



City Council Meeting & Public Hearing

OCTOBER 3, 2022

OFFICIAL MINUTES

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

- Adam Montgomery, Information Security Manager
- Michael Woodman, Planning and Development Services Manager

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. National Arts & Humanities Month 2022

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 9/26/2022)

Approval of the City Council Meeting Minutes from the meeting of September 26, 2022.

B. Task Order for On-Call Stormwater Pipe Lining Services to Utility Asset Management, Inc.

Approval of a Task Order for pipe lining services to Utility Asset Management, Inc. under the City's On-Call Stormwater Pipe Lining Services contract and authorization for the Mayor to execute all necessary documents.

❖ Council Member Hipes offered a motion to approve the Consent Agenda.

- Mayor Pro Tem Merkel seconded the motion.
- The motion was approved unanimously (7-0).

VI. PUBLIC HEARING

A. V-22-15 / 133 Cumming Street

DEFERRED: This item has been deferred by the applicant to the November 7, 2022 City Council Meeting and Public Hearing. This item will not be heard, discussed, or considered during the October 3, 2022 City Council Meeting and Public Hearing.

Consideration of variances to allow for the subdivision of a 1.76-acre residential property into 3 'For-Sale' single-family detached lots. Variances are requested to eliminate stream buffers in order to pipe a perennial stream, reduce front and rear building setbacks, reduce minimum separation between a driveway and an intersection, and increase maximum impervious area. The property is located at 133 Cumming Street and is legally described as being located in Land Lots 1253 & 1254, 2nd District, 2nd Section, Fulton County, Georgia.

B. PH-22-13 Lewis Manning House / 40 Cumming Street

Consideration of a change to previous conditions of zoning to modify the site layout and tree save conditions. The property is located at 40 Cumming Street and is legally described as being located in Land Lot 1253, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to speak on behalf of this item.
- Staff is recommending that Mayor and Council approve PH-22-13 Lewis Manning House / 40 Cumming Street, subject to the following conditions:

Old Conditions:

2. The Lewis-Manning House property, consisting of approximately 0.837 acres, shall be zoned DT-LW and developed substantially similar to site plan

prepared by ~~D. Tracy Ward, dated 9/8/2021~~ Frawley Associates, LLC, revised 8/22/2022, except for modifications required to comply with the conditions below. Use shall be restricted to a private single-family residence.

13. The property will forever be known as the Lewis Manning House and will be so designated by a plaque, which will be affixed to the exterior of the structure, as approved by ~~DRB~~ the Historic Preservation Commission.

New Conditions:

1. Exterior modifications and additions to the historic structure, accessory structures and walls and fencing shall be consistent with the architectural style of the Lewis Manning House, subject to review by the City's Downtown Consultant and approval of a certificate of appropriateness by the Historic Preservation Commission.
2. ~~Swimming pool and cabanas shall be located to have the least impact to existing trees. This may result in a reduction to the swimming pool and cabana footprints. Tree removal and~~ CRZ impacts shall ~~not exceed the impacts listed on the site plan prepared by D. Tracy Ward, dated 9/8/2021,~~ be limited to the site plan prepared by Frawley Associates, LLC, revised 8/22/2022, with final approval by Staff. Cabana shall not exceed a height of 16' and shall be screened from the public right-of-way.
3. The proposed addition to the Lewis Manning House and detached garage shall not exceed the height depicted on the submitted conceptual images.
4. The Lewis Manning House yard shall be developed with a park-like setting, including decorative plant selections promoting the historic district. A landscape plan substantially similar to the plan prepared by Frawley Associates, LLC, revised 8/22/2022, shall be subject to approval by the ~~Design Review Board~~ Historic Preservation Commission.
5. Prior to a Certificate of Occupancy associated with the Manning on the Square subdivision and Lewis Manning House property, the Manning on the Square final plat shall be updated to reflect the above changes, including but not limited to a statement that the Lewis Manning House shall be used as a private residence, amending open space areas, providing access for the Lewis Manning House and reflecting any necessary revisions to the declarations and covenants.
6. Conditions of zoning related to file #CLUP-17-02/Z-17-04 Taylor Morrison/40 Cumming Street shall remain in effect, unless superseded by the conditions above. Changes to the conditions above shall not release the developer of Manning on the Square from conditions, such as addressing the Cumming Street streetscape, providing civic space along Cumming Street and path connection through the site.
7. All work (demolition and construction) within the CRZ of specimen trees to remain shall be completed under the supervision of an ISA Certified Arborist.

8. Construction of the auto court and other areas within the CRZ of tree #1257 shall be completed with minimal impacts to the tree and include pervious pavers and an aeration system on grade, as approved by Staff.

- The submitted request, if approved, will allow for changes to previous conditions of zoning related to the Lewis Manning House. The proposed changes would allow for a new site layout, tree removal plan and replanting plan. The subject property is located at 40 Cumming Street, just east of the intersection of Cumming Street and North Main Street.
- In 2017, the property was rezoned to DT-LW (Downtown Live-Work) to allow the historic structure to be used for an office or HOA use. The rezoning was in conjunction with the surrounding 10.87-acre property that was approved for 58 single-family detached homes and known as Manning on the Square.
- As shown below, the approved site plan depicted an addition at the rear of the structure, including an attached garage. A pool and two (2) cabanas were proposed on the west side of the home. The new site layout depicts a detached garage, pool and cabana on the west side of the home. The new layout would result in the removal of three (3) trees, of which two (2) are no longer in good health (tree #1260 – 28" Pecan and tree # 1259 – 26" Black Walnut). The applicant proposes a robust replanting plan to offset the removal of tree # 1261 – 28" Water Oak.
- Director of Community and Economic Development, Kathi Cook, came forward to share that the city does require an arborist report be provided if a tree is being removed, and the city arborist does review those reports.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that they received one (1) call asking about the request.
- The CZIM was held on August 10, 2022. There was one (1) public comment in support of the proposal.
- The applicant, Josh Cady (160 Cricket Lane, Alpharetta, GA 30009), came forward to speak on behalf of this application.

Public Comments:

- Michael Buchanan (135 Pebble Trail, Alpharetta, GA 30009) came forward to speak on tree removal of trees that are declared dying or deceased.
- ❖ Mayor Pro Tem Merkel offered a motion approve PH-22-13 Lewis Manning House / 40 Cumming Street, subject to the following conditions:

Old Conditions:

2. The Lewis-Manning House property, consisting of approximately 0.837 acres, shall be zoned DT-LW and developed substantially similar to site plan prepared by Frawley Associates, LLC, revised 8/22/2022, except for modifications required to comply with the conditions below. Use shall be restricted to a private single-family residence.
13. The property will forever be known as the Lewis Manning House and will be so designated by a plaque, which will be affixed to the exterior of the structure, as approved by the Historic Preservation Commission.

New Conditions:

1. Exterior modifications and additions to the historic structure, accessory structures and walls and fencing shall be consistent with the architectural style of the Lewis Manning House, subject to review by the City's Downtown Consultant and approval of a certificate of appropriateness by the Historic Preservation Commission.
2. Tree removal and CRZ impacts shall be limited to the site plan prepared by Frawley Associates, LLC, revised 8/22/2022, with final approval by Staff. Cabana shall not exceed a height of 16' and shall be screened from the public right-of-way.
3. The proposed addition to the Lewis Manning House and detached garage shall not exceed the height depicted on the submitted conceptual images.
4. The Lewis Manning House yard shall be developed with a park-like setting, including decorative plant selections promoting the historic district. A landscape plan substantially similar to the plan prepared by Frawley Associates, LLC, revised 8/22/2022, shall be subject to approval by the Historic Preservation Commission.
5. Prior to a Certificate of Occupancy associated with the Manning on the Square subdivision and Lewis Manning House property, the Manning on the Square final plat shall be updated to reflect the above changes, including but not limited to a statement that the Lewis Manning House shall be used as a private residence, amending open space areas, providing access for the Lewis Manning House and reflecting any necessary revisions to the declarations and covenants.
6. Conditions of zoning related to file #CLUP-17-02/Z-17-04 Taylor Morrison/40 Cumming Street shall remain in effect, unless superseded by the conditions above. Changes to the conditions above shall not release the developer of Manning on the Square from conditions, such as addressing the Cumming Street streetscape, providing civic space along Cumming Street and path connection through the site.
7. All work (demolition and construction) within the CRZ of specimen trees to remain shall be completed under the supervision of an ISA Certified Arborist.
8. Construction of the auto court and other areas within the CRZ of tree #1257 shall be completed with minimal impacts to the tree and include pervious pavers and an aeration system on grade, as approved by Staff.
 - o Council Member Hipes seconded the motion.
 - o The motion was approved unanimously (7-0).

VII. NEW BUSINESS

A. Design Services: Wills Park Improvements & Wills Park Equestrian Center Improvements, RFQ 22-1005 and RFQ 22-120

REMOVED: This item has been removed from this agenda by staff. This item will not be heard, discussed, or considered by City Council during the October 3, 2022 City Council meeting.

Approval of the award of RFQ-22-1005 and RFQ 22-120 to Barge Design Solutions, Inc. for design of the Wills Park Improvements and the Wills Park Equestrian Center Improvements and authorization for the Mayor to execute all necessary documents

B. Wills Park Equestrian Center Arena #3 Renovation

REMOVED: This item has been removed from this agenda by staff. This item will not be heard, discussed, or considered by City Council during the October 3, 2022 City Council meeting.

C. Alpha Loop Foundation Memorandum of Understanding

Approval of a Memorandum of Understanding between the Alpha Loop Foundation, Inc. and the City of Alpharetta, Georgia

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- The Alpha Loop Foundation, a non-profit organization, was established in order to raise awareness and funding for the Alpha and enable construction of additional parks and trails in Alpharetta. The organization is currently in the process of applying to be exempt from taxation under Section 501(c)(3) of the Internal revenue Code of 1986, as amended.
- As the Foundation grows, they plan to engage the public by providing public tours, special events and corporate volunteer project days in cooperation with the City of Alpharetta.
- The purpose of the MOU is to define certain terms of the relationship between the City of Alpharetta and the AlphaLoop Foundation, including but not limited to the establishment of a coordinating committee, responsibilities of each party, use of funds, and procurement procedures. Under the terms of the MOU, the City would be required to match every dollar raised by the AlphaLoop Foundation up to \$2 million. It is anticipated that the funding for the City's match would be drawn from TSPLOST dollars.
- As outlined in the MOU, a coordinating committee would be established (Alpha Loop Committee) that will be comprised of the Chair of the Alpharetta Recreation Commission; the Director of the Department of Recreation, Parks, and Cultural Services; the City Council liaison to that department; and the President, Vice President, and Treasure of the AlphaLoop Foundation.
- The Department of Community Development will assist the Alpha Loop by providing construction updates, marketing assistance, and guidance on possible donors.

Public Comments:

- There were no public comments.
- ❖ *Mayor Pro Tem Merkel offered a motion to approve the Memorandum of Understanding between the City of Alpharetta and the Alpha Loop Foundation and authorize the Mayor to execute all necessary documents.*
 - *Council Member Mitchell seconded the motion.*
 - *The motion was approved unanimously (7-0).*

D. Alpha Loop Foundation License Agreement

Approval of a License Agreement between the City of Alpharetta, Georgia and Alpha Loop Foundation, Inc.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.

- The Alpha Loop Foundation, a non-profit organization, was established in order to raise awareness and funding for the Alpha and enable construction of additional parks and trails in Alpharetta. The organization is currently in the process of applying to be exempt from taxation under Section 501(c)(3) of the Internal revenue Code of 1986, as amended.
- It is the intent of the Alpha Loop Foundation (ALF) to undertake as part of their fundraising activities, the manufacture, distribution, use, and sale of products bearing the Alpha Loop Logo that was created and trademarked by the City of Alpharetta. It is their further intent to use the Alpha Loop logo on the ALF website, correspondence, and marketing materials. To allow for this, ALF is requesting that the City grant a non-exclusive, royalty free license for use of the trademarked logo.
- The agreement presented for consideration by City Council defines the terms and conditions of such license agreement.

Public Comments:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve a license agreement between the City of Alpharetta and the Alpha Loop Foundation providing for the non-exclusive, royalty free use of the Alpha Loop Logo under certain terms and conditions and authorize the Mayor to execute all necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

E. Resolution: 2022-2023 Georgia Outdoor Stewardship Program Application Submission
Adoption of a resolution authorizing the submission of the 2022-2023 Georgia Outdoor Stewardship Program pre-application to the Georgia Department of Natural Resources and authorize the Mayor to execute all necessary documents.

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- City Attorney, Molly Esswein, read the resolution title aloud.
- The Georgia Outdoor Stewardship Act dedicated 40% of existing sales and use taxes on outdoor sporting goods to fund stewardship projects of existing state and local parks, acquire and develop new state and local parks, and acquire and protect new lands critical to the protection of our wildlife and clean water supplies.
- The city conducted an RFP for the Wills Park Streambank Restoration in 2018. It was determined that additional funding would be necessary to complete the proposed project. In 2019, staff believed the GOSP was a good alternative funding source that could help the city complete this environmental initiative. Unfortunately, the City of Alpharetta was not chosen for the award.
- This year, we are requesting \$1,277,080.00 for the streambank restoration within Wills Park.
- The proposed stream restoration project will consist of realigning the stream (i.e., installing rock and log j-hooks, rock cross vanes, constructed riffles and plunge pools,) replacing a

rusting culvert with a bridge and stabilizing the streambanks (i.e., installing toe protection, vegetated soil lifts, streambank and bank full bench matting and live staking).

- The proposed stream restoration project will consist of realigning the stream (i.e., installing rock and log j-hooks, rock cross vanes, constructed riffles and plunge pools,), replacing a rusting culvert with a bridge and stabilizing the streambanks (i.e., installing toe protection, vegetated soil lifts, streambank and bank full bench matting and live staking).

Public Comments:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to adopt a resolution authorizing the submission of the 2022-2023 Georgia Outdoor Stewardship Program pre-application to the Georgia Department of Natural Resources and authorize the Mayor to execute all necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

VIII. WORKSHOP ITEMS

A. Kimball Bridge / Waters Road Park Concept Review and Workshop

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers came forward to present this item.
- A conceptual rendering was presented to the Citizens of Alpharetta through a combination of online meetings, surveys, and public input meetings. The rendering attached hereto and presented now to City Council incorporates the input received through that process and features an entrance off Kimball Bridge Road, limited parking, a playground, soft surface trails, restrooms, and picnic areas. The design for this neighborhood park will require minimal tree removal and land disturbance.
- This is a neighborhood park, but will need a restroom, similar to Windward and Cogburn community park. When you have small children that may need to use the restroom, it may be a long wait for a child to walk back home from the park.
- All restrooms in community parks are small restrooms (single or double) and all will be family restrooms (there will not be a men's or women's side). Installed above the door is a glass panel that allows the restroom lights to come on automatically, and there are timed locks on all restroom doors that will lock at dark and open again at sunrise. If a light is turned on and shining through the glass panel above the restroom door during hours when the park is closed, then public safety will see that light as a signal to let them to know that someone is in the restroom when they restrooms are closed.
- Like all of our parks, this park will be on our maintenance schedule, like all of our parks.

- Director of Public Works, Pete Sewczwicz, shared that there will be crosswalks at the intersection of Kimball Bridge Road and Waters Road, and cars will be able to make a left turn out of the park.

City Council Discussion:

- Mayor Pro Tem Merkel shared that several community meetings have occurred and the residents that back up to this park have either supported and/or not opposed this park.

Public Comments:

- John Hock, Sr. (3410 Sugar Valley Trail, Alpharetta, GA 30022) came forward and shared that he is concerned about the safety of the park (lighting, controlled access gates, hours of parks, dog waste bags, traffic and parking congestion, closeness to neighborhood homes, attractive nuisance, homelessness, and drugs) and questioned whether or not restrooms need to be added to this park.
- Ralph Heigl (225 Redmond Ridge Circle, Alpharetta, GA 30022) came forward and shared that the meetings were not advertised much and tonight there is also a school redistricting meeting that coincides at the same time as this meeting. Additionally, he is concerned with safety and tagging, and shared that there is no parking or restrooms at the pocket park across from Avalon.

B. Discussion of Judge Rich's Report regarding the investigation of former Alpharetta Municipal Court and Judge Barry Zimmerman

- City Administrator, Chris Lagerbloom, came forward to present this item.
- Council Member DeRito shared that he does have concerns about this report and wants to see Council investigate this further. However, he will not fight this if the rest of City Council does not want to move forward.
- Council Member Binder shared that he preferred to hand this report over the GBI and Bar Association and ask them to investigate the allegations.
- Council Member Mitchell shared that he agreed with Council Member DeRito and would like this to be reviewed to the fullest extent of the law.
- Mayor Gilvin shared that he preferred to turn this over to the proper authorities (GBI and Bar Association), because as a City, there is not much that we can do to independently pursue facts (for example: cannot require testimony).
- City Administrator, Chris Lagerbloom, concluded that we can add a cover letter to this report and share with the GBI and the Georgia Bar Association via mail tomorrow and report back to Council.

IX. PUBLIC COMMENTS

- Deborah Eves (115 Pebble Trail, Alpharetta, GA 30009) came forward to speak about the loss of trees in our city, especially the tree canopy on Canton Street.

- Michael Buchanan (135 Pebble Trail, Alpharetta, GA 30009) came forward to speak about the clearing of trees in the city.

X. REPORTS

- Mayor Gilvin shared that he received his Fulton County property tax bill and discussed some of the representations that were made in the informational pamphlet that was included in the mailing of his property tax assessment.
- Council Member Hipes announced that this weekend (October 6-8) is the Wire and Wood Festival in the City of Alpharetta. There will be six (6) stages and over 30 artists this weekend in downtown Alpharetta.
- Council Member DeRito shared his appreciation for Recreation and Parks staff applying for a grant for stormwater management in parks.

XI. EXECUTIVE SESSION

- ❖ Mayor Pro Tem offered a motion to recess into Executive Session.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin recessed the meeting at 8:28 p.m.
- Council Member Binder and Council Member Hipes left the meeting prior to the meeting being reconvened.
 - ❖ Council Member DeRito offered a motion to reconvene the meeting.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved (5-0; as Council Member Binder and Council Member Hipes left the meeting prior to the motion to reconvene).

XII. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Council Member Will seconded the motion.
 - The motion was approved (5-0; as Council Member Binder and Council Member Hipes left the meeting).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 9:07 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk