



City Council Meeting & Public Hearing

MAY 1, 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>.

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
- Molly Esswein, 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 Parks, Recreation, and Cultural Services
- Pete Sewczwicz, Director of Public Works
- Thomas Harris, Director of Finance

- Lance Morsell, Economic Development Manager

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Public Service Recognition Week

- Mayor Gilvin presented the 2023 Public Service Recognition Week Proclamation to Human Resources Director, Cris Randall, on behalf of all city employees.

B. Presentation: First Responder Appreciation for Saving

- Mayor Gilvin and Council Member Will gave appreciation to two Lifetime Fitness employees who saved Don Milich by performing CPR and using an AED after he went into cardiac arrest while he was swimming laps at the Lifetime Pool. Mayor Gilvin also acknowledged the first responders who arrived and helped save Mr. Milich.

V. BOARDS & COMMISSIONS

A. Swearing-in of Board and Commission Members

- Mayor Gilvin swore in Rex Grizzle and Bob Burgess of the Historic Preservation Commission.

VI. CONSENT AGENDA

A. Council Work Session Minutes (Meeting of 4/17/2023)

Consideration of approval of the City Council Work Session minutes from the Work Session on April 17, 2023.

B. City Council Meeting Minutes (Meeting of 4/17/2023)

Consideration of approval of the City Council meeting minutes from the meeting of April 17, 2023.

C. City Council Meeting Minutes (Meeting of 4/24/2023)

Consideration of approval of the City Council meeting minutes from the meeting of April 24, 2023.

D. Conflict Waiver: Development Authority and the City of Alpharetta for the Jobs Creation Grant

Consideration of approval of a Conflict Waiver regarding Jarrard & Davis, LLP joint representation of the City of Alpharetta and the Development Authority of Alpharetta related to a funding arrangement for a local jobs program and authorize the Mayor to execute all documents.

E. Conflict Waiver: Development Authority and the City of Alpharetta for Tech Alpharetta Funding

Consideration of approval of a Conflict Waiver regarding Jarrard & Davis, LLP joint representation of the City of Alpharetta and the Development Authority of Alpharetta related to an arrangement for the partial funding of Tech Alpharetta and authorize the Mayor to execute all documents.

- Mayor Pro Tem Merkel requested that the Council Work Session Minutes and Council Meeting Minutes from the April 17, 2023 meeting be removed due to his absence.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the Consent Agenda, consisting of items C through E.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).
- ❖ Council Member Mitchell offered a motion to approve the Consent Agenda, consisting A and B.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0-1; as Mayor Pro Tem Merkel abstained).

VII. PUBLIC HEARING

A. Z-23-01 23-01/V-23-03 KJ Luxury Homes/1580 Mayfield Road

Consideration of a rezoning and variances to allow for the construction of 5 'For-Sale' single-family detached homes on 5.66 acres. A rezoning is requested from AG (Agriculture) to R-22 (Dwelling, 'For-Sale', Residential) and variances are requested to reduce the right-of-way width of a local street from 50' to 44' and to have a sidewalk on 1 side of the street. The property is located at 1580 Mayfield Road and is legally described as being located in Land Lots 1057 and 1104, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered at the 1/5/2023 Planning Commission meeting. Staff recommended approval subject to 15 conditions. There were several public comments with concerns over stormwater runoff impacting adjacent lots on septic, property should be limited to minimum 1 acre lots, close proximity of stormwater pond to Gransley, and density too high. After discussion, the Planning Commission made a motion to recommend approval, but the motion failed 3-4. The item is forwarded to the City Council without a recommendation.
- The applicant revised the site layout in response to concerns voiced by residents and the HOAs in Harrington Falls and Gransley. The number of lots on the site plan was reduced from seven (7) to five (5) lots and the applicant provided a list of conditions that they were agreeable to, including limiting the plan to no more than 5 lots, providing buffers adjacent to Harrington Falls and Gransley, providing an earthen detention pond, fencing and landscaping the detention pond, requiring side-entry garages, providing

sanitary sewer access to off-site homes adjoining the property, and providing similar street lights and street furniture to Harrington Falls.

- This item was considered at the 3/27/2023 City Council meeting. The applicant requested consideration of a postponement to allow the applicant and Staff time to consider the conditions of zoning requested from the adjacent neighborhoods. The City Council approved the postponement for a minimum of 30 days and allowing the Director to decide whether or not the item should be sent back to the Planning Commission for a recommendation.
- Staff has reviewed the applicant's proposal against the established review criteria for a rezoning and variance. The proposed rezoning is consistent with the future land use designation of the property, as well as the existing use of adjacent and nearby properties. The R-22 zoning district matches the future land use designation of the property and the development regulations are compatible with the narrow shape of the property. The developer secured a letter of support from Harrington Falls Community Association, which includes fourteen (14) conditions that would benefit both Harrington Falls and Gransley. If approved, it is recommended that the developer make reasonable efforts to tie directly to an existing offsite pipe. If direct tie in is unavailable, daylighting the pond outfall pipe shall be done at least 30' from the property line.
- The property has a narrow shape. The requested variances to reduce the local street width and allow a sidewalk on one (1) side of the street would allow the applicant to provide landscape buffers adjacent to Gransley and Harrington Falls, of which a buffer is not required by Code.
- If Z-23-01 23-01/V-23-03 KJ Luxury Homes/1580 Mayfield Road is approved, staff recommends that Mayor and Council add the following conditions:
 1. The site, consisting of approximately 5.66 acres, shall be zoned R-22 and developed substantially similar to the site plan prepared by ACR Engineering, Inc., revised 2/6/2023, 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. Home elevations shall be substantially similar to the submitted photographs, labeled Exhibit A – Home Photographs, with final approval by Staff. No more than 50% of homes shall have siding as the primary (more than 50%) material on the front façade. Homes shall have 3-sided architecture, materials and details, as approved by Staff.
 3. Developer shall improve Mayfield Road frontage with a minimum 6' planter planted with street trees, minimum 6' sidewalk and decorative pedestrian lighting, as approved by Staff.
 4. Local street shall have a 44' right-of-way width and sidewalk on one side of the street. Local street shall be private and maintained by the HOA.

5. Minimum 20' decorative landscape strip shall be provided along Mayfield Road, consisting of trees, shrubs and ground cover, as approved by Staff. Landscape strip shall include a decorative brick or stone wall (similar to Gransley or Harrington Falls entrance) or berm and landscaping shall include a mix of evergreen and deciduous material.
6. Unfinished wood fences and decks shall not be visible from Mayfield Road.
7. Trees shall be preserved as depicted on the plan prepared by ACR Engineering, Inc., revised 2/6/2023. Existing trees shall be saved in the buffers adjacent to Harrington Falls and Gransley where not in conflict with site balancing and utility installation.
8. Developer shall identify and save additional tree groupings and/or trees of quality, as approved by Staff.
9. Developer shall remove exotic and invasive trees and shrubs within tree save areas and replant where sparse, as approved by Staff.
10. Developer shall address stormwater as follows:
 - a) Developer shall make reasonable efforts to tie directly to an existing offsite pipe including obtaining easements and agreements from the neighboring property. If direct tie in is unavailable, daylighting the pond outfall pipe shall be done at least 30 feet from the property line.
 - b) If release to the north into the pipe in Gransley, developer shall size release rates at or below the existing flow rates to this location and shall provide a detailed analysis of the Gransley pond to show no adverse impacts of releasing in this direction.
11. All impervious improvements on individual lots shall drain to the detention pond. As approved by staff, to the maximum extent practicable and based on hydrology study and grading plans, runoff from backyards of homes shall be directed through berm, swale, wall, pipe or other means of diverting sheet flow to the detention ponds or directly to existing offsite pipes if easements can be obtained.
12. Utility structures, headwalls, retaining walls, etc. shall be finished with decorative stone, if visible from Gransley or Harrington Falls.
13. No more than 1 residential unit shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

Harrington Falls Community Association conditions accepted by the developer:

14. The subject property may be developed into no more than 5 lots.
15. The detention pond on the north side of the subject property must be an earthen berm-style pond.

16. Any detention pond for the subject property must be fenced and landscaped, in accordance with City of Alpharetta regulations. Such fence shall be decorative and “see-through’ and not an opaque, wooden fence.
17. Developer shall install a 10-foot-wide evergreen buffer along its boundary with Harrington Falls Subdivision, with plantings approved by the City of Alpharetta. An irrigation system for this buffer shall also be installed.
18. Developer shall install a 15-foot-wide evergreen buffer along its boundary with the Gransley Subdivision, which is the community adjoining the north and eastern boundary of the subject property, with plantings approved by the City of Alpharetta. An irrigation system for this buffer shall also be installed.
19. Conditioned upon the grant of permission from the owner of Lot 1 of Gransley Subdivision, at the time of land disturbance, Developer shall remove pine trees from behind Lot 1 of Gransley Subdivision and replant with buffer plantings approved by the City of Alpharetta.
20. No two homes within the development may be identical. The Developer shall use a variety of techniques to avoid the monotonous appearance of homes, such as differing color schemes, architectural styles, exterior building materials, and offset front building planes. By way of example only, no two homes situated next to each other can have the same predominate color scheme.
21. All homes in the development shall have a minimum two-car, side entry garage, but may also have an additional front-entry, carriage-style garage so long as side-entry garages are provided.
22. Street lights and street furniture shall be similar to and complementary to that in Harrington Falls.
23. Developer shall construct and maintain a landscaped entrance area with an externally lit entrance monument sign. An irrigation system for this entrance area shall also be installed.
24. Subject to approval by the City of Alpharetta, Developer shall construct and install, at its cost, a sidewalk on Mayfield Road connecting the existing sidewalk along the frontage of Harrington Falls to the existing sidewalk along the frontage of Gransley Subdivision.
25. Subject to approval by the City of Alpharetta, Developer shall install a traffic mirror on the south side of Mayfield Road to facilitate vehicle movements from Harrington Falls onto Mayfield Road.
26. The detention pond at the subject property shall be constructed pursuant to best management practices (BMP) and in accordance with all applicable laws, codes, regulations, ordinances, and rules.

27. The stormwater runoff detention system shall be designed and installed so that the Post-Development Discharge from the subject property shall not exceed 95% of the Pre-Development Discharge for a 100-year storm event.

- The submitted request, if approved, will allow for the construction of a five (5)-lot 'For-Sale' single-family detached subdivision on 5.66 acres. The proposed density is 0.88 dwelling units per acre. A rezoning is requested from AG (Agriculture) to R-22 (Dwelling, 'For-Sale' Residential) and variances are requested to reduce the right-of-way width of a local street from 50' to 44' and to allow a sidewalk on one (1) side of the local street. The subject property is located at 1580 Mayfield Road on the north side of Mayfield Road between Gransley and Harrington Falls subdivisions.
- The property is developed with a single-family detached home and several outbuildings. Surrounding properties are zoned AG to the north, east, south and west. Harrington Falls subdivision and a twenty-three-foot (23') strip of land are located to the west, Gransley subdivision is located to the north and east, and an unplatted lot with a single-family detached home is located to the south. The comprehensive land use plan designation of the property is 'Very Low Density Residential', which allows the applicant's proposal.
- Variances are requested to reduce the right-of-way width of a local street from 50' to 44' and to allow a sidewalk on one (1) side of the local street. The proposed 44' right-of-way width matches the width of the local street in the adjacent Gransley subdivision. Homes are only proposed on the west side of the street. Elimination of the sidewalk on the east side of the street allows the applicant to provide a landscape buffer adjacent to Gransley subdivision, which is not required by Code but would help screen the proposed development
- Access to the property is proposed from Mayfield Road. Lots are oriented interior to the site along a new private local street. A five-foot (5') sidewalk and five-foot (5') planter are depicted along the west side of the private street.
- A 65' setback is provided along Mayfield Road and a 35' front setback is provided along the new private street. A twenty-foot (20') landscape strip is depicted along Mayfield Road and a ten-foot (10') landscape strip is depicted along the private street. Although buffers are not required between residential developments, a ten-foot (10') landscape buffer is proposed adjacent to Harrington Falls and a fifteen-foot (15') landscape buffer is proposed adjacent to Gransley.
- Approximately 80 trees are depicted to be saved, of which one (1) is a specimen tree.
- The proposed project, consisting of five (5) single-family detached homes, would generate approximately four (4) AM Peak Hour trips and five (5) PM Peak Hour trips.
- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 1 – 7 school age children. Numbers provided

by Fulton County Schools show that Northwestern Middle School and Milton High School are currently over capacity.

- The Citizen Participation Plan report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the applicant was contacted by nearby residents with concerns over comparable lot sizes and homes. In addition, the applicant coordinated with a resident in Gransley and the Harrington Falls Community Association to address their concerns. The applicant agreed to fourteen (14) conditions to gain support from the adjacent subdivisions.
- The Community Zoning Information Meeting was held on December 14, 2022. There were several members of the public interested in the applicant's request, but no public comments were provided on the sign-in sheet.
- Ethan Underwood (attorney with Miles Hansford & Tallant) came forward to speak on behalf of the applicant, Kamran Jalali.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve Z-23-01 23-01/V-23-03 KJ Luxury Homes/1580 Mayfield Road, subject to the following conditions:
 1. The site, consisting of approximately 5.66 acres, shall be zoned R-22 and developed substantially similar to the site plan prepared by ACR Engineering, Inc., revised 2/6/2023, 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. Home elevations shall be substantially similar to the submitted photographs, labeled Exhibit A – Home Photographs, with final approval by Staff. No more than 50% of homes shall have siding as the primary (more than 50%) material on the front façade. Homes shall have 3-sided architecture, materials and details, as approved by Staff.
 3. Developer shall improve Mayfield Road frontage with a minimum 6' planter planted with street trees, minimum 6' sidewalk and decorative pedestrian lighting, as approved by Staff.
 4. Local street shall have a 44' right-of-way width and sidewalk on one side of the street. Local street shall be private and maintained by the HOA.
 5. Minimum 20' decorative landscape strip shall be provided along Mayfield Road, consisting of trees, shrubs and ground cover, as approved by Staff. Landscape strip shall include a decorative brick or stone wall (similar to Gransley or Harrington Falls entrance) or berm and landscaping shall include a mix of evergreen and deciduous material.

6. Unfinished wood fences and decks shall not be visible from Mayfield Road.
7. Trees shall be preserved as depicted on the plan prepared by ACR Engineering, Inc., revised 2/6/2023. Existing trees shall be saved in the buffers adjacent to Harrington Falls and Gransley where not in conflict with site balancing and utility installation.
8. Developer shall identify and save additional tree groupings and/or trees of quality, as approved by Staff.
9. Developer shall remove exotic and invasive trees and shrubs within tree save areas and replant where sparse, as approved by Staff.
10. Developer shall address stormwater as follows:
 - a) Developer shall make reasonable efforts to tie directly to an existing offsite pipe including obtaining easements and agreements from the neighboring property. If direct tie in is unavailable, daylighting the pond outfall pipe shall be done at least 30 feet from the property line.
 - b) If release to the north into the pipe in Gransley, developer shall size release rates at or below the existing flow rates to this location and shall provide a detailed analysis of the Gransley pond to show no adverse impacts of releasing in this direction.
11. All impervious improvements on individual lots shall drain to the detention pond. As approved by staff, to the maximum extent practicable and based on hydrology study and grading plans, runoff from backyards of homes shall be directed through berm, swale, wall, pipe or other means of diverting sheet flow to the detention ponds or directly to existing offsite pipes if easements can be obtained.
12. Utility structures, headwalls, retaining walls, etc. shall be finished with decorative stone, if visible from Gransley or Harrington Falls.
13. No more than 1 residential unit shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

Harrington Falls Community Association conditions accepted by the developer:

14. The subject property may be developed into no more than 5 lots.
15. The detention pond on the north side of the subject property must be an earthen berm-style pond.
16. Any detention pond for the subject property must be fenced and landscaped, in accordance with City of Alpharetta regulations. Such fence shall be decorative and "see-through" and not an opaque, wooden fence.

17. Developer shall install a 10-foot-wide evergreen buffer along its boundary with Harrington Falls Subdivision, with plantings approved by the City of Alpharetta. An irrigation system for this buffer shall also be installed.
18. Developer shall install a 15-foot-wide evergreen buffer along its boundary with the Gransley Subdivision, which is the community adjoining the north and eastern boundary of the subject property, with plantings approved by the City of Alpharetta. An irrigation system for this buffer shall also be installed.
19. Conditioned upon the grant of permission from the owner of Lot 1 of Gransley Subdivision, at the time of land disturbance, Developer shall remove pine trees from behind Lot 1 of Gransley Subdivision and replant with buffer plantings approved by the City of Alpharetta.
20. No two homes within the development may be identical. The Developer shall use a variety of techniques to avoid the monotonous appearance of homes, such as differing color schemes, architectural styles, exterior building materials, and offset front building planes. By way of example only, no two homes situated next to each other can have the same predominate color scheme.
21. All homes in the development shall have a minimum two-car, side entry garage, but may also have an additional front-entry, carriage-style garage so long as side-entry garages are provided.
22. Street lights and street furniture shall be similar to and complementary to that in Harrington Falls.
23. Developer shall construct and maintain a landscaped entrance area with an externally lit entrance monument sign. An irrigation system for this entrance area shall also be installed.
24. Subject to approval by the City of Alpharetta, Developer shall construct and install, at its cost, a sidewalk on Mayfield Road connecting the existing sidewalk along the frontage of Harrington Falls to the existing sidewalk along the frontage of Gransley Subdivision.
25. Subject to approval by the City of Alpharetta, Developer shall install a traffic mirror on the south side of Mayfield Road to facilitate vehicle movements from Harrington Falls onto Mayfield Road.
26. The detention pond at the subject property shall be constructed pursuant to best management practices (BMP) and in accordance with all applicable laws, codes, regulations, ordinances, and rules.
27. The stormwater runoff detention system shall be designed and installed so that the Post-Development Discharge from the subject property shall not exceed 95% of the Pre-Development Discharge for a 100-year storm event.

- Council Member Mitchell seconded the motion.

- The motion was approved unanimously (7-0).

VIII. NEW BUSINESS

A. Fifth Amendment to Intergovernmental Agreement: Alpharetta Development Authority Local Jobs Grant Program

Consideration of approval of the Fifth Amendment to the Intergovernmental Agreement for the Alpharetta Jobs Creation Grant Program for the period July 01, 2023, through June 30, 2024 and authorize the Mayor to execute all necessary documents.

- Economic Development Manager, Lance Morsell, came forward to present this item.
- As a means of incentivizing business location and expansion and the hiring of Alpharetta residents for jobs created through such business location and expansion, the Development Authority entered into an agreement with the City of Alpharetta to create the Alpharetta Jobs Creation Grant Program.
- As the program is currently structured, for each job created in Alpharetta by a new or expanding business that qualifies for the Georgia Job Tax Credit Program and for which a current resident of the City of Alpharetta is hired, the City will pay to the business a direct grant of \$250 to \$500 per new employee up to a maximum cumulative amount of \$80,000. The grant may be claimed for eligible new full-time, permanent jobs at the Alpharetta facility and may be claimed in years two and three if the Alpharetta resident continues to be employed.
- If approved by City Council, the amendment will be presented to the Development Authority during its July meeting and would extend the program for the period of July 01, 2023, through June 30, 2024.

PUBLIC COMMENTS

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to approve the Fifth Amendment to the Intergovernmental Agreement for the Alpharetta Jobs Creation Grant Program for the period July 01, 2023, through June 30, 2024 and authorize the Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion was approved (7-0).

B. Intergovernmental Agreement: City of Alpharetta and Development Authority for Tech Alpharetta Funding

Consideration of approval of the Intergovernmental Agreement between the City of Alpharetta and the Alpharetta Development Authority for funding for Tech Alpharetta in the amount of \$95,000.00 for the next fiscal year and authorize the Mayor to execute all necessary documents.

- Economic Development Manager, Lance Morsell, came forward to present this item.
- Tech Alpharetta President and CEO, Karen Cashion, came forward to speak on this item.
- The proposed renewal of an agreement between the City and Tech Alpharetta provides \$95,000.00 for FY24 to Tech Alpharetta, paid through the Alpharetta Development Authority. As was the case in the previous agreement, this renewal agreement carries a one-year financial commitment that is set to expire at the end of the fiscal year.

CITY COUNCIL DISCUSSION

- Council Member Hipes shared that he would like to see financial statements in future Tech Alpharetta requests and discussions.

PUBLIC COMMENTS

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to approve the Intergovernmental Agreement between the City of Alpharetta and the Alpharetta Development Authority for funding for Tech Alpharetta in an amount not to exceed \$95,000.00 for the next fiscal year.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

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

SECOND READING

The first reading of this item occurred during the April 24, 2023 City Council Meeting and Public Hearing.

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, shared that there have been no changes since the first reading of the proposed Ordinance text amendments.
- The proposed text amendments is attached hereto as Exhibit "A".

PUBLIC COMMENTS

- There were no public comments.

- ❖ Mayor Pro Tem Merkel offered a motion to approve the Ordinance for text amendments to The Code of the City of Alpharetta, Georgia Alcohol Ordinance.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

IX. WORKSHOP ITEMS (IF NEEDED)

A. Fiscal Year 2024 Budget: Operating Initiatives

Presentation and discussion of the proposed capital initiatives for the Fiscal Year 2024 Budget.

B. Fiscal Year 2024 Budget: Capital Initiatives

Presentation and discussion of the proposed capital initiatives for the Fiscal Year 2024 Budget.

- City Administrator shared the upcoming timeline for the consideration of the Fiscal Year 2024 Budget.
 - May 22, 2023 at 6:30 p.m. First Public Hearing
 - June 19, 2023 at 11:30 a.m. Second Public Hearing
 - June 19, 2023 at 6:30 p.m. Third Public Hearing

CITY COUNCIL DISCUSSION

- Council Member DeRito shared that he wanted to learn more about the City's financial responsibility with the North Metro Miracle League and the baseball fields and the impact of inflation and how it will impact future budgets and budgeted items.

X. PUBLIC COMMENT

- There were no public comments.

XI. REPORTS

- Council Member Hipes shared that the Rodeo will be at the Equestrian Center this weekend, May 4 through May 6. The Taste of Alpharetta will be Thursday, May 11 and will be a ticket-less event, so be sure to download the Taste of Alpharetta app to purchase your tickets.

XII. EXECUTIVE SESSION (IF NEEDED)

- ❖ Mayor Pro Tem Merkel offered a motion to recess to executive session.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).
- ❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
 - Council Member DeRito seconded the motion.

- The motion was approved unanimously (7-0).

XIII. ADJOURNMENT

- ❖ Council Member DeRito offered a motion to recess to executive session.
 - Council Member Mitchell 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 8:25 p.m.

Respectfully submitted,



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:

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- (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