



City Council Meeting & Public Hearing

APRIL 24, 2023

OFFICIAL MINUTES

Office of the City Clerk

ALPHARETTA CITY HALL
COMMUNITY ROOM | 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 for said meeting is a matter of public record and is available to be viewed at the City Clerk's office during normal business hours or viewed online at <https://www.youtube.com/user/alpharettagov>.

1. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:31 p.m.
- Mayor Gilvin shared that the Union Hill Park Design Conceptual Site Plan new business item has been deferred by Staff and will not be discussed or considered during this meeting.

2. ROLL CALL

- **Council Members**
 - Mayor Jim Gilvin
 - Mayor Pro Tem Dan Merkel
 - Brian Will
 - Donald F. Mitchell
 - Douglas J. DeRito
 - John Hipes
- **Council Members Absent**
 - Jason Binder
- **Staff**
 - Chris Lagerbloom, City Administrator
 - Melissa Tracy, City Attorney with Jarrard & Davis
 - James Drinkard, Assistant City Administrator
 - Lauren Shapiro, City Clerk
 - Adam Montgomery, Interim Director of Information Technology
 - Cris Randall, Director of Human Resources
 - 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
- Tom Harris, Director of Finance
- James Brooker, Building Official
- Michael Woodman, Planning and Development Services Manager

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Building Safety Month 2023

- Mayor Gilvin presented the Building Official, James Brooker, with a Proclamation for the Building Safety Month for 2023.

5. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 3/27/2023)

Consideration of approval of the City Council meeting minutes from the meeting of March 27, 2023.

B. Alcoholic Beverage License Application

Consideration of approval of the following alcoholic beverage license application:

1. PH-23-AB-08 Yumbii Atwater, LLC, d/b/a Yumbii, 2685 Old Milton Parkway Suite 150, Alpharetta, GA 30004

Restaurant

Consumption on Premises

Distilled Spirits, Beer, Wine & Sunday Sales

Owner: Yumbii Atwater, LLC

Registered Agent: Carson Young

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Will offered a motion to approve the Consent Agenda.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

6. PUBLIC HEARING

A. MP-23-01 Windward Park

Consideration of a master plan amendment to amend development regulations and to amend the remaining residential development mix to allow 100 'For-Sale' townhomes and 130 'For-Sale' condominium units. The property is located at 0 North Point Parkway and 0 Dryden Road and is legally described as being located in Land Lots 1112, 1177, 1188, and 1189, 2nd District, 1st/2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- This item was considered by the Planning Commission at the January 5, 2023 meeting. There were two (2) public comments in opposition to the request with concerns that the proposal is different than the original vision for the property and impacts to overcrowded schools. After discussion, Planning Commission deferred the applicant's request (vote 7-0). The applicant submitted a revised site plan changing the 'For-Rent' building to a 'For-Sale' condominium building and removing the variance to eliminate the neighborhood grocery. This item was re-considered by the Planning Commission at the April 13, 2023 meeting. Staff recommended approval subject to 18 conditions. There were a few public comments with concerns over traffic, open space and how the concurrency is applied. After discussion, Planning Commission recommended approval of the applicant's request (vote 6-0).
- The applicants, META Real Estate Partners and Empire Communities, are requesting a master plan amendment to modify the residential housing mix to allow for 100 'For-Sale' townhomes and 130 'For-Sale' condominium units in the 47.7-acre Windward Park mixed-use development. A master plan amendment is requested to the Windward Master Plan Pod 66. The property is located at 0 North Point Parkway and 0 Dryden Road at the southwest corner of Windward Parkway and North Point Parkway.
- Staff reviewed the applicant's proposal against the established review criteria for a master plan amendment. The master plan amendment is consistent with the future land use designation of the property and will compliment surrounding properties which are primarily developed as office parks and a retail center. The proposed density will remain the same as previously approved and the mixed-use development is located in close proximity to Georgia 400, as well as access to MARTA. If approved, Site 4 townhomes should be constructed concurrently with 31,400 square feet of retail/restaurant use since that location was previously approved for commercial development.
- Staff is recommending that Mayor and Council approve MP-23-01 Windward Park, subject to the following conditions:
 1. The site shall be developed substantially similar to the site plan prepared by AEC, revised 1/9/23, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Architectural style shall be representative of the submitted renderings prepared by Cooper Carry, dated 11/1/22, with final approval by DRB.
 3. Development regulations shall be as follows:
 - a. Commercial – Retail and restaurant uses shall be limited to no more than 31,400 square feet and shall be located in buildings that have at least one floor of non-retail uses, except that one freestanding retail building shall be permitted as depicted on Site 3. Freestanding retail building shall have a minimum height of 24'. First floor retail uses in the 'For-Sale' condominium building shall have a minimum height of 18'.
 - b. Office – Office use shall not exceed 500,000 square feet and building heights shall not exceed 8 stories.

- c. 'For-Sale' Townhomes – Up to 100 'For-Sale' townhomes shall be permitted in up to 3 story buildings, depicted as Sites 4 & 5 on the site plan. The 1st 50 townhomes shall be built on Site 5. Starting with the 51st townhome, townhomes shall be constructed concurrently with retail/restaurant uses and a certificate of occupancy shall not be issued until a minimum 31,400 square feet of retail/restaurant use has been constructed or is substantially under construction, as determined by Staff. No more than 10% of units shall be rented as stated in the HOA documents.
 - d. 'For-Sale' Condominiums – Up to 130 'For-Sale' condominium units shall be permitted in a building up to 5 stories, depicted as Site 3 on the site plan. At-grade 'For-Sale' condominium units shall be limited to no more than 2 sides of the building and shall have walkouts with sidewalk connections. Active uses, such as commercial and office shall be required on storefront streets. No more than 10% of units shall be rented as stated in the HOA documents.
 - e. Parking Decks – Maximum 6 levels, substantially as depicted on the site plan prepared by AEC, revised 1/9/23, except that parking deck height shall not exceed the finished height of the building it serves. Parking decks visible from Windward Parkway, North Point Parkway and Georgia 400 shall be treated with comparable materials and finishes as the buildings they serve. Parking decks shall be screened from the street and 'For-Sale' townhomes with evergreen landscaping of sufficient size, as approved by DRB. Suitability of parking deck elevation, visibility and landscape screening shall be approved by DRB.
- 4. Site 3 buildings shall have a minimum 30' setback and minimum 20' landscape strip along North Point Parkway.
 - 5. 'For-Sale' condominium building parking deck and service area shall be screened from North Point Parkway and Dryden Road with decorative walls and/or landscaping, as approved by DRB.
 - 6. Buildings with retail uses facing Windward Parkway or North Point Parkway shall not exceed 200' in length, excluding the 'For-Sale' condominium building which has ground floor retail uses facing North Point Parkway.
 - 7. Windward Park shall be limited to the following uses and further restricted by conditions of zoning:
 - a. Office
 - b. Service Retail
 - c. Restaurant (no drive thru, except as permitted in the 2015 conditions)
 - d. Residential – 'For Sale', Attached.
 - 8. Minimum parking requirements for 'For-Sale' condominium and townhome units shall be 2.5 spaces/unit and each townhome unit shall have a minimum 18' long driveway.
 - 9. Retail storefront streets shall include landscaping in foundation planters and/or large planted decorative pots, as approved by DRB.

10. Developer shall make reasonable efforts to save the grouping of Sourwoods and an Oak at the northwest corner of North Point Parkway and Dryden Road, as approved by Staff.
 11. Open space shall be developed as depicted on the site plan prepared by AEC, revised 1/9/23, including the amenities depicted on Sites 3, 4 and 5.
 12. Swimming pool on Site 3 shall be screened from Safe Haven Place with a decorative wall or fencing and decorative landscaping, as approved by DRB.
 13. Sculptures and focal point features shall be provided per the 2015 conditions, subject to approval by the Cultural Arts Commission.
 14. Retaining walls shall receive architectural façade treatment or be heavily landscaped. Retaining walls visible from developed areas exceeding 16' in height shall be terraced.
 15. At least 1 rooftop amenity shall be required within the development. Restaurants shall include outdoor dining areas.
 16. Trees, shrubs and other landscaping planted with the initial installation of development infrastructure shall be assessed and any dead, dying or missing landscaping shall be replaced, as approved by Staff.
 17. Areas between townhome driveways shall be landscaped with small trees and shrubs, as approved by DRB.
 18. Conditions of zoning related to file #MP-15-04/V-15-08 Windward Point/Pod 66 shall remain in effect, except where modified by the conditions above.
- The submitted request, if approved, would allow for the construction of 100 'For-Sale' townhomes and 130 'For-Sale' condominium units in the 47.7-acre Windward Park mixed-use development. A master plan amendment to the Windward Master Plan Pod 66 is proposed to modify the residential housing mix. The proposed density will remain the same as previously approved at 8.7 dwelling units per acre. The property is located at 0 North Point Parkway and 0 Dryden Road at the southwest corner of Windward Parkway and North Point Parkway.
 - Windward Park is currently developed with 185 'For-Sale' townhomes, a 250-room Hilton Hotel, several internal streets and a central green space and stormwater park. The property is zoned CUP (Community Unit Plan) subject to the Windward Master Plan Pod 66. Surrounding properties are zoned CUP to the north, east, south and west. Caravelle is located to the southwest, Hilton Hotel is located to the north, MARTA Park n' Ride is located to the west and Windward Crossing shopping center and AT&T are located to the east. The property has a comprehensive land use plan designation of 'Mixed Use'.
 - The Windward Master Plan was approved in 1988 as an office park west of Big Creek and residential communities east of Big Creek. Pod 66 of the Master Plan was last amended in 2015 to allow for the Windward Park mixed-use development, permitting 'For-Sale' residential, office, retail/restaurant, and hotel uses. Variances were also approved with the 2015 master plan amendment allowing for a reduction in parking and encroachments into stream buffers. The applicant's current master plan amendment

request would modify the residential housing mix. The table below compares the applicant's zoning proposal to the 2015 Windward Park entitlement.

- The site plan depicts a seven (7) story, 250,000 square foot office building and six (6) level parking deck at the corner of Windward Parkway and North Point Parkway (Site 2) and an eight (8) story, 250,000 square foot office building and six (6) level parking deck along Dryden Road (Site 1). An 8,000 square foot freestanding retail building and a five (5) story, 130-unit 'For-Sale' condominium building and parking deck are depicted at the corner of Dryden Road and North Point Parkway (Site 3). The first floor of the condominium building will have 15,000 square feet of retail/restaurant uses along the storefront streets. The 100, three (3) story 'For-Sale' townhome units are depicted along North Point Parkway, Lighthouse Lane, and Safe Haven Place (Sites 4 and 5). A stormwater park and green space have been developed at the center of the property.
- New local streets, including on-street parking and sidewalks, have been constructed within the development providing access to each of the sites described above, except that Site 1 has access from Dryden Road. In addition, sidewalks are proposed throughout each of the development sites.
- Three (3) parking decks are proposed within the development, including two (2), six (6) level parking decks related to the office buildings and a parking deck related to the 'For-Sale' condominium building. The site plan calls out 3,560 parking spaces, of which 2,732 parking spaces are required. In addition, there are approximately 31 on-street parking spaces adjacent to townhome Sites 4 & 5, twelve (12) on-street spaces adjacent to 'For-Sale' condominium Site 3, and thirteen (13) on-street spaces adjacent to office Site 1.
- The site plan calls out 7.15 acres, or fifteen percent (15%) open space, which meets the minimum requirement in the CUP district.
- Amenity space is depicted in and around the townhomes and 'For-Sale' condominium building including a swimming pool, rooftop gathering area with fire pit, balconies, yards, patios and pavilion.
- Most of the property has been cleared and graded which limits opportunities to save trees. However, much of Site 2 at the corner of Windward Parkway and North Point Parkway remains undisturbed. Previous conditions of zoning required the developer to make reasonable efforts to save specimen and groupings of smaller trees. The grouping of Sourwoods and Oaks at the northwest corner of North Point Parkway and Dryden Road is a potential tree save opportunity.
- The applicant's proposal does not increase the total number of residential units; therefore, the trip generation should be substantially the same as previously approved.
- Based on the total figure for all school levels, it can be assumed that the proposed development could house approximately 13 – 94 school age children. Numbers provided by Fulton County Schools show that Creek View Elementary School and Webb Bridge Middle School are currently over capacity.
- The Citizen Participation Plan report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received.

- A Community Zoning Information Meeting was held on December 14, 2022. There were several public comments, including more green space, play area for children, sit down restaurant in retail area, and concern over office space being vacant.
- Kathy Zickert (attorney with Smith Gambrell Russell) came forward to speak on behalf of the applicant.

CITY COUNCIL DISCUSSION

- Council Member Mitchell commented that there was nothing inspiring about the townhome design and wanted assurances that this would go before the Design Review Board.
- Council Member Hipes shared that he would like to see some significant investment in trees.
- Council Member DeRito asked about the removal of the grocery store component from the development (this was based on the applicant removing the condo aspect of the plan) and the order of which the buildings and phases would be completed.
- Council Member Will asked if this item were to not pass, what would the applicant have rights to.
 - Manager Woodman shared that the applicant has rights to 200 for sale condo units, 6 for sale townhomes, 24 live work townhomes, and 50,000 square feet of office and retail restaurant use and is tied to the previous site plan that was approved by Council (Windward Point – Pod 66 of Windward Master Plan).

PUBLIC COMMENTS

- Munther Hassan El Najjar (715 Topsail Lane, Alpharetta, Georgia 30005) came forward to speak on behalf of the Caravelle neighborhood.
- ❖ Mayor Pro Tem Merkel offered a motion to approve MP-23-01 Windward Park, subject to the following conditions:
 1. The site shall be developed substantially similar to the site plan prepared by AEC, revised 1/9/23, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Architectural style shall be representative of the submitted renderings prepared by Cooper Carry, dated 11/1/22, with final approval by DRB.
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 - b. Office – Office use shall not exceed 500,000 square feet and building heights shall not exceed 8 stories.

- c. 'For-Sale' Townhomes – Up to 100 'For-Sale' townhomes shall be permitted in up to 3 story buildings, depicted as Sites 4 & 5 on the site plan. The 1st 50 townhomes shall be built on Site 5. Starting with the 51st townhome, townhomes shall be constructed concurrently with retail/restaurant uses and a certificate of occupancy shall not be issued until a minimum 31,400 square feet of retail/restaurant use has been constructed or is substantially under construction, as determined by Staff. No more than 10% of units shall be rented as stated in the HOA documents.
 - d. 'For-Sale' Condominiums – Up to 130 'For-Sale' condominium units shall be permitted in a building up to 5 stories, depicted as Site 3 on the site plan. At-grade 'For-Sale' condominium units shall be limited to no more than 2 sides of the building and shall have walkouts with sidewalk connections. Active uses, such as commercial and office shall be required on storefront streets. No more than 10% of units shall be rented as stated in the HOA documents.
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- 4. Site 3 buildings shall have a minimum 30' setback and minimum 20' landscape strip along North Point Parkway.
 - 5. 'For-Sale' condominium building parking deck and service area shall be screened from North Point Parkway and Dryden Road with decorative walls and/or landscaping, as approved by DRB.
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 - b. Service Retail
 - c. Restaurant (no drive thru, except as permitted in the 2015 conditions)
 - d. Residential – 'For Sale', Attached.
 - 8. Minimum parking requirements for 'For-Sale' condominium and townhome units shall be 2.5 spaces/unit and each townhome unit shall have a minimum 18' long driveway.

9. Retail storefront streets shall include landscaping in foundation planters and/or large planted decorative pots, as approved by DRB.
10. Developer shall make efforts to save the grouping of Sourwoods and an Oak at the northwest corner of North Point Parkway and Dryden Road, as approved by Staff.
11. Open space shall be developed as depicted on the site plan prepared by AEC, revised 1/9/23, including the amenities depicted on Sites 3, 4 and 5.
12. Swimming pool on Site 3 shall be screened from Safe Haven Place with a decorative wall or fencing and decorative landscaping, as approved by DRB.
13. Sculptures and focal point features shall be provided per the 2015 conditions, subject to approval by the Cultural Arts Commission.
14. Retaining walls shall receive architectural façade treatment or be heavily landscaped. Retaining walls visible from developed areas exceeding 16' in height shall be terraced.
15. At least 1 rooftop amenity shall be required within the development. Restaurants shall include outdoor dining areas.
16. Trees, shrubs and other landscaping planted with the initial installation of development infrastructure shall be assessed and any dead, dying or missing landscaping shall be replaced, as approved by Staff.
17. Areas between townhome driveways shall be landscaped with small trees and shrubs, as approved by DRB.
18. Conditions of zoning related to file #MP-15-04/V-15-08 Windward Point/Pod 66 shall remain in effect, except where modified by the conditions above.
 - Council Member Hipes seconded the motion.
 - Council Member Mitchell offered a friendly amendment to add Condition #19: 30% varied brick, stone, or shingle siding and varied ceiling heights and front setbacks as approved by Staff and Design Review Board.
 - Mayor Pro Tem Merkel and Council Member Hipes approved the friendly amendment.
 - The motion was approved unanimously (6-0).

B. Ordinance: Text Amendment to The Code of the City of Alpharetta, Georgia Alcohol Ordinance

First Reading

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, to add provisions related to mixed drink sales, to repeal provisions related to delivery of alcoholic beverages, and to revise provisions related to sale or possession for purpose of sale without license or beyond boundaries of premises covered by license; to provide an effective date; and for other purposes.

- City Attorney, Molly Esswein, read the ordinance title aloud.
- City Clerk, Lauren Shapiro, came forward to present this item.

- City staff brought forward proposed amendments to the City's Alcohol Ordinance, as a workshop item, during the February 20, 2023 City Council Meeting and Public Hearing. At the conclusion of the workshop item, City Council gave direction to repeal Section 4-31 of the City's Code, since state law governed the manner by which deliveries of alcoholic beverages could be conducted by licensed establishments and/or third-party delivery companies, and to bring forward an ordinance that would allow for eating establishments or establishments with an on premises consumption license to sell packaged beer for off-premises consumption (in addition to wine, which is currently permitted in the current code).
- The proposed text amendment is attached hereto as "Exhibit A."

PUBLIC COMMENTS

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to adopt 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, to add provisions related to mixed drink sales, to repeal provisions related to delivery of alcoholic beverages, and to revise provisions related to sale or possession for purpose of sale without license or beyond boundaries of premises covered by license; to provide an effective date; and for other purposes.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

7. NEW BUSINESS

A. Ordinance: Municipal Election Superintendent and Contracting with Fulton County for Such Purposes

SECOND READING

The first reading occurred during the April 17, 2023 City Council Meeting and Public Hearing.

Consideration of adoption of an Ordinance to amend Article I of Chapter 2 of the Code of the City of Alpharetta, Georgia to authorize the appointment of a municipal election superintendent, to authorize the Fulton County Board of Registration and Elections to conduct municipal elections in the City; to authorize the City to enter into a contract with Fulton County for such purposes; to appoint the Fulton County Board of Registration and Elections as Election Superintendent; and for other purposes.

- City Attorney, Molly Esswein, read the ordinance title aloud.
- City Clerk, Lauren Shapiro, came forward to present this item.
- If approved, this Ordinance will amend Section 2-5 of The Code of the City of Alpharetta, Georgia to add provisions related to the appointment of a municipal superintendent, and to authorize the Fulton County Board of Registration and Elections to conduct municipal elections and act as the superintendent of elections, as agreed to by the City and Fulton County.

- The first reading of this Ordinance occurred during the April 17, 2023 City Council Meeting and Public Hearing and passed unanimously. There have been no changes since the first reading.
- The proposed text amendment is attached hereto as "Exhibit B."

PUBLIC COMMENTS

- There were no public comments.
 - ❖ Council Member Hipes offered a motion to adopt an Ordinance to amend Article I of Chapter 2 of the Code of the City of Alpharetta, Georgia to authorize the appointment of a municipal election superintendent, to authorize the Fulton County Board of Registration and Elections to conduct municipal elections in the City; to authorize the City to enter into a contract with Fulton County for such purposes; to appoint the Fulton County Board of Registration and Elections as Election Superintendent; and for other purposes.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

B. Resolution: Right of Way Acquisition Policy

Consideration of adoption of a Resolution authorizing the negotiation and settlement of right-of-way acquisitions for transportation and infrastructure improvements in accordance with certain procedures.

- City Attorney, Molly Esswein, read the resolution title aloud.
- Assistant City Administrator, James Drinkard, came forward to present this item.
- Staff is recommending that Mayor and Council adopt a resolution authorizing the negotiation and settlement of right-of-way acquisitions for transportation and infrastructure improvements in accordance with certain procedures.
- From time to time, as the City of Alpharetta advances road and transportation projects to improve mobility and the quality of life in the city, it is necessary for the City to acquire private property in the form of right-of-way, permanent easements, or temporary easements necessary for the construction of public infrastructure. When so doing, it is the policy of the City of Alpharetta to negotiate in good faith with the owners of such private property and to avoid, whenever possible, the need to exercise the City's power of eminent domain.
- This work is commonly performed by authorized members of the City's professional staff and the City Attorney. The arrangement allows for negotiations to typically move forward in an efficient, timely manner that advances projects in the best interest of the City and the taxpayers we serve.
- The purpose of the resolution being presented is to memorialize the process by which the acquisition of private property for road and transportation projects is conducted and to define the authorization provided to designated members of the professional staff and the City Attorney to act on the City's behalf. The process defined and the individuals empowered by the resolution are consistent with the manner in which the City has previously conducted business.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member DeRito offered a motion to adopt a Resolution authorizing the negotiation and settlement of right-of-way acquisitions for transportation and infrastructure improvements in accordance with certain procedures.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (6-0).

C. 2023-2024 Citywide Group Medical, Dental, Vision, Disability, and Life Insurance Coverages

Consideration of approval of the award for Plan Year 2023-2024 the City's group Medical and Dental coverage to Cigna; Vision coverage to Eye Med; and Life and Disability coverage to New York Life and authorize the Mayor to execute any necessary documents.

- Director of Finance, Tom Harris, came forward to present this item.
- Staff is recommending that Mayor and Council approve the award for Plan Year 2023-2024 the City's group Medical and Dental coverage to Cigna; Vision coverage to Eye Med; and Life and Disability coverage to New York Life and authorize the Mayor to execute any necessary documents.
- Director Harris shared that after negotiating with Cigna, our contracted rate for insurance coverage will not increase this next year.
- The City's Broker of record, Relations Group, solicited proposals from the market for our medical and other related coverages. After months of negotiations, our current carrier Cigna is the recommended provider for both Medical and Dental with a zero percent (0%) increase in rates for plan year 2023/2024. Based on independent data of expected rate renewal of 10%, Cigna's final proposal is indicative of their commitment to continue to serve Alpharetta.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve the award for Plan Year 2023-2024 the City's group Medical and Dental coverage to Cigna; Vision coverage to Eye Med; and Life and Disability coverage to New York Life and authorize the Mayor to execute any necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

D. First Amendment to the 2018 Memorandum of Understanding between the City of Alpharetta and Fulton County Schools for Building Plan Review and Inspection

Consideration of approval of a First Amendment to the Memorandum of Understanding by and between Fulton County School District and the City of Alpharetta for building plan review and inspection of Fulton County School Districts capital and facilities improvement projects.

- City Attorney, Molly Esswein, came forward to present this item.

- In 2018, the City entered into a Memorandum of Understanding with the Fulton County School District which addressed building and site plan review for capital and facility improvements constructed by Fulton County Schools within the City's boundaries.
- This First Amendment to the 2018 Memorandum of Understanding (hereinafter "MOU") is being brought forward because the original MOU was for a term of five years, which recently expired. This First Amendment reinstates the provisions of the original MOU and extends the term for an additional five years, with a termination date of March 12, 2028.

PUBLIC COMMENTS

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to approve a First Amendment to the Memorandum of Understanding by and between Fulton County School District and the City of Alpharetta for building plan review and inspection of Fulton County School Districts capital and facilities improvement projects.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).

E. Intergovernmental Agreement with the City of Roswell: Alpharetta Jail

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

- Director of Public Safety, John Robison, came forward to present this item.
- In early 2022, the City of Alpharetta entered into discussions with the Fulton County Sheriff on the topic of the reopening of the Alpharetta jail facility located on Old Milton Parkway. Discussions centered on the City making the jail available for use under the operation of the Sheriff, an arrangement that existed for many years until operation of the facility was abandoned during the COVID pandemic. The City of Alpharetta reopened the Alpharetta jail facility early in November 2022.
- If approved, the City will grant the City of Roswell the right to use and occupy the Alpharetta Jail for the purposes of processing/booking, detaining, and housing/boarding City of Roswell pre-trial detainees and inmates, and for other purposes. Roswell 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 Roswell, 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 Mitchell seconded the motion.

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

F. Memorandum of Understanding: Public Safety & Fulton County Schools

Consideration of approval of a Memorandum of Understanding between Fulton County School System and the City of Alpharetta for the purposes of collaboration and cooperation with law enforcement on school property and overall safety near school property.

- Director of Public Safety, John Robison, came forward to present this item.
- If approved, this Memorandum of Understanding will confirm the City of Alpharetta's (through the Alpharetta Police Department) and Fulton County School System's collaboration and cooperation with law enforcement on school property and overall safety near school property, including communication between both agencies and access to cameras and policing information.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Will offered a motion to approve a Memorandum of Understanding between Fulton County School System and the City of Alpharetta for the purposes of collaboration and cooperation with law enforcement on school property and overall safety near school property.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (6-0).

G. Union Hill Park Design Conceptual Site Plan

Consideration of approval of the conceptual site plan for Union Hill Park designed by Dix-Hite Plus Partners Inc.

- This item was deferred by Staff and was not discussed or considered during this meeting.

8. PUBLIC COMMENT

- There were no public comments.

9. REPORTS

- Mayor Gilvin shared that this past weekend had tremendous activity and energy within the City of Alpharetta; there was a Public Safety Foundation Concert Fundraiser that he attended, but he also heard that the Home by Dark concert was amazing (probably the best one yet); the Symphony Orchestra played on Friday, and there was Shakespeare in the park and the Farmer's Market, too. Also, we need more trash cans.

10. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

11. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn the meeting.
 - Council Member DeRito seconded the motion.

- The motion was approved unanimously (6-0).
- With there being no further items to discuss, Mayor Gilvin adjourned the meeting at 8:40 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lauren Shapiro". The signature is written in a cursive, flowing style.

Lauren Shapiro, City Clerk

EXHIBIT A



AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA TO REVISE PROVISIONS RELATED TO DELIVERY, CONSUMPTION SALES, AND RETAIL ESTABLISHMENTS, TO ADD PROVISIONS RELATED TO MIXED DRINK SALES, TO REPEAL PROVISIONS RELATED TO DELIVERY OF ALCOHOLIC BEVERAGES, AND TO REVISE PROVISIONS RELATED TO SALE OR POSSESSION FOR PURPOSE OF SALE WITHOUT LICENSE OR BEYOND BOUNDARIES OF PREMISES COVERED BY LICENSE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of Alpharetta; and

WHEREAS, the City Council has adopted Chapter 4 of the Code of the City of Alpharetta, Georgia (“City Code”) regarding alcoholic beverages; and

WHEREAS, the City Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to its needs; and

WHEREAS, the City Council deems it appropriate to amend Chapter 4 of the City Code.

NOW THEREFORE, the Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Section 4-3 of the Code of the City of Alpharetta, Georgia, is hereby amended to read as follows:

Sec. 4-3 – Sale or possession for purpose of sale without license or beyond boundaries of premises covered by license.

No person shall sell or possess for the purpose of sale any alcoholic beverage unless such person has a license from the city to sell or possess for sale alcoholic beverages, or sell or make deliveries beyond the boundaries of the premises covered by the license, unless permitted by state law or local ordinance.

Section 2: Section 4-31 of the Code of the City of Alpharetta, Georgia, is hereby repealed.

Section 3: Secs. 4-31 – 4-46 of the Code of the City of Alpharetta, Georgia shall be Reserved.

Section 4: Section 4-49 of the Code of the City of Alpharetta, Georgia, is hereby amended to read as follows:

- (a) Except as may be otherwise expressly provided in this chapter, establishments holding a license to sell alcoholic beverages for consumption on the premises shall not hold a license for the sale of alcoholic beverages by the package.
- (b) The foregoing prohibition, however, shall not apply with respect to the following:
 - (1) Supermarkets and brew pubs, as defined in section 4-1; provided, however, no such license shall include or authorize the sale of distilled spirits by the package;
 - (2) Eating establishments, as defined in section 4-1, may sell wine and/or beer by the package for off-premises consumption, provided that the sale of wine and/or beer for off-premises

consumption is an ancillary function of the eating establishment. Notwithstanding the foregoing, the sales of wine and/or beer by the package for off-premises consumption shall not be used in calculating the total annual gross food and beverage sales for the establishment for the purpose of determining whether the establishment constitutes an eating establishment as set forth in section 4-1, however, all sales of wine and/or beer sold for off premises consumption shall be notated on the monthly alcohol compliance form; and

- (3) Distilleries and breweries, as defined in Article XVII and Article XIX, respectively
- (c) For the purposes of this chapter, any supermarket, brew pub, or eating establishment that wishes to sell alcoholic beverages by the package for off-premises consumption shall submit an application for said license, as the off-premises consumption license is not automatically granted with the approval of an on-premise consumption license.
- (d) Any brew pub or eating establishment with a license to sell wine and/or beer by the package for off-premises consumption may not sell beer or wine by the package at any date or time when the sale of package beer or wine for carryout purposes is prohibited by ordinance or state law.
- (e) Any brew pub or eating establishment seeking a license to sell wine and/or beer by the package for off-premises consumption must meet the distance requirements to grounds or buildings as required for beer or wine package off-premises consumption retail locations.
- (f) For the purposes of this chapter, where a person holds a license to sell alcoholic beverages by the package, including distilled spirits, at one establishment, and a license to sell alcoholic beverages for consumption on the premises at a contiguous establishment, and the licensed premises of each establishment are physically separate from the other, with the only interconnectivity between the establishments (if any) being an inside connecting service door or passageway, such establishments shall be considered separate and distinct establishments, provided that:
 - (1) Each establishment operates under a trade name different from the other;
 - (2) All business transactions are kept separate;
 - (3) Each establishment must operate in compliance with all other provisions of this chapter and all other laws and regulations applicable to such business;
 - (4) Each establishment has a separate entrance for the public and the establishments share no common entrance;
 - (5) The inside connecting service door or passageway (if any) must be located behind the bar or service counter of each establishment or otherwise so situated or maintained as to be reasonably accessible only to the licensee or employees of the establishments, and only the licensee and employees of the establishments may use such door or passageway; and
 - (6) All other conditions required by state regulations applicable to such contiguous operations are met.

Section 5: Section 4-137 of the Code of the City of Alpharetta, Georgia, is hereby amended to read as follows:

No package beer, malt beverage or wine shall be sold at retail except in the following types of retail establishments, subject to such establishments holding a license to sell beer, malt beverages or wine (as applicable) by the package:

-
- (1) Package retailers who sell distilled spirits;
 - (2) Establishments maintaining 80 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of other products and located in zoning districts in which these establishments are permitted as a conforming use or in districts where existing establishments exist as a nonconforming use;
 - (3) Supermarkets, as defined in section 4-1;
 - (4) Brew pubs or eating establishments licensed to sell alcoholic beverages for consumption on the premises which sell wine and/or beer by the package for off-premises consumption in accordance with the provisions set forth in section 4-49(b); provided, however, package sales shall be limited to wine and beer only. Brew pubs or eating establishments seeking to sell wine or beer by the package must obtain a separate license to do so and must meet the distance requirements for each license.

Section 6: It is the intention of Council, and it is hereby ordained by the authority of Council, that the provisions of this Ordinance shall become and be made a part of the Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 7: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 13: This Ordinance shall be effective immediately upon its adoption by the City Council.

SO ORDAINED, the _____ day of _____, 2023.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Donald F. Mitchell

Brian Will

Douglas J. Derito

John Hipes

Jason Binder

Dan Merkel

ATTEST:

APPROVED AS TO FORM:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney

EXHIBIT B



AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE I OF CHAPTER 2 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA, TO AUTHORIZE THE APPOINTMENT OF A MUNICIPAL ELECTION SUPERINTENDENT, TO AUTHORIZE THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS TO CONDUCT MUNICIPAL ELECTIONS IN THE CITY; TO AUTHORIZE THE CITY TO ENTER INTO A CONTRACT WITH FULTON COUNTY FOR SUCH PURPOSES; TO APPOINT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AS ELECTION SUPERINTENDENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Alpharetta is required to hold municipal elections pursuant to the Charter of the City of Alpharetta and the laws of the State of Georgia; and

WHEREAS, state law provides for the appointment of a municipal superintendent to conduct municipal elections (O.C.G.A. § 21-2-70.1); and

WHEREAS, the Official Code of Georgia Annotated § 21-2-45 further provides:

The governing authority of any municipality may authorize any county within which that municipality wholly or partially lies to conduct any or all elections held pursuant to this chapter. In the event a municipality shall by ordinance authorize such county to conduct elections, such municipality may request such county to perform any or all of the functions:

- (1) That the county shall perform all duties as superintendent of elections as specified under this chapter;
- (2) That the county shall perform all duties as superintendent of elections as specified under this chapter, with the exception of the qualification of candidates; or
- (3) That the county shall lease or loan any or all of its election equipment to the municipality for the purpose of conducting municipal elections without any responsibility on the part of the county for the actual conduct of the municipal election.

; and

WHEREAS, the Council wishes to amend Section 2-5 of the City Code to add provisions related to the appointment of a municipal superintendent and to authorize the Fulton County Board of Registration and Elections to conduct municipal elections and act as the superintendent of elections as agreed to between the City and Fulton County;

NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Section 2-5 of the Code of the City of Alpharetta is hereby amended as set forth on the attached Exhibit “A.”

Section 2: It is the intention of Council, and it is hereby ordained by the authority of Council, that the provisions of this Ordinance shall become and be made a part of the Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 3: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 5: This Ordinance shall be effective immediately upon its adoption by the City Council.

SO ORDAINED, the _____ day of _____, 2023.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Donald F. Mitchell

Brian Will

Douglas J. Derito

John Hipes

Jason Binder

Dan Merkel

ATTEST:

APPROVED AS TO FORM:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney

EXHIBIT “A”

Sec. 2-5. - Elections; Appointment of Superintendents; Conducting Elections. ~~“incumbent” label on ballot.~~

(a) The City Council shall authorize a municipal superintendent to conduct municipal elections according to the provisions of O.C.G.A. § 21-2-70.1, or shall so delegate that role to the Fulton County Board of Registration and Elections pursuant to state law and as provided herein.

(b) Pursuant to state law, particularly O.C.G.A. § 21-2-45, the city may contract or otherwise decide by agreement with the Fulton County Board of Registration and Elections for that board to coordinate and conduct all elections in the city.

(c) In situations where the city has contracted and authorized the county to conduct such election, the Fulton County Board of Registration and Elections shall operate as the superintendent of the election and shall perform all functions of the city or any of its officials in connection with the conduct of such election or runoff thereof, except as hereinafter provided.

(d) All other terms of the contract for conducting the election shall be governed by the Intergovernmental Agreement entered into between the city and the Fulton County Board of Registration and Elections, such terms to include, but not be limited to:

(1) Payment of election costs; and

(2) The county’s financial liability for any litigation arising by reason of the election, if any.

(e) All decisions concerning the qualification of the candidates shall be determined by the City Clerk in accordance with state law and City Code.

(f) It shall be lawful to have the word "incumbent" follow the name of any person who is running and is legally holding office at the time of any legal or special election held in the city.