



# City Council Meeting & Public Hearing

## AUGUST 28, 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 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 6:30 p.m.

#### 2. 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
- Jeff Strickland, City Attorney with Jarrard & Davis
- James Drinkard, Assistant City Administrator
- Lauren Shapiro, City Clerk
- Adam Montgomery, Director of Information Technology
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community and Economic Development
- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance
- Michael Woodman, Planning & Development Services Manager

- Shawn Mitchell, Budget & Procurement Manager

**3. PLEDGE TO THE FLAG**

**4. CONSENT AGENDA**

**A. City Council Work Session Minutes (Work Session from 8/21/2023)**

*Consideration of approval of the City Council Work Session minutes from the August 21, 2023 City Council Work Session.*

**B. City Council Meeting Minutes (Meeting of 8/21/2023)**

*Consideration of approval of the City Council meeting minutes from the meeting of August 21, 2023.*

**C. Alcoholic Beverage License Applications**

*Consideration of approval of the following alcoholic beverage applications:*

**1. PH-23-AB-19 Jalomane, LLC d/b/a Gourmania 124 Devore Road, Alpharetta, GA 30009**

Eating Establishment  
Consumption on Premises  
Distilled Spirits, Beer, Wine & Sunday Sales  
Owner: Jalomane, LLC  
Registered Agent: Vania Mane

**2. PH-23-AB-20 Paramount Hospitality Group, LLC d/b/a South Main Kitchen 9 South Main Street, Alpharetta, GA 30009**

Change in Business Ownership  
Eating Establishment  
Consumption on Premises  
Distilled Spirits, Beer, Wine & Sunday Sales  
Owner: Paramount Hospitality Group, LLC  
Registered Agent: Franklin James Lalljee

**3. PH-23-AB-21 Golden Universe Corporation d/b/a Simon's Chinese Thai and Sushi 3975 Old Milton Parkway, Suite 1, Alpharetta, GA 30005**

Eating Establishment  
Consumption on Premises  
Beer, Wine & Sunday Sales  
Owner: Golden Universe Corporation  
Registered Agent: Michael Boakye-Danquah

**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 (7-0).

## 5. PUBLIC HEARING

### A. CLUP-23-03/Z-23-10 Valor Christian Academy / 4665 Webb Bridge Road

*Consideration of a comprehensive land use plan amendment and rezoning to allow an 'Academic School' in an existing building previously used as a day care center. A comprehensive land use plan amendment is requested from 'Low Density Residential' to 'Public, Institutional, Education' and a rezoning is requested from AG (Agriculture) to SU (Special Use). The property is located at 4665 Webb Bridge Road and is legally described as being located in Land Lot 163, 1st District, 1st Section, Fulton County, Georgia.*

- Planning & Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Valor Christian Academy, is requesting a comprehensive land use plan amendment and rezoning to allow an 'Academic School' in an existing building previously used as a day care center. Valor Christian Academy is expanding their campus to include the subject property for a pre-K through 1st grade school. A comprehensive land use plan amendment is requested from 'Low Density Residential' to 'Public, Institutional, Education' and a rezoning is requested from AG (Agriculture) to SU (Special Use). The subject property is located at 4665 Webb Bridge Road on the south side of Webb Bridge Road and just east of Webb Bridge Way.
- This item was considered by the Planning Commission at the August 3, 2023 meeting. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and removing condition #5 at the request of the applicant (vote 7-0). The removal of the condition requiring a double row of shrubs to screen the parking lot from the street was supported by the City's Public Safety Director in order to address safety concerns to have a clear line of sight of the school.
- Staff is recommending that Mayor and Council approve CLUP-23-03/Z-23-10 Valor Christian Academy/4665 Webb Bridge Road, subject to the following conditions:
  1. The 2.83-acre property shall be zoned SU and limited to an 'Academic School' serving pre-K through 1st grade. Site shall be developed substantially similar to the submitted survey prepared by Total Site Solutions, dated 3/16/23, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
  2. The comprehensive land use plan designation of the property shall be 'Public, Institutional, Education'.
  3. Outdoor play areas shall be limited to the side and rear yards and shall be heavily screened from the public right-of-way.

4. Developer shall assess site landscaping and replace missing, dead or dying landscape material, as approved by Staff.
  5. There shall be no vehicular connection between Webb Bridge Road and Kimball Bridge Road through the subject property.
- The property is developed with a one (1) story, 11,669 square foot building previously used as a day care center (Appletree-ABC Childcare). In 2007, the property was annexed into the City from unincorporated Fulton County. Surrounding properties are zoned CUP (Community Unit Plan) to the north, west and south and SU to the east. Parkside Manor is located to the north, Christ the Shepherd Lutheran Church is located to the west, and Valor Christian Academy is located to the south and east. The comprehensive land use plan designation of the property is 'Low Density Residential', which requires an amendment to allow the proposed use.
  - The site plan depicts the one (1) story, 11,669 square foot building and associated parking to remain. No additions or site modifications are proposed. The applicant will make interior improvements to the building, including the addition of a fire sprinkler system, modifications to the fire alarm system, modification of ADA bathrooms, and miscellaneous interior improvements. The existing structure is set back approximately 136' from Webb Bridge Road.
  - A 42-space parking lot with dedicated pick-up/drop-off lane is positioned between the building and street. The property complies with the SU district regulations. A minimum twenty (20) parking spaces are required for the proposed use (based on the UDC).
  - 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 Radiant Church and an adjacent property owner provided letters of support. No other public comments were received.
  - A Community Zoning Information Meeting was held on July 12, 2023. There were no public comments.
  - Staff has reviewed the applicant's proposal against the established review criteria for a comprehensive land use plan amendment and rezoning. The future land use change and rezoning are consistent with the surrounding development pattern, with properties primarily developed with similar institutional uses. If approved, conditions are recommended requiring landscape improvements and screening of outdoor play areas.
  - The applicant, Jennifer Gastley, and Board President, Phil Van Gelder, came forward to speak on behalf of this application.
    - The applicant requested Mayor and Council consider removing the condition requiring a row of hedges being planted in front of the school (due to safety concerns).

## PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve CLUP-23-03/Z-23-10 VALOR CHRISTIAN ACADEMY/4665 WEBB BRIDGE ROAD, subject to the following conditions:
  1. The 2.83-acre property shall be zoned SU and limited to an 'Academic School' serving pre-K through 1st grade. Site shall be developed substantially similar to the submitted survey prepared by Total Site Solutions, dated 3/16/23, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
  2. The comprehensive land use plan designation of the property shall be 'Public, Institutional, Education'.
  3. Outdoor play areas shall be limited to the side and rear yards and shall be heavily screened from the public right-of-way.
  4. Developer shall assess site landscaping and replace missing, dead or dying landscape material, as approved by Staff.
  5. Developer shall install a double row of shrubs adjacent to the parking lot to screen the parking area from the street, as approved by staff and not to exceed 3 feet tall. (The intent of this condition is to plant shrubs to keep headlights from shining into the residential area across the street and for screening and privacy).
  6. There shall be no vehicular connection between Webb Bridge Road and Kimball Bridge Road through the subject property.
    - Council Member DeRito seconded the motion.
    - The motion was approved unanimously (7-0).
      - During the motion, the following occurred:
        - The applicant requested that Condition #5 relating to shrubs be removed.
        - Mayor Pro Tem Merkel modified condition #5 to state that the trees not exceed 3 feet.

## B. Public Hearing on the Fiscal Year 2024 Millage Rate Levy

*An opportunity for the public to speak on the City of Alpharetta's Fiscal Year 2024 Millage Rate Levy.*

- Director of Finance, Tom Harris, came forward to present this item.

## PUBLIC COMMENTS:

- There were no public comments.

## 6. NEW BUSINESS

### A. Fiscal Year 2024 Millage Rate Ordinance

#### SECOND READING

The first reading occurred during the August 21, 2023 City Council Meeting and Public Hearing.

*Consideration of adoption of the City of Alpharetta's Fiscal Year 2024 Millage Rate Ordinance.*

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- Director of Finance, Tom Harris, came forward to present this item. There were no changes since the first reading.

#### PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve the second reading of the Fiscal Year 2024 Millage Rate Ordinance.
  - Council Member DeRito seconded the motion.
  - The motion was approved (6-1; with Council Member Binder in opposition).

### B. Fiscal Year 2024 Budget Amendment Ordinance

#### SECOND READING

The first reading occurred during the August 21, 2023 City Council Meeting and Public Hearing.

*Consideration of adoption of the City of Alpharetta's Fiscal Year 2024 Budget Amendment Ordinance.*

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- Director of Finance, Tom Harris, came forward to present this item. This amendment is to account for additional property tax revenues. There have been no changes since the first reading.

#### PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve the second reading of the Fiscal Year 2024 Budget Amendment Ordinance.
  - Council Member Will seconded the motion.
  - The motion was approved (6-1; with Council Member Binder in opposition).

### C. Text Amendments: Ethics Ordinance

#### SECOND READING

**The first reading occurred during the August 21, 2023 City Council Meeting and Public Hearing.**

*Consideration of adoption of an ordinance to amend Article V of Chapter 2 of The Code of the City of Alpharetta, Georgia, the Code of Ethics and Conduct.*

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- There have been no changes since the first reading.

**PUBLIC COMMENTS:**

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the second reading of an ordinance to amend Article V of Chapter 2 of The Code of the City of Alpharetta, Georgia, the Code of Ethics and Conduct.
  - Council Member Binder seconded the motion.
  - The motion was approved unanimously (7-0).

**D. Invitation to Bid 24-003: Public Safety Vehicle Purchase**

*Consideration of approval to award ITB 24-003 to Carl Black Buick GMC for purchasing Public Safety thirteen (13) vehicles, approval to have those vehicles upfitted by Dana Safety Supply Inc., and authorization for the Mayor to execute all necessary documents.*

- Director of Public Safety, John Robison, came forward to present this item.
- The Public Safety Department decided to go out for bid for 16 vehicles instead of using a state contract vendor.
- The PS Department prepared specifications and details for 16 vehicles and advertised for competitive bids on August 3, 2023. Bids for the procurement were received on August 22, 2023. The department received a total of two (2) bids (Carl Black Buick and GMC of Roswell).
- After review, thirteen (13) vehicles had all the minimum specified requirements in the bid document. However, three (3) of the 2023 GMC Terrains did not have all the required minimum specifications; therefore, those vehicles were removed from the eligible purchase list.
- The department has determined that Carl Black Buick GMC is the lowest bidder for 13 vehicles of the 16 originally requested in the bid. The total cost for all 13 vehicles is \$547,747.
- In addition to the vehicle purchase, we request approval for the upfit of the thirteen (13) vehicles from Dana Safety Supply Inc. through the City's On-Call Public Safety Vehicle Upfitting contract for an amount totaling \$162,709.69.

**PUBLIC COMMENTS:**

- There were no public comments.

- ❖ Council Member Will offered a motion to approve the award of ITB 24-003 to Carl Black Buick GMC for purchasing Public Safety thirteen (13) vehicles, approval to have those vehicles upfitted by Dana Safety Supply Inc., and authorization for the Mayor to execute all necessary documents.
  - Council Member DeRito seconded the motion.
  - The motion was approved unanimously (7-0).

#### **E. Request for Proposals 23-117: Facility Assessment for Six Fire Stations**

*Consideration of approval to award RFP 23-117 to Jericho Design Group, LLC for the Facilities Assessment for Renovations of the City's Six Fire Stations with approval of the associated contract and with authorization for the Mayor to execute all necessary documents.*

- Director of Public Safety, John Robison, came forward to present this item.
- In January of 2023, at the council retreat, it was discussed to use a portion of the renovation funds to conduct a facilities assessment of the city's fire stations. It was determined at that time to explore the possibilities of conducting assessments at all six fire stations.
- In April of 2023, a complete list of requirements was created in preparation for an RFP process in May and June of 2023.
- We received proposals from seven vendors. Submissions closed on June 15, 2023. Seven responses were received on June 15, 2023. A short list was created of the top two vendor proposals (Jericho Design Group and Croft and Associates). The two remaining vendors were invited to conduct a two-hour presentation to the RFP committee. These presentations were conducted on July 19, 2022. At the conclusion of the presentations, the RFP Committee scored the presentation as well as the cost proposal submitted by the two short-listed firms.
- Jericho Design Group was the highest-scoring firm. References submitted by Jericho Design Group were contacted. Based on submittal, presentation, cost proposal, and references, Jericho stood out from the other vendors as a partner for success. The total cost for this request is \$97,500.

#### **PUBLIC COMMENTS:**

- There were no public comments.
- ❖ Council Member Will offered a motion to approve approval to award RFP 23-117 to Jericho Design Group, LLC for the Facilities Assessment for Renovations of the City's Six Fire Stations with approval of the associated contract and with authorization for the Mayor to execute all necessary documents.
  - Council Member Binder seconded the motion.
  - The motion was approved unanimously (7-0).

**F. Purchase Approval: Microsoft Enterprise Agreement for Software Services with Dell Marketing LP**

*Consideration of approval of the procurement of the Microsoft Enterprise Agreement from Dell Marketing LP for one year, plus two renewal periods that are renewed annually for the amount of \$290,479.78 using state contract number 9999-SPD-SPD0000060-0006, and authorize the Mayor to execute all necessary documents.*

- Director of Information Technology, Adam Montgomery, came forward to present this item.
- This agreement allows the City to deploy Windows Desktop and Server operating systems, Office 365 applications and systems, SQL Server licenses for database management, mobile device management, and other Microsoft applications and services. This agreement is essential to the operations of the City as it supports all major systems and departmental functions. This is the first year of an agreement that is renewed annually at a fixed cost for two more years.
- After further negotiation and explanation, we will purchase the licenses necessary for every 12-month account annually. Temporary, seasonal, or non-12-month accounts will be procured monthly, which is not a part of this Enterprise Agreement.
- In order to reflect this, the numbers on the contract that will be presented for adoption will change from what is published with this agenda item. Specifically, VLA Enterprise M365 E3 GCC Unified Shrdsvr ALNG SubSVI MVL PerUsr will change from quantity 138 to 110.

**PUBLIC COMMENTS:**

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the procurement of the Microsoft Enterprise Agreement from Dell Marketing LP for one year, plus two renewal periods that are renewed annually for the amount of \$290,479.78 using state contract number 9999-SPD-SPD0000060-0006, and authorize the Mayor to execute all necessary documents.
  - Council Member Will seconded the motion.
  - The motion was approved unanimously (7-0).

**7. PUBLIC COMMENT**

- There were no public comments.

**8. REPORTS**

- Council Member Will shared that two 911 officers in the last week (and on the same day) helped coach two women give birth over the phone, Paul Miller and Heath Stolton. Also, Captain John Roach will retire from the Alpharetta Fire Department after 24 years of service.

**9. EXECUTIVE SESSION (IF NEEDED)**

- ❖ Council Member Will offered a motion to recess to executive session for land acquisition.
  - Council Member Mitchell seconded the motion.
  - The motion was approved unanimously (7-0).
- Mayor Gilvin recessed the meeting at 7:33 p.m.
- ❖ Council Member Hipes offered a motion to reconvene the meeting.
  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (7-0).

## 10. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
  - Council Member Will seconded the motion.
  - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:05 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk