



City Council Meeting & Public Hearing

JANUARY 17, 2023

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 tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours or viewed online at <https://www.youtube.com/user/alpharettagov>.

I. CALL TO ORDER

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

II. ROLL CALL

- Council Members

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

- Staff

- Chris Lagerbloom, City Administrator
- Melissa Tracy, 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 Parks, Recreation, and Cultural Services
- Pete Sewczwicz, Director of Public Works
- Thomas Harris, Director of Finance

- Adam Montgomery, Information Technology Manager
- Michael Woodman, Planning and Development Services Manager
- Kurt Kirby, Projects Manager

III. PLEDGE TO THE FLAG

IV. BOARD AND COMMISSION APPOINTMENTS

A. Natural Resources Commission – Alternate Member

- ❖ Council Member Binder offered a motion to appoint Mitchell Kamm as an alternate to the Natural Resources Commission.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 1/3/2023)

Approval of the City Council meeting minutes from the January 3, 2023 meeting.

B. Alcoholic Beverage License Applications

Approval of the following alcoholic beverage license application:

1. PH-22-AB-37 La Abuela LLC
4055 Old Milton Parkway, Units 9 & 10
Alpharetta, Georgia 30005

Restaurant
Consumption on Premises
Liquor, Beer, Wine & Sunday Sales
Owner: La Abuela LLC
Registered Agent: Catalina Adkinson

C. Financial Management Report (Month Ending November 30, 2022)

Approval of the Financial Management Report for the month ending November 30, 2022.

- Council Member Will requested that the Council Meeting Minutes (Meeting of 1/3/2023) be removed from the Consent Agenda as he was not present during the meeting.
- ❖ Mayor Pro Tem Merkel offered a motion to approve the Consent Agenda (without the Council Meeting Minutes from 1/3/2023).
 - Council Member DeRito seconded the motion.
 - The motion was approved (6-0-1; with Council Member Will in abstention).

- ❖ Council Member Binder offered a motion to reconsider.
 - Council Member DeRito seconded the motion.
 - The motion was approved (7-0).
- ❖ Council Member Hipes offered a motion to approve the Consent Agenda, minus the meeting minutes.
 - Council Member DeRito seconded the motion.
 - The motion was approved (6-0-1; with Council Member Mitchell in abstention).
- ❖ Mayor Pro Tem Merkel offered a motion to reconsider.
 - Council Member Hipes seconded the motion.
 - The motion was approved (7-0).
- ❖ Council Member Hipes offered a motion to approve the Consent Agenda, consisting of the alcoholic beverage license applications and the financial management report.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved (7-0).
- ❖ Council Member Hipes offered a motion to approve the City Council meeting minutes from the meeting of January 3, 2023.
 - Council Member Hipes seconded the motion.
 - The motion was approved (5-0-2; with Council Member Will and Council Member Mitchell in abstention).

VI. PUBLIC HEARING

A. CU-22-10 / Foamworks Alpharetta / 11725 Cotton Creek Entry

Consideration of a conditional use to allow a 'Car Wash' for Foamworks on a property previously developed and used for a car wash. The property is located at 11725 Cotton Creek Entry and is legally described as being located in Land Lot 44, 1st District, 1st Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- Manager Woodman shared that the attorney for the applicant, Steven Jones, would like to come forward to address this item before Mayor and Council.
- Mr. Jones asked Mayor and Council for a deferral of this application to the next public hearing (after meeting proper readvertising) in order for the applicant to address some of staff's recommended changes to the renderings and elevations.

- ❖ Mayor Pro Tem Merkel offered a motion to postpone CU-22-10 / Foamworks Alpharetta / 11725 Cotton Creek Entry.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

B. Ordinance: Failure to Appear

Second Reading

The first reading occurred during the January 3, 2023 City Council meeting and Public Hearing.

Consideration of an Ordinance to amend Article I of Chapter 30 of the Code of the City of Alpharetta, Georgia, to add a provision related to Section 30-8 (Currently Reserved); to provide an effective date; and for other purposes.

- City Attorney, Melissa Tracy, came forward to present this item.
- City Attorney, Melissa Tracy, read the ordinance title aloud.
- If approved, this ordinance will create a violation for failure to appear and would authorize the Municipal Court to issue warrants for arrest of a person for failing to appear and to bring an additional charge and violation as a function for failing to appear at a designated court session.
- This is the second reading, but there have been no changes since the first reading.
- ❖ Council Member DeRito offered a motion to approve an Ordinance to amend Article I of Chapter 30 of the Code of the City of Alpharetta, Georgia, to add a provision related to Section 30-8 (Currently Reserved); to provide an effective date; and for other purposes.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).

VII. NEW BUSINESS

A. Wills Park Maintenance Facility Construction – Change Order Approval

Consideration of Prime Contractors, Inc.'s proposal for Change Order #2 to Purchase Order 22000784 in an amount of \$123,151.25 to continue construction of the Wills Park Maintenance Facility and authorize the Mayor to execute all necessary documents.

- Director of Parks, Recreation, and Cultural Services, Morgan Rodgers, came forward to present this item.
- The establishment of a maintenance facility at Wills Park was added as a top priority project and was included in the list of several park bond projects put to public vote. In

November 2022, the City's 2022 Park Bond Series was approved, and funding was allocated to support the construction of the facility.

- The project is currently underway and, as can sometimes be the case with construction projects, unforeseen issues have arisen that have increased the scope of the project and, consequently, the cost. Change Order #1 was issued to permit additional electrical, framing, and plumbing for the project and increased the original purchase order by \$30,078 from \$649,297 to \$679,375.
- It has been determined that a fire suppression system must be installed in the preliminary phase of the project (as opposed to later in the process) to meet City code, regardless of the type of building used during operation.
- The soil porosity at the facility's site proved insufficient to support a secure building foundation. Compaction tests revealed the need for a more robust building pad with enough compaction to support pouring a sturdy foundation for the metal structure. This unforeseeable issue and necessary solution led to an increase in site work. As a result, additional funding must be identified and appropriated to cover the original site work outlined in the proposal.
- If approved, Change Order #2 will increase Purchase Order 22000784 by \$123,151.25 from \$679,375 to \$802,526. Currently, \$30,774 remains in the project's capital account. An additional \$92,377 has been identified in the Park Repair & Improvements capital account that can be repurposed to help offset the additional costs associated with the Wills Park maintenance facility construction.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve Prime Contractors, Inc.'s proposal for Change Order #2 to Purchase Order 22000784 in an amount of \$123,151.25 to continue construction of the Wills Park Maintenance Facility and authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).

B. Resolution: 2022 Byrne Justice Assistance Grant (JAG) Submission

Adoption of a Resolution to authorize the Mayor and City Council to approve the submission of the 2022 Edward Byrne Justice Assistance Grant (JAG).

- City Attorney, Melissa Tracy, read the resolution title aloud.
- Director of Public Safety, John Robison, came forward to speak on behalf of this item.
- The 2022 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program is awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP),

Bureau of Justice Assistance (BJA). The JAG allocations are based on NIBRIS Reporting. The Grant is awarded for a period of 4 years (Award End Date: 9/30/2025, but the award date starts 10/01/2021). The City of Alpharetta was awarded \$10,135.00.

- To create a free-flowing and timely sharing of information on our internal network, the funds from the Bureau of Justice Assistance (BJA) FY22 Justice Assistance Grant would be used to procure equipment and software needed for internal agency communications enhancements.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Will offered a motion to adopt a Resolution to authorize the Mayor and City Council to approve the submission of the 2022 Edward Byrne Justice Assistance Grant (JAG).
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

C. Interlocal Agreement: 2022 Byrne Justice Assistance Grant (JAG) Program Award

Consideration of an Interlocal Agreement between the City of Atlanta and the City of Alpharetta for the 2022 Byrne Justice Assistance Grant (JAG) Program Award.

- Director of Public Safety, John Robison, came forward to speak on behalf of this item.
- For the 2022 JAG Program application, the City of Atlanta served as the applicant and fiscal agent representing all of the municipalities within Fulton County. In accordance with JAG Program requirements, Alpharetta must now execute an MOU or Interlocal Agreement with the City of Atlanta in order to receive program funds.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Will offered a motion to approve the Interlocal Agreement between the City of Atlanta and the City of Alpharetta for the 2022 Byrne Justice Assistance Grant (JAG) Program Award.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

D. Intergovernmental Agreement with the City of Johns Creek: Alpharetta Jail

Consideration of an Intergovernmental Agreement by and between the City of Alpharetta, Georgia, the City of Johns Creek, Georgia, the Fulton County Sheriff's Office, and Fulton County, Georgia, to Board and Provide for the Housing of Inmates at the Alpharetta Jail.

- City Attorney, Melissa Tracy, came forward to speak on behalf of this item.

- If approved, the City will grant the City of Johns Creek the right to use and occupy the Alpharetta Jail for the purposes of processing/booking, detaining, and housing/boarding City of Johns Creek pre-trial detainees and inmates, and for other purposes. Johns Creek will be responsible for their pro-rata share of utility costs - which in total amounts to about \$20k/year for the facility. Repair and maintenance costs of the facility are not shared by the participating cities but are the responsibility of the City of Alpharetta.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Will offered a motion to approve an Intergovernmental Agreement by and between the City of Alpharetta, Georgia, the City of Johns Creek, Georgia, the Fulton County Sheriff's Office, and Fulton County, Georgia, to Board and Provide for the Housing of Inmates at the Alpharetta Jail.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

E. Resolution: 2023 Municipal General Election, Qualification Period, and Qualification Fees

A Resolution to establish a candidate qualification period; to fix candidate qualification fees; and for other purposes.

- City Attorney, Melissa Tracy, read the resolution title aloud.
- City Clerk, Lauren Shapiro, came forward to speak on behalf of this item.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Hipes offered a motion to adopt a resolution to establish a candidate qualification period; to fix candidate qualification fees; and for other purposes.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

VIII. WORKSHOP ITEMS

A. Council Chambers Audio Visual Project

Update from representatives of One Diversified regarding ongoing project delays.

- Assistant City Administrator, James Drinkard, came forward to introduce this workshop item and detail the history of the Council Chambers audio visual project contract.
 - Currently, all of the parts are with One Diversified and staff is working with the vendor to schedule installation.

- Tom Harriman, with One Diversified, came forward to speak during this workshop.
 - March 7th is the suggested best date to begin installation.

IX. PUBLIC COMMENT

- There were no public comments.

X. REPORTS

- Mayor Gilvin shared that it was Monday, January 16, 2023 was an extraordinary day for our City. There was a tremendous and packed Martin Luther King event at St. James United Methodist Church. Later that day, Senator Ossoff brought a United States ambassador from India for an event in the City Hall rotunda. Special thanks to Chris Lagerbloom and James Drinkard for coordinating this event.
- Council Member Hipes shared that a large number of Indian American Alpharetta residents attended this event at City Hall, and they were so appreciative.

XI. EXECUTIVE SESSION

- ❖ Council Member Binder 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 7:31 p.m.
- ❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin reconvened the meeting at 8:07 p.m.

XII. RATIFICATION OF CONSENT ORDER AND FINAL JUDGMENT

- ❖ Mayor Pro Tem Merkel offered a motion to approve a settlement as read by City Attorney, Melissa Tracy.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).
 - During the motion, City Attorney, Melissa Tracy, shared that this action by the Council is to approve and ratify the consent judgment and agreement in the pending litigation in the condemnation action with Plaza Star. The settlement amount is for a total sum of \$1.6 Million as set forth in the consent judgment.

PUBLIC COMMENTS

- There were no public comments.

XIII. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:09 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk