City Council Meeting & Public Hearing
FEBRUARY 20, 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 (attending virtually via Zoom)
  - Douglas J. DeRito
  - John Hipes
- **Council Members Absent**
  - Jason Binder
- **Staff**
  - Chris Lagerbloom, City Administrator
  - Melissa Tracy, City Attorney with Jarrard & Davis
  - James Drinkard, Asst. City Administrator
  - Kiersten VanHorn, Assistant City Clerk
  - John Robison, Director of Public Safety
  - Kathi Cook, Director of Community and Economic Development
  - Kelsie Mattox, City Solicitor
  - 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

- Mayor Gilvin announced that since Council Member Binder is not present during tonight's meeting that he will make his appointment to the Natural Resources Commission at a future meeting. Additionally, the Ordinance regarding the text amendments to the City's Alcohol Ordinance (under Public Hearing items) will not be heard tonight and will be deferred to the March 6, 2023 meeting as a workshop item. Finally, the Ordinance regarding the text amendments involving New Offenses will be changed to workshop item, which will mean that this item will not be voted upon during tonight's meeting.

III. PLEDGE TO THE FLAG

IV. BOARDS & COMMISSIONS

A. Natural Resources Commission – Alternate Appointment by Council Member Binder

- Mayor Gilvin announced that since Council Member Binder is not present during tonight's meeting that he will make his appointment to the Natural Resources Commission at a future meeting.

B. Swearing-in of Board and Commission Members

- Mayor Gilvin administered the Oath of Office to a few of our Board and Commission Members (Joy Ross, Scott Wharton, and Kim Matherly).

V. CONSENT AGENDA

A. Alcoholic Beverage License Applications

Consideration of approval of the following alcoholic beverage license application:

1. **PH-23-AB-01 AK Alpha Enterprise, LLC**

   3445 Webb Bridge Road, Alpharetta, GA 30005

   Convenience Store
   Retail Package Sales
   Beer, Wine & Sunday Sals
   Owner: AK Alpha Enterprise, LLC
   Registered Agent: Divyesh Shah

B. FY 2023 Public Safety Fleet Replacement

PUBLIC COMMENTS

- There were no public comments.

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

- Council Member Mitchell seconded the motion.

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

VI. PUBLIC HEARING

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

The applicant requested a deferral of this public hearing item during the January 17, 2023 City Council meeting, which was unanimously approved by City Council.

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.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered at the 11/3/2022 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 (vote 7-0).
- Staff is recommending that Mayor and Council approve CU-22-10 Foamworks/11725 Cotton Creek Entry, subject to the following conditions:
    1. 'Car wash' shall be added as a conditional use at 11725 Cotton Creek Entry and limited to no more than 4,987 square feet.
    2. Conditional use approval shall be limited to Foamworks; no additional 'Car wash' use or subleasing shall be permitted within the approved space.
    3. Hours of operation shall be limited to Monday – Sunday 8:00 AM – 8:00 PM.
    4. Site shall be redeveloped substantially similar to the site plan prepared by Civilogistics, revised 10/26/2022, except where to comply with the conditions below.
    5. Developer shall remove existing impervious areas no longer in use, as depicted on the site plan prepared by Civilogistics, revised 10/26/2022. Areas shall be defined by curbing and shall be maintained as pervious area, as approved by Staff. Existing curb cut on Cotton Mill Place may remain to serve as a by-pass for the car wash.
    6. Exterior changes to the building shall be approved by DRB. Conditional use approval is not approval of elevation changes.
    7. Minimum 20' landscape strip shall be required along Old Milton Parkway. Parking lot screening (double row of shrubs) shall be required along Old

Milton Parkway, Cotton Creek Entry and Cotton Mill Place, as approved by DRB.

8. Property owner shall assess site landscaping and replace missing, dead, or dying landscape material. This assessment shall include monument sign landscape material and installing ornamental planting beds at the corner of Old Milton Parkway and Cotton Creek Entry. New landscape areas, including tree islands, shall be planted with required landscape material, as approved by DRB.
9. Auto detailing stations shall be limited to the areas depicted on the site plan prepared by Civilogistics, revised 10/26/2022. Shade structures shall be limited to the auto detailing stations depicted adjacent to the existing building. Auto detailing stations along Cotton Creek Entry and employee parking along Old Milton Parkway shall be heavily screened, as approved by DRB.

- The applicant, Foamworks Alpharetta, LLC, is requesting a conditional use to operate a 'Car Wash' in a 4,987 square foot building, which was formerly used by Autobell Car Wash. The Camden Pond Master Plan requires a conditional use to allow a 'Car Wash' on the subject property. The previous use of the property as a 'Car Wash' was not approved as a conditional use and was therefore a legal, non-conforming use. Since the 'Car Wash' has discontinued operation for 60 or more days, the use may not be re-established without the approval of a conditional use. The subject property is located at 11725 Cotton Creek Entry at the northeast corner of Old Milton Parkway and Cotton Creek Entry.
- The 1.2-acre property was developed as a car wash in 2001, including a 1-story, 5,750 square foot building. Zoning of the property is CUP (Community Unit Plan) subject to the Camden Pond Master Plan. The property is designated 'Mixed Use Office/Commercial Zoning' in the Master Plan, which allows C-2 (General Commercial) permitted uses. A 'Car Wash' is a conditional use in the C-2 district. Surrounding properties are zoned CUP to the west, north, and east, and C-2 to the south. Andy's Frozen Custard is located to the west, an undeveloped property to the north, Old Milton Festival retail center to the east, and Aspen Station Plaza retail center to the south.
- Foamworks Auto Spa is a full-service, automatic car wash. Exterior detailing is done by employees in the preparation canopy and in the car wash tunnel. The customer remains in the vehicle as the car goes through the automatic car wash. Interior detailing is completed by the customer at the auto detailing stations. According to the website, Foamworks currently operates five (5) locations in Georgia with ten (10) additional locations opening soon. Existing locations include Macon, Brunswick, Fayetteville, Stockbridge and Vidalia. The applicant proposes to renovate and re-purpose the former Autobell Car Wash. Hours of operation will be Monday – Sunday 8:00 AM – 8:00 PM. The applicant anticipates up to five (5) employees on the property at any given time.

- The site plan depicts re-use of the existing car wash building, which includes demolition of the 'Porte Cochere' and 'Detailing Area' on the west side of the building. This represents a reduction in the building area from approximately 5,750 square feet to 4,987 square feet.
- The applicant proposes to apply a German Smear to the existing brick and change out the awnings. German Smear mimics the look of irregular stones and heavy mortar joints. The property is located on Old Milton Parkway, which is a Corridor of Influence requiring Design Review Board (DRB) approval for any exterior changes to the building.
- Staff reviewed the applicant's proposal in consideration of the review criteria for a conditional use. The proposed use would be compatible with surrounding uses and other locations for this business, which are similarly situated along commercial corridors. In addition, the property was previously used as a 'Car Wash'. If approved, conditions are recommended requiring that the auto detailing stations and parking be screened with landscaping, as well as unused impervious areas returned to pervious area.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no public comments have been received other than the questions at the October 12, 2022 Community Zoning Information Meeting (CZIM). The CZIM was held on October 12, 2022. There were no public comments on the sign-in sheet. The applicant's citizen participation plan indicates that there was a question about the shared access on Cotton Mill Place.
- Steven Jones (attorney for the Applicant Foamworks) came forward and spoke on behalf of this application.

PUBLIC COMMENTS

- There were no public comments.

❖ Council Member Mitchel offered a motion to approve CU-22-10 Foamworks/11725 Cotton Creek Entry, subject to following conditions:

1. 'Car wash' shall be added as a conditional use at 11725 Cotton Creek Entry and limited to no more than 4,987 square feet.
2. Conditional use approval shall be limited to Foamworks; no additional 'Car wash' use or subleasing shall be permitted within the approved space.
3. Hours of operation shall be limited to Monday – Sunday 8:00 AM – 8:00 PM.
4. Site shall be redeveloped substantially similar to the site plan prepared by Civilogistics, revised 10/26/2022, except where to comply with the conditions below.
5. Developer shall remove existing impervious areas no longer in use, as depicted on the site plan prepared by Civilogistics, revised 10/26/2022.

Areas shall be defined by curbing and shall be maintained as pervious area, as approved by Staff. Existing curb cut on Cotton Mill Place may remain to serve as a by-pass for the car wash.

6. Exterior changes to the building shall be approved by DRB. Conditional use approval is not approval of elevation changes. The brick shall remain the existing bricks with no blue highlights, as approved by DRB.
7. Minimum 20' landscape strip shall be required along Old Milton Parkway. Parking lot screening (double row of shrubs) shall be required along Old Milton Parkway, Cotton Creek Entry and Cotton Mill Place, as approved by DRB.
8. Property owner shall assess site landscaping and replace missing, dead, or dying landscape material. This assessment shall include monument sign landscape material and installing ornamental planting beds at the corner of Old Milton Parkway and Cotton Creek Entry. New landscape areas, including tree islands, shall be planted with required landscape material, as approved by DRB.
9. Auto detailing stations shall be limited to the areas depicted on the site plan prepared by Civilogistics, revised 10/26/2022. Shade structures shall be limited to the auto detailing stations depicted adjacent to the existing building. Auto detailing stations along Cotton Creek Entry and employee parking along Old Milton Parkway shall be heavily screened, as approved by DRB.
10. Frontal lit signage, as approved by DRB, with no rear lit sign or plastic cover.

- Council Member Hipes seconded the motion.
- The motion failed (3-3; with Mayor Gilvin, Mayor Pro Tem Merkel, and Council Member DeRito in opposition).

❖ Mayor Pro Tem Merkel offered a motion to deny CU-22-10 Foamworks/11725 Cotton Creek Entry.

- Council Member DeRito seconded the motion.
- The motion failed (3-3; with Council Member Hipes, Council Member Mitchell, and Council Member Will in opposition).

❖ Council Member Mitchell offered a motion to postpone until the full City Council is present.

- Council Member DeRito seconded the motion.
- The motion was approved (5-1; with Mayor Pro Tem Merkel in opposition).

B. PH-23-03 The Gathering Change of Conditions

Consideration of a request to change previous conditions of zoning to add 4 'For-Sale' single-family detached lots, change the parking deck to 4 levels, revise the commercial layout, increase the commercial area from 41,800 square feet to 50,000 square feet, and allow one commercial building to be 1 story. The property is located at 0 Haynes Bridge Road and is legally described as being located in Land Lots 745 & 746, 1st District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Councill approve PH-23-03 The Gathering Change of Conditions, subject to the following conditions (changes shown in red underline):

1. The 24.76-acre property shall be zoned MU and the site shall be developed substantially similar to plan V-18 prepared by ADG, dated 12/2022 and plan ZP-2 prepared by Kimley-Horn, dated 12/16/2022, except for changes required to comply with the conditions below. The parking deck, as shown in V-18 of the site plan produced by ADG on 12/2022, shall not exceed 4 levels and shall include landscape screening and green screens and/or architectural panels, as depicted in Exhibit A, to obscure the view of the parking deck from Haynes Bridge Road, with final approval by DRB.
2. Maximum residential density shall be limited to no more than 7.23 dwelling units per acre.
4. Development regulations shall be as follows:
    a. 39 'For-Sale' single-family detached homes and 140 'For-Sale' townhome units shall be permitted with a maximum height of 3-stories or 40'. 14' townhomes shall be limited to no more than 52 units and shall have no more than 2 bedrooms. No more than 10% of units/homes shall be rented as stated in the HOA documents.
    b. Retail/Restaurant/Office – Maximum 50,000 square feet shall be permitted, not including outdoor dining areas. Minimum building height shall be 2 stories or 24' with a maximum height of 3 stories, except Bldg. F near the dog park, which shall be permitted to be single- story. Commercial buildings at the corner of Haynes Bridge Road and Morrison Parkway shall be at least 2 stories and shall be constructed in the first phase of development with the residential uses. Restaurants shall include outdoor dining areas. No drive-thru restaurants. Commercial area shall be replanted with a 100' buffer, to City buffer standards, along Haynes Bridge Road and Morrison Parkway, if construction does not commence within 18 months from the issuance of the LDP.
10. All new internal streets shall be public, maintained in compliance with Private Development Agreement recorded in Fulton County records, Book 66332,

Page 62, and in accordance with Fulton County Board of Commissioners final action #22-0903, approved at the Fulton County Board of Commissioners meeting on 12-7-2022. Street 'A' shall have a minimum 6' planter planted with street trees, 6' concrete sidewalk, on-street parking as depicted on the site plan, and 10' landscape strip/building setback. Street 'B' shall have a minimum 6' planter planted with street trees, 8' concrete sidewalk, on-street parking as depicted on the site plan, and 10' landscape strip/building setback. Residential streets, not including alleys, shall have a minimum 4' planter planted with street trees, 5' concrete sidewalk, and 10' landscape strip/building setback. One- way residential street pavement width shall be a minimum 20' wide for Fire access and the planter and sidewalk shall be required on only 1 side of the street.

- The applicant, Brock Built Homes, LLC, is requesting changes to previous conditions of zoning related to The Gathering mixed-use development which is currently approved for 35 'For-Sale' detached homes, 140 'For-Sale' townhomes and 41,800 square feet of retail/restaurant use on 24.76 acres and located in the North Point Overlay. The following zoning condition changes are proposed: 1) add four (4) 'For-Sale' single-family detached lots, 2) change parking deck to 4 levels, 3) revise commercial layout, 4) increase allowable commercial area from 41,800 square feet to 50,000 square feet, and 5) allow one (1) commercial building to be one (1) story. The subject property is located at the northwest corner of Haynes Bridge Road and Morrison Parkway.
- The applicant's updated site plan is generally the same as previously approved, with small adjustments in the commercial village at the corner of Haynes Bridge Road and Morrison Parkway, as well as the addition of four (4) single-family detached lots near the detention pond along Morrison Parkway. The additional residential lots would increase the residential density from 7.07 to 7.23 dwelling units per acre.
- The previously approved below grade parking deck is now proposed to be a four (4) level parking deck at the project entrance off Haynes Bridge Road. The deck will appear as three (3) levels from Haynes Bridge Road, with one level below grade. Significant landscape screening (plantings and green screens) is depicted obscuring the deck from the street. Surface parking has been reduced in the commercial village and replaced with additional open space consisting of an event lawn, plazas, walkways, a linear park and various lawns.
- The commercial village will be served by 69 surface parking spaces and a 331-space, four (4) level parking deck. While the applicant is planning for both retail and restaurant uses in the commercial village, parking has been allocated based on the City's parking rate for restaurant (1 space/100 square feet) which is the higher of the two (2) parking rates. Since the property is located in the North Point Overlay, a 20% reduction in parking is required. Therefore, 400 parking

spaces are required for the 50,000 square foot of retail and restaurant uses. Additional on-street parking is provided throughout the mixed-use development.

- Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for changes to previous conditions of zoning. The request would result in a better site layout, including more open space, less surface parking, and additional commercial area to support surrounding office parks and future residential. If approved, conditions are recommended requiring a combination of landscaping and green screens to obscure the parking deck from Haynes Bridge Road.
- 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 following a request from the Vantage Point HOA, the applicant held a teleconference call to discuss the project further. The neighbors were supportive of the development and had no concerns with proposed request. CZIM was held on January 11, 2023. Two (2) members of the public signed in, with one (1) voicing support for the proposal.
- The applicant, Matt Brock (280 Interstate North Circle, Suite 400, Atlanta GA, 30339) came forward to speak on behalf of this application.

PUBLIC COMMENTS

- There were no public comments.

❖ Mayor Pro Tem Merkel offered a motion to approve PH-23-03 The Gathering Change of Conditions, subject to the following conditions:

1. The 24.76-acre property shall be zoned MU and the site shall be developed substantially similar to plan V-18 prepared by ADG, dated 12/2022 and plan ZP-2 prepared by Kimley-Horn, dated 12/16/2022, except for changes required to comply with the conditions below. The parking deck, as shown in V-18 of the site plan produced by ADG on 12/2022, shall not exceed 4 levels and shall include landscape screening and architectural panels, as depicted in Exhibit A, and six-inch caliper planting along the streetscape and adjacent to the parking decks to obscure the view of the parking deck from Haynes Bridge Road, with final approval by DRB.
2. Maximum residential density shall be limited to no more than 7.23 dwelling units per acre.
4. Development regulations shall be as follows:
    a. 39 'For-Sale' single-family detached homes and 140 'For-Sale' townhome units shall be permitted with a maximum height of 3-stories or 40'. 14' townhomes shall be limited to no more than 52 units and shall have no more than 2 bedrooms. No more than 10% of units/homes shall be rented as stated in the HOA documents.

b. Retail/Restaurant/Office – Maximum 50,000 square feet shall be permitted, not including outdoor dining areas. Minimum building height shall be 2 stories or 24' with a maximum height of 3 stories, except Bldg. F near the dog park, which shall be permitted to be single- story. Commercial buildings at the corner of Haynes Bridge Road and Morrison Parkway shall be at least 2 stories and shall be constructed in the first phase of development with the residential uses. Restaurants shall include outdoor dining areas. No drive-thru restaurants. Commercial area shall be replanted with a 100' buffer, to City buffer standards, along Haynes Bridge Road and Morrison Parkway, if construction does not commence within 18 months from the issuance of the LDP.

10. All new internal streets shall be public, maintained in compliance with Private Development Agreement recorded in Fulton County records, Book 66332, Page 62, and in accordance with Fulton County Board of Commissioners final action #22-0903, approved at the Fulton County Board of Commissioners meeting on 12-7-2022. Street 'A' shall have a minimum 6' planter planted with street trees, 6' concrete sidewalk, on-street parking as depicted on the site plan, and 10' landscape strip/building setback. Street 'B' shall have a minimum 6' planter planted with street trees, 8' concrete sidewalk, on-street parking as depicted on the site plan, and 10' landscape strip/building setback. Residential streets, not including alleys, shall have a minimum 4' planter planted with street trees, 5' concrete sidewalk, and 10' landscape strip/building setback. One- way residential street pavement width shall be a minimum 20' wide for Fire access and the planter and sidewalk shall be required on only 1 side of the street.

- Council Member DeRito seconded the motion.
  - Mayor Gilvin offered a friendly amendment that would dictate a six-inch caliper planting along the streetscape and adjacent to the parking decks, with the landscape plan approved by DRB.
    - Mayor Pro Tem Merkel and Council Member DeRito accepted the friendly amendment.
  - Council Member Mitchell offered a friendly amendment eliminating the green screens and adding the architectural panels until they grow and add to that heavy landscaping (essentially modifying language in Condition #1).
    - Mayor Pro Tem Merkel accepted the friendly amendment.
- The motion was approved unanimously (6-0).

C. Ordinance: Fiscal Year 2023 Mid-Year Budget Amendment

First Reading

Consideration of an Ordinance to adopt a Mid-Year Fiscal 2023 Budget for certain funds of the City of Alpharetta, Georgia appropriating the amounts shown in each budget as expenditures, adopting the item of revenue anticipation, prohibiting expenditures to exceed appropriations, and prohibiting expenditures to exceed actual funding available.

- City Attorney, Melissa Tracy, read the Ordinance title aloud.
- Director of Finance, Tom Harris, came forward to present this item.

CITY COUNCIL DISCUSSION

- Council Member Will asked about email encryption and the $12,000 cost for the next 3 months, requested that the pulse point software be removed from the mid-year budget, and the assessment for the fire stations to be updated.
- Council Member Hipes asked if we complete assessments of six fire stations if we would have the money to fix the six stations.
- Council Member DeRito and Council Member Mitchell both shared that they believed that the direction was that they were going to proceed with the two worst fire stations in the mid-year and then address the other four stations during the regular year budget.
- Mayor Gilvin asked about the $43,000 ($21,000 anticipated fees will come in) for recreation program, as he believed the fees of the camps would cover the costs associated.

PUBLIC COMMENTS

- There were no public comments.

❖ Mayor Pro Tem Merkel offered a motion to approve an Ordinance to adopt a Mid-Year Fiscal 2023 Budget Amendment with a note that before the second reading, finance and parks and recreation will clarify their request for the net of $21,848.00

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

D. Ordinance: Text Amendment to The Code or the City of Alpharetta, Georgia – Alcohol Ordinance

DEFERRED: This item was deferred by Mayor and City Council as a workshop item to the March 6, 2023 City Council meeting.

Consideration of an Ordinance to amend Chapter 4 of The Code of the City of Alpharetta, Georgia to revise provisions related to delivery, consumption sales, and retail establishments and to add provisions related to mixed drink sales; to provide an effective date; and for other purposes.

- Mayor Gilvin announced at the beginning of the meeting that this Ordinance item will not be heard tonight and will be deferred to the March 6, 2023 meeting as a workshop item.

E. Ordinance: Text Amendment to the Code of the City of Alpharetta, Georgia – New Offenses

Consideration of an Ordinance to amend Article 1 of Chapter 30 of the Code of the City of Alpharetta, Georgia to add provisions related to destruction of property, defacing buildings, unauthorized entry of property, creating hazardous or offensive conditions, keeping a disorderly house, making false representations, and furnishing alcohol to a minor; to provide an effective date; and for other purposes.

WORKSHOP ITEM: Mayor and City Council amended this item to be presented as a workshop item instead of business item.

- City Attorney, Melissa Tracy, read the Ordinance title aloud.
- City Solicitor, Kelsie Mattox, came forward to address questions by the City Council.

City Council Discussion:

- Council Member Hipes shared his concerns about the following: state law definitions of crimes as they pertain to felonies and whether the Charter allows City Council to add such new offenses (as drafted).
- Council Member Mitchell asked about examples of a couple of the new offenses.
- Mayor Pro Tem Merkel asked about juvenile cases in Municipal Court.
- Council Member Will asked about essentially charging a lesser included offense.
- Council Member DeRito shared concerns about costs to the taxpayer and officers determining which charge to cite at the time of an offense.

F. Resolution to Authorize Eminent Domain – 0 Webb Bridge Road, Alpharetta, Georgia 30005

Consideration of a Resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at 0 Webb Bridge Road, Alpharetta, Georgia 30005 (Tax Parcel 21 555012410196) for right of way proposed Webb Bridge Road bike and pedestrian improvements from Big Creek Greenway to Webb Bridge Way.

- City Attorney, Melissa Tracy, read the Ordinance title aloud.
- This parcel is part of phase three of this project and all of the following resolutions are situations where both the city and the city attorney's office has tried to make contact with the property owner, but the property owner has been non-responsive.

PUBLIC COMMENTS

- There were no public comments.

- ❖ Council Member DeRito offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at 0 Webb Bridge Road, Alpharetta, Georgia 30005 (Tax Parcel 21 555012410196) for right of way proposed Webb Bridge Road bike and pedestrian improvements from Big Creek Greenway to Webb Bridge Way.
    - Mayor Pro Tem Merkel seconded the motion.
    - The motion was approved (5-0-1; as Council Member Hipes was not in the Council Chambers during this motion).

G. Resolution to Authorize Eminent Domain – 3973 Webb Bridge Road, Alpharetta, Georgia 30005

Consideration of a Resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at 3973 Webb Bridge Road, Alpharetta, Georgia 30005 (Tax Parcel 21 55512400163) for right of way proposed Webb Bridge Road bike and pedestrian improvements from Big Creek Greenway to Webb Bridge Way.

- City Attorney, Melissa Tracy, read the Ordinance title aloud.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at 3973 Webb Bridge Road, Alpharetta, Georgia 30005 (Tax Parcel 21 55512400163) for right of way proposed Webb Bridge Road bike and pedestrian improvements from Big Creek Greenway to Webb Bridge Way.
    - Council Member Mitchell seconded the motion.
    - The motion was approved (6-0).

H. Resolution to Authorize Eminent Domain – 212 Mossy Place, Alpharetta, Georgia 30005

Consideration of a Resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at 212 Mossy Place, Alpharetta, Georgia 30005 (Tax Parcel 21 555212390396) for right of way proposed Webb Bridge Road bike and pedestrian improvements from Big Creek Greenway to Webb Bridge Way.

- City Attorney, Melissa Tracy, read the Ordinance title aloud.

PUBLIC COMMENTS

- There were no public comments.

- ❖ Council Member Will offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at 212 Mossy Place, Alpharetta, Georgia 30005 (Tax Parcel 21 555212390396) for right of way proposed Webb Bridge Road bike and pedestrian
    - Council Member DeRito seconded the motion.
    - The motion was approved (6-0).

VII. OLD BUSINESS

A. GDOT Georgia 400 Express Lanes Memorandum of Understanding

Consideration of approval of the memorandum of understanding with the Georgia Department of Transportation for the GA 400 Managed Lanes Project regarding utility coordination and authorize the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- On September 26, 2022, Council approved a Memorandum of Understanding (MOU) with Georgia Department of Transportation in association with the GA 400 Manged Lanes Project.
- A revised version of the MOU was prepared by the GDOT in January 2023. In the revised version of the MOU, in addition to the BUY AMERICA requirements of the Federal regulations outlined in Section 8 of the MOU, the BUILD AMERICA, BUY AMERICA ACT ("BABA") set forth under the Infrastructure Investment and Jobs Act, was added to the revised MOU, under Section 9, in January 2023 that extends coverage of BUY AMERICA to include construction materials used for the GA 400 Managed Lanes Project. Under BABA all construction materials furnished for permanent incorporation into the work on this project shall be manufactured in the United States. Thus, the MOU has been modified and needs to be re-executed.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the memorandum of understanding with the Georgia Department of Transportation for the GA 400 Managed Lanes Project regarding utility coordination and authorize the Mayor to execute all necessary documents.
    - Mayor Pro Tem Merkel seconded the motion.
    - The motion was approved (6-0).

VIII. NEW BUSINESS

A. RFQ 23-1002 Award and Alpha Link Design and Project Management Services Task Order 1

Consideration of approval of the award of RFQ 23-1002 to AECOM, approve the Alpha Link design Task Order 1 for AECOM in an amount not to exceed $450,825, approve the Project Management Task Order 1 for Atkins in an amount not to exceed $80,000, and authorize the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- The Alpha Link is a 12' wide lighted multi-use trail connection from Haynes Bridge Road to Encore Parkway, approximately 1.2 miles. More specifically, this segment connects the Big Creek Greenway (via Encore Parkway) to the Alpha Loop at Haynes Bridge Road. Not only will this project serve as a connection between the Greenway and the Alpha Loop, but provide connections to adjacent developments. Connections from the Alpha Link to developments along the trail will be discussed with adjacent property owners and incorporated into the overall design of the Alpha Link.
- This will take about 5-6 years for the design process (through the Federal Government).
- To begin the Alpha Link design procurement, step one in the process was execution of the Project Framework Agreement (PFA) from the Georgia Department of Transportation (GDOT). On July 25, 2022, the City Council approved the Alpha Link PFA with the GDOT and also approved to award an amount not to exceed $35,000.00 to Atkins for RFQ/RFP professional services associated with Federal Procurement.
- Since this is a federally funded project, the procurement process followed GDOT's qualified based selection process (QBS). This process consists of multiple steps starting with a request for qualifications, shortlisting firms to submit technical proposals, followed by selecting a vendor and negotiating a fee.
- After evaluation and verifying the submitted proposals, staff from the Public Works and Finance Departments and Atkins informed AECOM they were the preferred respondent. AECOM is an experienced contractor that has worked on similar projects for the City and other agencies such as GDOT and local governments. Currently, AECOM is in the middle of a federally funded project with the City and Georgia Department of Transportation- the widening of Old Milton Parkway (State Route 120) from North Point Parkway east to the City limits. This project is currently on schedule and the team is working very well with Public Works.
- AECOM's estimated cost for Task Order 1 services is $450,825.00.
- To ensure Federal design requirements are met, the trail design will be overseen by Atkins for a total cost of $80,000 for Task Order 1 (survey, environmental studies, concept design). Atkins' proposal, under Attachments, provides a detailed breakdown of the cost. Funding for Task Order 1 is requested through the Non-Allocated account within the Capital Project Fund. When the City approved the PFA with GDOT for this project, it was acknowledged in the council report that funds would need to be allocated for project management services for this project to ensure the Federal Design Process is followed and there are no missteps.

PUBLIC COMMENTS

- There were no public comments.

❖ Council Member Mitchell offered a motion to approve the award of RFQ 23-1002 to AECOM, approve the Alpha Link design Task Order 1 for AECOM in an amount not to exceed $450,825, approve the Project Management Task Order 1 for Atkins in an amount not to exceed $80,000, and authorize the Mayor to execute all necessary documents.

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

B. Union Hill Park – Vendor Approval for Covered Arena Electrical Upgrades

Consideration of approval to utilize Meer Electrical Contractors, Inc. under the City's approved on-call services contract (#20-121) for electrical repairs and upgrades to the covered arena at Union Hill Park.

- Director of Parks, Recreation, and Cultural Services, Morgan Rodgers, came forward to present this item.
- Through a rigorous selection process, the City Council agreed to nine high priority park projects to be included in the Series 2022 Park Bonds. One of the nine projects included the renovation of Union Hill Park. The project would include reformation of the park as a recreational and gathering space that better meets the needs of current and future Alpharetta residents, including trails, expanded Greenway connectivity, and other amenities.
- One facet of the Union Hill Park Series 2022 Park Bond project involves electrical repairs and upgrades to the covered arena to further enhance the space and support the arena as a multipurpose venue. More specifically, the electrical repairs and upgrades would include replacing broken fixtures, upgrading the fixtures to more efficient LED lighting, repairing and adding power outlets, improving air circulation by replacing the existing exhaust fans with area ceiling fans, and updating the electrical panels to accommodate a more robust and broad variety of activities.
- Working with the Finance Department, staff reviewed the City's existing on-call services contract with Meer Electrical Contractors, Inc. and determined that the scope of work for these repairs and enhancements were included within the services provided under the contract. Subsequently, staff requested an estimate of the work to be performed by Meer Electrical Contractors, Inc. The total cost for the project is estimated at $86,087.88.

PUBLIC COMMENTS

- There were no public comments.

- ❖ Council Member Hipes offered a motion to approve utilizing Meer Electrical Contractors, Inc. under the City's approved on-call services contract (#20-121) for electrical repairs and upgrades to the covered arena at Union Hill Park in an amount not to exceed $86,087.88 and to authorize the Mayor to execute all necessary documents.
    - Mayor Pro Tem Merkel seconded the motion.
    - The motion was approved (5-1; with Council Member Will in opposition).

IX. WORKSHOP ITEMS

A. Settlement Opt-in: National Opioid Settlements with Teva, Allergan, CVS, Walgreens, and Walmart

Presentation and Discussion and consideration of the settlement opt-in for National Opioid Settlements with Teva, Allergan, CVS, Walgreens, and Walmart.

- City Attorney, Melissa Tracy, came forward to present this item.
- This settlement is part of a larger national litigation that has been going on for many years. There is an opt in provision for local governments (counties / cities). The more local governments that join and release claims against the parties, the more settlement funds Georgia will have available. It is not clear what benefits will come to the local governments.

X. PUBLIC COMMENT

- There were no public comments.

XI. REPORTS

- City Administrator, Chris Lagerbloom, asked all of City Council who will be present during the February 27 and March 6, 2023 City Council meetings.
- Council Member DeRito shared his experience from this past weekend while visiting downtown businesses, Up on the Roof and Taffer's Tavern, and the way that security officers at restaurants were dressed in full optical/military/police gear and weapons. This is not an image that Council Member DeRito wants to have for our city.

XII. EXECUTIVE SESSION

- ❖ Council Member Hipes offered a motion to recess to Executive Session.
    - Council Member DeRito seconded the motion.
    - The motion was approved unanimously (6-0).
- Mayor Gilvin recessed the meeting at 9:50 p.m.
    - ❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
        - A. Council Member DeRitoa seconded the motion.

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

- Mayor Gilvin reconvened the meeting at 10-:00 p.m.

XIII. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn.
  - Council Member Hipes 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 10:01 p.m.

Respectfully submitted,

Lauren Shapiro, City Clerk