete Sewczwicz, shared that the construction drawings prepared by Pond with a revised date

of 5/20/2022 show the current right-of-way needed. This is the document that we are currently working off of – this is the baseline plan.

- City Attorney Esswein shared that if you are referencing a document by a date, then you would likely be tied to that specific document. If you were to say “as shown on the plans on file with Public Works,” that would likely provide wiggle room, rather than saying a date.
- Council Member Hipes asked the applicant whether or not he has seen the plans that is being referred to.
 - The applicant, Tori Young, shared that he is fine with this change to the Condition, but there is some ambiguity. There needs to be widening and access, but no one knows what the ultimate outcome will be, but we are working in the spirit of trying to complete the project. We are doing a lot of work in the City, and I want this to be a good relationship.
- Council Member DeRito shared that his intention is to make sure there is no ambiguity after the fact.
- Council Member Binder shared that he wants to ensure that it is clear. He suggested that Condition #11 should say necessary right-of-way and construction easements and not be tied to a specific plan because these plans do change.
- Mayor Gilvin asked whether the applicant would be okay with agreeing to this particular drawing, but if the drawing changes, then it would go through the usual easement / right-of-way acquisition process.
 - The applicant, Tori Young, shared that he is fine with that.
 - Council Member Binder shared that he would be okay with keeping Condition #11 as is.

D. Z-22-08 / V-22-12 / South of Wills Park

DEFERRED: This item has been deferred by the applicant and will not be heard, discussed, or considered during the June 27, 2022 City Council meeting. This item will be placed on a future City Council agenda.

Consideration of a rezoning and variance to allow for 55 ‘For-Sale’ townhome units on 5.5 acres in the Downtown Overlay. A rezoning is requested from C-1 (Neighborhood Commercial) and L-1 (Light-Industrial) to DT-MU (Downtown Mixed-Use) and variances are requested to allow townhomes to be accessed from a street and not an alley, reduce driveway length, reduce undisturbed buffers and allow encroachments on undisturbed buffers, reduce subdivision monument sign setback, reduce landscape strips, and allow the subdivision to be

gated. The property is located at 0 State Highway 9 and is legally described as being located in Land Lot 645, 1st District, 2nd Section, Fulton County, Georgia.

E. MP-22-06 / CLUP-22-01 / Z-22-07 / V-22-11 / Beazer Homes

Consideration of a master plan amendment, comprehensive land use plan amendment, rezoning and variance to allow for 43 'For-Sale' townhome units on 6.2 acres in the North Point Overlay. A master plan amendment is requested to add 'Dwelling, 'For-Sale', Attached' to the Delta Credit Union Master Plan. A comprehensive land use plan amendment is requested from 'Corporate Office' to 'High Density Residential' and a rezoning is requested from O-I (Office Institutional) to R-8A/D (Dwelling, 'For-Sale', Attached / Detached Residential – High Density). Variances are requested to modify North Point Overlay site regulations and block and access regulations. The property is located at 0 North Fulton Expressway and 2025 Rock Mill Road and is legally described as being located in Land Lots 753, 754, 797 & 798, 1st 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 6/9/2022 Planning Commission meeting. Staff recommended approval subject to 24 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (vote 6-0).
- Staff is recommending that Mayor and Council approve MP-22-06/CLUP-22-01/Z-22-07/V-22-11 Beazer Homes/Delta Credit Union Master Plan, subject to the following conditions:
 1. The 6.2-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the plan prepared by BGE, dated 5/25/22, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
 3. 'Dwelling, 'For-Sale' Attached' shall be listed as a permitted use in the Delta Community Credit Union Master Plan, with a maximum density of 6.94 dwelling units per acre.
 4. Development may be gated.
 5. Building setbacks and building separation shall be as depicted on the site plan prepared by BGE, dated 5/25/22.
 6. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A, subject to final approval by Staff.
 7. EcoDistrict points shall be substantially similar to the description provided on the site plan prepared by BGE, dated 5/25/22, as approved by Staff. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure.

8. At a minimum, community garden shall include raised planters, tool shed and irrigation. HOA shall be responsible for the maintenance of the community garden.
9. Minimum 0.7 acres of civic space shall be developed at the corner of Haynes Bridge Road and Rock Mill Road, which shall include decorative hardscape, landscape, and North Point EcoDistrict Monument or District Threshold. A unique EcoDistrict monument shall require approval by the Cultural Arts Commission. Hardscape, landscape and monument/district threshold shall be maintained by the HOA.
10. Minimum 1.5 acres of open space shall be reserved and improved substantially as depicted on the site plan prepared by BGE, dated 5/25/22. HOA shall be responsible for the maintenance of all open space areas.
11. Green stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
12. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
13. Townhomes shall have connectivity to the public sidewalk system.
14. New internal street (not including alleys shown as Roads C and D) shall be developed with a minimum 6' planter planted with street trees and 6' sidewalk on one side of the street, as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets and alleys shall be private and maintained by the HOA. Development and street names shall be representative of the North Point EcoDistrict.
15. Developer shall improve the Haynes Bridge Road streetscape as follows: minimum 6' planter planted with street trees, 8' concrete sidewalk and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Street trees and landscape strip material shall alternate on both sides of the sidewalk, as approved by Staff.
16. Developer shall improve the Rock Mill Road streetscape as follows: minimum 6' planter planted with street trees, 6' concrete sidewalk and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Street trees and landscape strip material shall alternate on both sides of the sidewalk, as approved by Staff.
17. Developer shall provide an enhanced pedestrian crossing across Rock Mill Road at Haynes Bridge Road and at the entrance to the Fulton County Schools maintenance facility, which shall include the North Point EcoDistrict leaf pattern pavement markings. Enhanced crossing shall be eligible for impact fee credits, as approved by Staff.
18. Minimum 25' undisturbed buffer shall be provided along the east property line.
19. Georgia 400 buffer shall be planted where sparse.
20. Minimum 10' landscape strip shall be required along Private Road B. Landscape strips and buffers shall be exclusive of utilities and easements, except that if Fulton

County requires an unencumbered easement shrubs shall replace tree requirements on one side of the street.

21. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development.

22. Trees shall be preserved as depicted on the site plan prepared by BGE, dated 5/25/22. Tree save areas shall be thinned out, cleaned up and replanted with landscaping materials (not additional trees), as approved by Staff.

23. Site plan shall comply with IFC Appendix D, as determined by the Fire Marshal.

24. 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, Beazer Homes, is requesting a comprehensive land use plan amendment, master plan amendment, rezoning and variances to allow for the construction of 43 'For-Sale' single-family townhomes on 6.2 acres in the North Point Overlay.
- The submitted request, if approved, would allow for the development of 43 'For-Sale' townhomes on 6.2 acres in the North Point Overlay. The proposed density is 6.94 dwelling units per acre. A master plan amendment is requested to amend the Delta Credit Union Master Plan to add 'Dwelling', 'For-Sale', 'Attached' to the list of permitted uses. A rezoning is requested from O-I to R-8A/D, as well as a change to the comprehensive land use plan designation from 'Corporate Office' to 'High Density Residential'.
- The Delta Credit Union Master Plan was originally approved in 2006 with amendments to a reversion clause in 2009 and 2011. The master plan allows 20,480 square feet per acre of office and bank uses with a maximum building height of ten (10) stories or 150' on the subject property.
- The submitted site plan depicts 43 'For-Sale' townhome units with gated access from a new driveway off Rock Mill Road. Fourteen (14) townhomes are oriented to Rock Mill Road and the remaining are internally oriented to open space within the development. Townhomes are proposed to be three (3) stories and 42', with a typical footprint of 24' x 51'. Units are rear loaded with access from a new internal street and alleys, which will be private. A twenty-foot (20') building setback and ten-foot (10') landscape strip is depicted on Rock Mill Road. A twenty-foot (20') landscape strip is depicted on Haynes Bridge Road and a 25' undisturbed buffer is provided adjacent to the Fulton County Schools maintenance shop located to the east.
- A 0.8-acre amenity area is depicted on the north side of the development, which will include a community garden, fire pit, walking trail, tree save area and mail kiosk.
- The property is wooded, consisting of a mix of hardwoods and pines. Tree saves are depicted along Haynes Bridge Road in an area called out to be civic space, as well as in the amenity area depicted on the north side of the development. A stormwater management facility is depicted in the northeast corner of the property closest to Georgia 400.
- The North Point Overlay requires that EcoDistrict measures be incorporated into all new developments, of which a minimum seven (7) EcoDistrict points are required. According to the applicant's letter of intent, the development proposes eleven (11) EcoDistrict points.

EcoDistrict points are requested for Building Energy Efficiency, Building Water Efficiency, Enhanced Bicycle Amenities, Additional Landscaped Civic Space and Alternative Measure (community garden and nature trail).

- The applicant provided a trip generation report, which shows that the proposed 43 townhomes would generate approximately 24 AM Peak Hour trips and 29 PM Peak Hour trips.
- The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received.
- The CZIM was held on May 11, 2021. There were public comments and questions with concerns over potential impacts to the property from the Georgia 400 improvements, whether additional townhomes are needed in Alpharetta, traffic, impacts to schools, parking, public safety access, and price points.
- The applicant, Julie Sellers (1776 Peachtree Street, Atlanta, GA 30309), came forward to speak on behalf of this application.

Public Comments

- There were no public comments.

City Council Discussion

- Council Member Will asked whether or not there are future plans for pedestrians to walk over to North Point Mall.
 - Council Member Mitchell shared that this area is allowed for a 10-story office building.
 - Mayor Gilvin asked about noise / noise cancellation measures because of the widening of Georgia 400 and this proposal for residential next to the on-ramp.
- ❖ Council Member Mitchell offered a motion to approve MP-22-06/CLUP-22-01/Z-22-07/V-22-11 Beazer Homes/Delta Credit Union Master Plan, subject to the following conditions:
1. The 6.2-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the plan prepared by BGE, dated 5/25/22, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
 3. 'Dwelling, 'For-Sale' Attached' shall be listed as a permitted use in the Delta Community Credit Union Master Plan, with a maximum density of 6.94 dwelling units per acre.
 4. Development may be gated.

5. Building setbacks and building separation shall be as depicted on the site plan prepared by BGE, dated 5/25/22.
6. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A, subject to final approval by Staff.
7. EcoDistrict points shall be substantially similar to the description provided on the site plan prepared by BGE, dated 5/25/22, as approved by Staff. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure.
8. At a minimum, community garden shall include raised planters, tool shed and irrigation. HOA shall be responsible for the maintenance of the community garden.
9. Minimum 0.7 acres of civic space shall be developed at the corner of Haynes Bridge Road and Rock Mill Road, which shall include decorative hardscape, landscape, and North Point EcoDistrict Monument or District Threshold. A unique EcoDistrict monument shall require approval by the Cultural Arts Commission. Hardscape, landscape and monument/district threshold shall be maintained by the HOA.
10. Minimum 1.5 acres of open space shall be reserved and improved substantially as depicted on the site plan prepared by BGE, dated 5/25/22. HOA shall be responsible for the maintenance of all open space areas.
11. Green stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
12. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
13. Townhomes shall have connectivity to the public sidewalk system.
14. New internal street (not including alleys shown as Roads C and D) shall be developed with a minimum 6' planter planted with street trees and 6' sidewalk on one side of the street, as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets and alleys shall be private and maintained by the HOA. Development and street names shall be representative of the North Point EcoDistrict.
15. Developer shall improve the Haynes Bridge Road streetscape as follows: minimum 6' planter planted with street trees, 8' concrete sidewalk and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Street trees and landscape strip material shall alternate on both sides of the sidewalk, as approved by Staff.
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17. Developer shall provide an enhanced pedestrian crossing across Rock Mill Road at Haynes Bridge Road and at the entrance to the Fulton County Schools maintenance facility, which shall include the North Point EcoDistrict leaf pattern pavement markings. Enhanced crossing shall be eligible for impact fee credits, as approved by Staff.
 18. Minimum 25' undisturbed buffer shall be provided along the east property line.
 19. Georgia 400 buffer shall be planted where sparse.
 20. Minimum 10' landscape strip shall be required along Private Road B. Landscape strips and buffers shall be exclusive of utilities and easements, except that if Fulton County requires an unencumbered easement shrubs shall replace tree requirements on one side of the street.
 21. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development.
 22. Trees shall be preserved as depicted on the site plan prepared by BGE, dated 5/25/22. Tree save areas shall be thinned out, cleaned up and replanted with landscaping materials (not additional trees), as approved by Staff.
 23. Site plan shall comply with IFC Appendix D, as determined by the Fire Marshal.
 24. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- Council Member Will seconded the motion.
 - The motion was denied (1-5; with Mayor Gilvin, Mayor Pro Tem Merkel, and Council Members Will, DeRito, and Hipes in opposition).
 - There was discussion during the motion about the following:
 - Council Member Mitchell shared that this application is better than a 10-story office building next to the 400 on-ramp, and he is happy to see there is a tree save area in this plan.
 - Council Member Hipes shared that he was unable to support this application because of the Comprehensive Land Use Plan that was recently passed in October of 2021, and we follow this Plan unless there is a compelling reason to deviate from this Plan. There are no residential areas on any of the 16 quadrants coming on or off of GA 400.
 - Council Member DeRito shared that he was unable to support this application (echoing Council Member Hipes), and also, that he believes that there will be a need for office space in the future.
 - Mayor Gilvin shared that he was unable to support this application because there is a high bar when making a proposal for a Master Plan amendment, and he does not interpret this addition of residential to be considered as mixed-use.

F. PH-22-07 / City of Alpharetta Capital Improvement Element

Consideration of a resolution authorizing transmittal of the 2021 Capital Improvement Element and Annual Report.

- Senior Engineer, Eric Graves, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-22-07 City of Alpharetta Capital Improvement Element Resolution authorizing the transmittal of the 2021 Capital Improvement Element and Annual Report to the Atlanta Regional Commission and the Georgia Department of Community Affairs.
- The CIE is designed to provide insight into key infrastructure and public improvement projects being undertaken and completed by local jurisdictions. The Annual Report details on an annualized basis the collection and use of funds derived from impact fees. Together these documents provide a means of tracking local government performance and serve as a tool for measuring progress with respect to achieving community goals as outlined in the Comprehensive Plan.
- The City of Alpharetta is required to transmit its annual update of the Capital Improvement Element to the Atlanta Regional Commission for review prior to Council Adoption.
- City Attorney, Molly Esswein, read the resolution title aloud.

Public Comments:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve a resolution authorizing transmittal of the 2021 Capital Improvement Element and Annual Report.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

VI. NEW BUSINESS

A. Janitorial Services for City Facilities, RFP 22-119

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the award RFP 22-119 to American Facility Services, Inc. for an amount not to exceed \$117,000.00 for Janitorial Services for City facilities and authorize the Mayor to execute all necessary documents.
- The current janitorial contract was a five- year contract and ends June 30, 2022. This contract will include janitorial services for multiple facilities. The facilities this contract will cover are City Hall, Public Works, CID/Evidence, Public Safety Headquarters, Crabapple Gov't Building (main floor only), Parking deck stairways and elevators, Alpharetta Technology Center, downtown police precinct, and quarterly Fire station floor care as needed/requested.
- The department of Public Works prepared a scope of work and advertised proposals on March 23rd, 2022 with the intent of awarding this as a five-year contract. The City received six proposals and scored each.

- American Facilities Services, Inc. has been performing janitorial services for the City the last five years and provided adequate staffing and professionalism during the current contract. Therefore, staff recommends awarding RFP 22-119 to American Facility Services, Inc.

Public Comments:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the award RFP 22-119 to American Facility Services, Inc. for an amount not to exceed \$117,000.00 for Janitorial Services for City facilities and to authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).

B. Consideration of Conflict Waiver: Forsyth County / McGinnis Ferry Road Project

- City Attorney, Molly Esswein, came forward to present this item.
- Jarrard & Davis represents both Forsyth County, Georgia and the City of Alpharetta. Both Forsyth County and the City are involved in the McGinnis Ferry Road Widening Project. There are no actual conflicts of interests as of right now, however, out of abundance of caution, the firm is seeking to have a conflict waiver executed.

Public Comments:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the Conflict Waiver for Forsyth County regarding the McGinnis Ferry Road Widening Project and to authorize the Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (6-0).

C. Consideration of Quit Claim Deed: McGinnis Ferry Road Project

- City Attorney, Molly Esswein, came forward to present this item.
- This item is for a Quit Claim Deed for 0.1211 acres of McGinnis Ferry Road that is owned by the City of Alpharetta, but this land is actually in Forsyth County. Forsyth County needs this area of land for purposes of completing Phase 2 of the McGinnis Ferry Road Widening Project.

Public Comments

- There were no public comments.

City Council Discussion

- Mayor Gilvin asked whether it is absolutely necessary for the City to issue a Quit Claim Deed to be able to finish the project or if it were possible for the City to grant Forsyth County an easement or something to allow the project to take place. There may be a point in the future whether there are benefits of having portions in Alpharetta in Forsyth County.

- City Attorney Esswein shared that the City's right-of-way consultant, Jason McCook, said that this quit claim deed is necessary, but would need to check to see whether another type of conveyance may be possible. She suggested that we can postpone this item until after Executive Session, and she will try to get an answer between now and the end of the Executive Session.
- ❖ Council Member Hipes offered a motion to amend the agenda to address the Quit Claim Deed matter after executive session.
 - Council Member DeRito seconded the motion.
 - The motion was approved (5-1 ; with Council Member Binder in opposition).
- D. Council consideration of authorizing third party, independent inquiry regarding allegations that formed the subject matter of the Judicial Qualifications Commission's ("JQC") investigation into former Municipal Court Judge Barry Zimmerman
 - City Attorney, Molly Esswein, came forward to present this item.
 - On June 9, 2022, the City received the resignation of Judge Barry Zimmerman, effective July 1, 2022. The next day, the City was made aware that the Judicial Qualifications Commission ("JQC") conducted an investigation. There was a JQC report issued for the investigation with allegations.
 - To ensure the integrity of the judicial system and for transparency moving forward, this resolution would have the City Administrator work towards securing a confirmation of a third party to conduct an inquiry within the next two weeks to inquire into the matter further so that the City Council can understand the basis and facts of the JQC investigation.
 - City Attorney Esswein read the resolution title aloud.

Public Comments:

 - There were no public comments.- ❖ Council Member Binder offered a motion approving a resolution authorizing third party, independent inquiry regarding allegations that formed the subject matter of the Judicial Qualifications Commission's ("JQC") investigation into former Municipal Court Judge Barry Zimmerman.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

E. Resolution to Appoint Special Counsel for Local Option Sales Tax Negotiations

A Resolution Appointing and Authorizing Special Counsel to Represent the City of Alpharetta to Negotiate a Local Option Sales Tax ("L.O.S.T.") Distribution Certification as Required Under the Laws of the State of Georgia; to Authorize Said Counsel to Assist in the Preparation, Negotiation, Mediation, or Arbitration of the City's L.O.S.T.; Repeal Inconsistent Provisions; and for Other Purposes

- City Administrator, Bob Regus, came forward to present this item.

- Local Option Sales Tax (LOST) law calls for Fulton County and the cities in Fulton County (Cities) to begin negotiating the distribution of LOST every ten years following the most recent census. The law gives the County and Cities two years after the census to complete the negotiation or LOST vanishes as a revenue source.
- Fulton County had until June 30th to call for the negotiation and they did so at their June 15th Commission meeting. The first negotiation meeting will be held July 15th. The County and Cities have sixty days to agree to a new formula and if they have not agreed a mediation process begins.
- When we negotiated with the County back in 2012 (since the number of cities in the County grew between 2000 and 2010 as well as the complications among the cities as to what of the eight factors in determining LOST can be used) the Cities agreed to use Andy Welch of the law firm Smith Welch Webb & White to help the Cities work through their differences and then to help the Cities negotiate with the County. The Cities also contracted with Brown Pelican Consulting to assist Andy Welch.
- The City of Sandy Springs has determined it has a conflict of interest in using Smith Welch Webb & White so it will be using Brown Pelican Consulting as their counsel. Since we split the invoices based on 2020 populations this means we will pay slightly more than the proposal Andy Welch shows in the chart since the Cities will be splitting the 17.8% that would have been charged to Sandy Springs.
- City Attorney, Molly Esswein, shared that the June 14, 2022 letter is replacing the June 7, 2022 letter.
- City Attorney, Molly Esswein, read the resolution title aloud.

Public Comments:

- There were no public comments.

City Council Discussion:

- Council Member Will asked whether the appointed special counsel has complete autonomy in these negotiations or if the City has a say in the negotiations process.
 - City Administrator Regus shared that each city has a team of people present for all of these negotiation meetings. On our team, it will likely be Mayor Gilvin, the City Administrator, and the Director of Finance, Tom Harris.
- Mayor Gilvin shared explained a bit of what the negotiations process will look like. The challenge is that if Fulton County does not get what they want, then they can kill the tax and cost tax-payers tens of millions of dollars.
- ❖ Council Member Will offered a motion approving a resolution appointing and authorizing special counsel to represent the City of Alpharetta to negotiate a Local Option Sales Tax ("L.O.S.T.") distribution certification as required under the laws of the State of Georgia; to authorize said counsel to assist in the preparation, negotiation, mediation, or arbitration of the City's L.O.S.T.; repeal inconsistent provisions; and for other purposes
 - Council Member Mitchell seconded the motion.

- The motion was approved unanimously (6-0).

VII. PUBLIC COMMENT

- There were no public comments.

VIII. REPORTS

- Council Member Binder shared that throughout the year we have seen a lot of emails with concerns about our sanitation services, especially glass. The Director of Finance, Tom Harris is working on finding options for our glass service.

IX. RECESS TO EXECUTIVE SESSION

- ❖ Council Member DeRito offered a motion to recess to executive session.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (6-0).

X. RECONVENE CITY COUNCIL MEETING

- ❖ Council Member Binder offered a motion to reconvene the meeting.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

XI. ADDRESS AND VOTE UPON EXECUTIVE SESSION ITEMS

A. Contract Extension: Robert J. Regus, City Administrator

- ❖ Council Member Will offered a motion to approve the contract extension for Robert J. Regus.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (6-0).

B. Consideration of Quit Claim Deed: McGinnis Ferry Road Project

- City Attorney, Molly Esswein, came forward to present this item.
- The City will need to file an answer on this item, but the City Attorney would like to be able to look into all of Mayor and City Council's questions thoroughly. Because the Mayor and City Council has already approved the conflict waiver for this item, City Attorney Esswein can file an answer on behalf of the City in terms of the condemnation case.
- It would be best to postpone this item to the July 11, 2022 City Council meeting.
- ❖ Council Member Binder offered a motion to defer the consideration of quit claim deed: McGinnis Ferry Road Project until July 11, 2022.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).

XII. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.

- Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 10:30 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk