



City Council Meeting & Public Hearing

AUGUST 15, 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 recording of said meeting is a matter of public record and are available to be viewed online at <https://www.youtube.com/user/alpharettagov> or by visiting the City of Alpharetta's Clerk's office during normal business hours.

I. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:30 p.m.

II. ROLL CALL

• Council Members

- Mayor Jim Gilvin
- Mayor Pro Tem Dan Merkel
- Donald F. Mitchell
- Douglas J. DeRito
- Brian Will
- John Hipes
- Jason Binder

• Staff

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney with Jarrard & Davis
- 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
- Randy Bundy, Director of Information Technology
- Tom Harris, Director of Finance
- Michael Woodman, Planning & Development Services Manager

- Eric Graves, Senior Transportation Engineer / Planner
- Kim Zane Manning, Cultural Services Manager

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 8/1/2022)

- Council Member Binder asked for The "A" Sculpture: Approval to Repair and Repaint to be removed from the Consent Agenda.
- ❖ Council Member Will offered a motion to approve the Consent Agenda, consisting only of the Council Meeting Minutes from August 1, 2022.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

B. The "A" Sculpture: Approval to Repair and Repaint

- ❖ Council Member Binder offered a motion to take up the item of The "A" Sculpture: Approval to Repair and Repaint.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (7-0).
- Cultural Services Manager, Kim Zane Manning, came forward to present this item.
- If the "A" sculpture were to be repaired and repainted, it would last for about 5-7 years, and if it were part of the rotating outdoor exhibit, the "A" sculpture would be repainted every 6 years.
- Arts Alpharetta would curate the repainting, and then the proposed design would be placed on a City Council Consent Agenda.

Council Member Discussion:

- Council Member Mitchell asked if the "A" sculpture could be recreated with more permanent materials.
 - Manager Manning shared that the vendor who inspected the "A" sculpture recommended to either repair the "A" or tear it down because the costs to put a more durable material on top of the current "A" would be more or about the same price for a new sculpture.
- Council Member Will asked about the costs for repainting the "A" sculpture.
- Council Member Binder shared concerns about whether or not the materials of the "A" sculpture meet the expectations of our residents.
 - Director of Recreation, Parks, & Cultural Services, Morgan Rodgers, shared that after the last City Council meeting on this item, the Cultural Arts Commission decided that they wanted to keep the "A" sculpture. Tonight, we are asking for the approval to move forward to keep the "A". Arts Alpharetta will curate a design for the what the "A" will look like, and then we will come back before City Council at a later date for approval of the design.

- Manager Manning shared that if City Council decides not to keep the “A” and look for other sculptures, then we should go ahead and remove the “A” and not wait to remove it until we find a new sculpture.
- Council Member DeRito shared that he preferred that we build a sculpture the right way with the right materials (long term without constant maintenance), whether it is an A or another type of sculpture.
- Mayor Pro Tem Merkel shared that he believes that we can do something better, whether an A or something else.
- ❖ Council Member Binder offered a motion to deny the repair and repaint of the “A” Sculpture and to approve the removal of the “A” Sculpture.
 - Council Member Will seconded the motion.
 - The motion was approved (6-1 ; with Council Member Hipes in opposition).

V. PARTNERTSHIP UPDATES

A. Food Well Alliance – City Agriculture Plan Grant Update

- Bonnie Lapwood (Senior Planner with the Atlanta Regional Commission) and Sarah Brown (Policy and Planning Manager with the Food Well Alliance) came forward to provide an update on the City’s Agriculture Plan Grant.

VI. PUBLIC HEARING

A. MP-22-03 / Z-22-05 / CU-22-02 / V-22-07 / North Point Redevelopment

REMOVED: This item has been removed from the agenda. This item will not be heard, discussed, or considered during the August 15, 2022 City Council meeting.

Consideration of a master plan amendment, rezoning, conditional use and variances to allow for the demolition of approximately 464,000 square feet of the existing mall including 2 anchor boxes and redevelopment with 315,700 square feet of new retail, restaurants and creative office, 120,000 square feet of office, 150-room hotel, 900 ‘For-Rent’ units, 36 ‘For-Sale’ townhomes, and approximately 19 acres of open space on 83.67 acres. A master plan amendment is requested to the North Point Mall Master Plan to modify development regulations. A rezoning is requested from PSC (Planned Shopping Center) to MU (Mixed Use) and a conditional use is requested to allow Dwelling, ‘For-Rent’, Dwelling, ‘For-Sale’ Attached, and to increase the allowable density. Variances are requested to increase building height and encroach into the Georgia 400 buffer for the MARTA BRT and multi-use trail. The property is located at 1000 North Point Parkway, 4500 North Point Place, 0 & 5000 North Point Drive, 2000 & 6000 North Point Circle, and 0 Rock Mill Road and is legally described as being located in Land Lots 688, 689, 700, 701, 702, 742 & 743, 1st District, 2nd Section, Fulton County, Georgia.

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

Consideration of a variance to eliminate the ten-foot (10') landscape strip along North Main Street. The property is located at 174 North Main Street and is legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning & Development Services Manager, Michael Woodman, came forward to present this item.

- Staff is recommending that Mayor and Council deny V-21-33 Citgo/174 North Main Street Variance request to eliminate the 10' landscape strip.
- The applicant, General Convenience Store, LLC, is requesting a variance to eliminate the required ten-foot (10') landscape strip on a commercial property located in the Downtown Overlay. The applicant proposes a six-foot (6') planting area in the GDOT right-of-way behind the proposed sidewalk and planted with a mix of shrubs and grasses (no trees). The property is the Citgo gas station, which proposes to reconfigure two (2) existing gas pumps and add a third (3rd) gas pump due to impacts from GDOT's North Main Street project. The GDOT project resulted in the loss of two (2) gas pumps. The subject property is located at 174 North Main Street on the west side of North Main Street just south of Mayfield Road.
- A variance request to eliminate the ten-foot (10') landscape strip on the property was denied by City Council on November 2, 2020. The applicant appealed the decision to the Superior Court of Fulton County and filed a separate lawsuit against the City, but later dismissed both the appeal and lawsuit. The applicant is now requesting a variance equivalent to that requested in 2020 and has submitted a "Documentation of a Conflict" letter from GDOT in accordance with O.C.G.A. § 32-3-3.2.
- The "Documentation of a Conflict" letter suggests that a proposed cure for the damage resulting from GDOT's right-of-way acquisition on the subject property is to allow a two-foot (2') landscape strip to be planted and maintained by the applicant within a portion of GDOT's permanent easement along Highway 9.
- According to the applicant's letter of intent, the loss of two (2) gas pumps has created an economic hardship. However, the applicant has already been compensated for the right-of-way and easements acquired and any negative consequential damages to the remaining property. Therefore, the applicant's proposal to reconfigure the gas pump canopy triggers compliance with the landscape strip requirements.
- The applicant provided a series of Auto-Turn exhibits depicting vehicle turning movements in and out of the site with various orientations of the three (3) gas pumps (perpendicular, parallel, and angled). Regardless of the orientation, the demonstrations appear to be extremely tight and would likely result in conflicts between vehicles, curbing and the new multi-use sidewalk along North Main Street.
- Staff reviewed the applicant's proposal against the established review criteria for a variance. The applicant's proposal lacks financial data or a market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout. Granting the variance would negatively impact aesthetics along North Main Street and could result in safety issues due to conflicts between vehicles accessing the gas pumps and the flow of traffic on North Main Street. Elimination of the landscape strip would impact aesthetics along North Main Street and would result in the loss of a protective barrier between the new multi-use sidewalk along North Main Street and vehicular areas surrounding the gas pumps. The resulting condition could lead to conflicts between vehicles and pedestrians and cyclists. Recent variances considered along Main Street have not included requests to eliminate the required landscape strip. In addition, the existing handicap parking space at the front of the convenience store is proposed to be removed and relocated to the rear of the property in order to accommodate the third (3rd) gas pump.

- A hardship, if any, created by GDOT's Highway 9 project should have been (and Staff believes already has been) compensated by GDOT, including impacts to the business after the taking.
- 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 January 12, 2022. There were no public comments.
- Joshua Scoggins (attorney with Miles, Hanford, & Tallant) and Ritesh Shah came forward to speak on behalf of this application.

City Council Discussion:

- Council Member Hipes asked about the amount of traffic on the property and the amount of buffer that pedestrians will have on the sidewalk.
- Council Member Will asked about the relocation of the handicapped parking.
 - Manager Woodman shared that the handicapped parking would be relocated to the side and rear parking areas.
- Council Member Mitchell asked about the applicant's lawsuit and GDOT compensation.
- Council Member Will asked the applicant about the amount of the GDOT settlement.
 - The applicant declined to share the settlement term or amounts.

Public Comments:

- John Carr (3150 Maple Lane, Alpharetta, GA 30009) came forward to speak in favor of this application.
- ❖ Mayor Pro Tem Merkel offered a motion deny V-21-33 Citgo/174 North Main Street Variance request to eliminate the 10' landscape strip.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (7-0).

C. PH-21-06 Kairos / Thompson Street Flats Change to Condition of Zoning

Consideration of a request to change previous conditions of zoning to allow for a change from 12 'For-Sale' condominium units to 10 'For-Sale' single-family detached homes. The property is located at 51 and 61 Thompson Street and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

- Planning & Development Services Manager, Michael Woodman, came forward and shared that the applicant was present and would come forward to request a deferral.
- Kathy Zickert (Attorney with Smith, Gambrell & Russell, LLP) came forward on behalf of the applicant and requested a thirty (30) day deferral.
- ❖ Mayor Pro Tem Merkel offered a motion to defer PH-21-06 Kairos / Thompson Street Flats Change to Condition of Zoning to the September 26, 2022 City Council meeting.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

VII. NEW BUSINESS

A. Westside Parkway Improvements: Utility Easement and Agreement between the City of Alpharetta and Sawnee Electric Membership Corporation

REMOVED: This item has been removed from the agenda. This item will not be heard, discussed, or considered during the August 15, 2022 City Council meeting.

B. FY 23 Jail Generator Replacement

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the award the FY 23 jail generator replacement to Power and Energy Services Inc. in an amount not to exceed \$97,078.02 and authorize the Mayor to execute all necessary documents.
- The typical life span for generators is 20 years. The generator located at the Alpharetta Detention Facility is approximately 20 yrs. old and still utilizing diesel as its source of fuel. Part of the initiative to replace aging generators is to convert them to natural gas.
- Generators running on natural gas are less expensive to maintain and will not need to be re-fueled in the event of an extended power outage/failure.
- The City has a maintenance contract for all generators with Power and Energy Services Inc. The maintenance in this contract includes, but is not limited to; monthly inspections, maintaining maintenance logs, generator cleaning, and a yearly load bank and tune up or manufacturer recommended maintenance for each generator. The contract is a 5-year contract terminating on June 30, 2026.

Public Comments:

- There were no public comments.
- ❖ **Council Member Will offered a motion to approve the award the FY 23 jail generator replacement to Power and Energy Services Inc. in an amount not to exceed \$97,078.02 and authorize the Mayor to execute all necessary documents.**
 - **Council Member DeRito seconded the motion.**
 - **The motion was approved unanimously (7-0).**

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

- Senior Transportation Engineer / Planner, Eric Graves, came forward to present this item.
- Staff is recommending that Mayor and Council approve a Resolution adopting the 2021-2022 Capital Improvement Element and Annual Report.
- 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.

- On July 27, 2022, the Atlanta Regional Commission issued its finding of fact that the Capital Improvement Element, as submitted, adequately addresses the Local Planning Requirements as required by law. As such, the City may now consider a resolution formally adopting the 2022 Capital Improvement Element.
- City Attorney, Molly Esswein, read the resolution title aloud.

Public Comments:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve a resolution adopting the 2021-2022 Capital Improvement Element and Annual Report
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

D. Fire Station Alerting

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Mayor and Council approve the award of a contract for replacement/upgrade of the Fire Station Alerting System (all Fire Stations) to Purvis Systems (under the competitively procured Sourcewell contract #042021-PUR in an amount not to exceed \$250,871.95, radio network interface components including control room firewall components to Motorola in an amount not to exceed \$22,000, for a total combined not to exceed amount of \$272,871.95, and authorize the Mayor to execute all necessary documents.
- The PURVIS Fire Station Alerting System is an IP-based alerting solution designed to automate the notification process of fire and rescue personnel. Using a combination of visual and auditory alerts to notify response personnel of a pending emergency, information is received in a consistent voice and order of information that reduces initial confusion and inherently reduces apparatus enroute times.
- Utilizing proven technology to reduce response times, human error and firefighter PTSD attributed to auditory startle response, the installation of Purvis Fire Station alerting systems in all 6 City of Alpharetta Fire Stations is requested.
- The current alerting system in place at all fire stations has been in place since original construction. In the case of Fire Station 83 and 84, it is more than 30 years old.
- 911 Funds are being used for this acquisition and represent an allowable use under law. Sourcewell is one of the largest cooperative purchasing alliances and, at its core, is a local unit of government that assists local and state government agencies in reducing the cost of purchased goods/services through pooling the purchasing power of public agencies nationwide.
- The fiscal year 2023 budget includes \$330,000 funded through the 911 Fund for this project. Base costs total \$272,871.95 (Purvis = \$250,871.95 and Motorola = \$22,000).

Public Comments:

- There were no public comments.

- ❖ Council Member Will offered a motion to approve the award of a contract for replacement/upgrade of the Fire Station Alerting System (all Fire Stations) to Purvis Systems (under the competitively procured Sourcewell contract #042021-PUR in an amount not to exceed \$250,871.95, radio network interface components including control room firewall components to Motorola in an amount not to exceed \$22,000, for a total combined not to exceed amount of \$272,871.95, and authorize the Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

E. Duo Security Renewal

- Director of Information Technology, Randy Bundy, came forward to present this item.
- Staff is recommending that Mayor and Council approve an award to Veristor Systems, LLC to provide for one year of maintenance and support of the Duo Access Edition software for the City of Alpharetta in an amount not to exceed \$52,952.00 and authorize the Mayor to execute all necessary documents.
- This provides for the annual renewal of the Duo Access Edition security software for maintenance and support for a period of one year. The Duo Access Edition system provides for two-factor authentication as an identity management tool to protect the organization. This is an essential first level of security deployment for any data network.

Public Comments:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve an award to Veristor Systems, LLC to provide for one year of maintenance and support of the Duo Access Edition software for the City of Alpharetta in an amount not to exceed \$52,952.00 and authorize the Mayor to execute all necessary documents.
 - The motion was approved unanimously (7-0).

VIII. REPORTS

- Mayor Gilvin introduced City of Alpharetta's new City Administrator, Chris Lagerbloom.
- Mayor Gilvin provided a summary of the negotiations with Fulton County regarding the L.O.S.T. distribution.

IX. RECESS TO EXECUTIVE SESSION

A. Executive Session

- ❖ Council Member Hipes offered a motion to recess to executive session.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin recessed the meeting at 8:16 p.m.

X. RECONVENE CITY COUNCIL MEETING

- ❖ Council Member DeRito offered a motion to reconvene the meeting.

- Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin reconvened the meeting at 9:17 p.m.

XI. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn the meeting.
 - 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 9:18 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk