



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 Work Session to order at 5:30 p.m.

2. ROLL CALL

• Council Members

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

• Council Members Absent

- Mayor Pro Tem Dan Merkel

• Staff

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney with Jarrard & Davis
- James Drinkard, Assistant City Administrator
- Lauren Shapiro, City Clerk
- Kathi Cook, Community and Economic Development Director
- Morgan Rodgers, Director of Recreation, Parks, and Cultural Services
- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance
- Adam Pool, Information Technology Manager

- Michael Woodman, Planning & Development Services Manager

3. PLEDGE TO THE FLAG

4. WORK SESSION ITEMS

A. Text Amendments: False Alarm

Presentation and discussion of the proposed text amendments to address the code regarding false alarms within the City of Alpharetta.

- City Attorney, Molly Esswein, came forward to present this item.
- The proposed text amendments are attached hereto as Exhibit "A."

CITY COUNCIL DISCUSSION

- Council Member Will shared that he does not like the discontinuance of law enforcement response provision and would like to see higher fines imposed and potentially the ability to file a lien against the property owner.
- Council Member Binder would like to know whether the false alarms are often commercial or residential in nature.
- Council Member Hipes shared that he would be curious to know if we could distinguish what kind of alarm is being triggered and whether the not law enforcement goes out (ex: break in, fire, water, etc.). Also, he would like to hear from public safety the amount and types of frequent abusers of false alarm calls.
- Council Member DeRito shared that he would like to see penalties increased, especially if it is the third or more false alarm. He would also like know what liability the city may have if public safety did not report to a false alarm call.
- City Administrator, Chris Lagerbloom, shared that this item will be scheduled for a future Work Session at which the City Attorney and Director of Public Safety will be present.

B. AlphaLoop Alignment – Thompson Street

Presentation and discussion regarding an alignment of the AlphaLoop along Thompson Street.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- A map of the proposed alignment is attached hereto as Exhibit "B."

CITY COUNCIL DISCUSSION

- Council Member Hipes shared that he liked the original concept (red line off of Thompson Street) of the AlphaLoop, and the trail experience would be better if it were not direct sidewalk adjacent to Thompson Street.

- Mayor Gilvin shared asked about the risks of a homeowner not agreeing to build a section of the trail system if we were to adopt a plan for a trail system.
 - Director Cook shared that the property owner would be required to pay into the impact fees, and then the city would then be required to pay to build a section that might not connect to any other sections until there is development on the remaining parcels (it is difficult to construct a trail once a CO is issued, so the city would want to build the section before the CO is issued).
- Council Member Binder shared that he agrees with staff's recommendation to abandon this section of the AlphaLoop.
- Council Member Mitchell shared that he agrees with Council Member Hipes in terms of the experience of the trail system, but does not believe that we need a section that runs parallel to Thompson Street.

C. Pedicab Ordinance

Presentation and discussion of proposed text amendments to permit pedicabs within the City of Alpharetta.

- Planning and Development Services Manager, Michael Woodman came forward to present this item.
- Manager Woodman's presentation is attached hereto as Exhibit "C."
- Mayor Gilvin asked for Director Rodgers opinion in terms of pedicabs on the greenway and would want to know if there would be restrictions on motorized pedicabs.
 - Director Rodgers said that he would need additional time to consider, but at first thought, we would not want a business operating on the greenway.
- Council Member Mitchell shared that he would like to see a pedicab ordinance and would not want to see them on the AlphaLoop or on the Greenway and no advertising.
- Council Member DeRito shared that we might want to consider sound/music machines and limiting that (Christmas music blaring) and would want to know public safety's opinion on pedicabs on Alpharetta streets.
- Council Member Will is concerned with creating traffic on Highway 9 or Westside Parkway.
- Council Member Binder shared that Academy Street is another high traffic area, and he would like to see staff look at traffic counts for certain streets before identifying roads that pedicabs are allowed.

5. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

6. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn the Work Session.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the work session at 6:25 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

EXHIBIT A

ARTICLE II. ALARM SYSTEMS

Sec. 16-19. Purpose.

The purpose of this article is to regulate the responsibilities of those persons, companies, and/or entities who purchase, rent or use alarm systems, devices or services. This article is also intended to encourage the improvement in reliability of these systems, devices and services and to ensure that police and fire department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. This article specifically encompasses "fire alarms," "burglar alarms," "robbery alarms," "holdup alarms," "medical alarms" and "panic alarms," both audible and inaudible (silent). The provisions of this article shall not apply to alarm systems which are owned or maintained by the city and installed on premises in which the city has a property interest.

(Code 1989, § 13-41; Ord. No. 374, § 1, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm Company means any person, company, firm, or corporation engaged in selling, leasing, installing, servicing, or monitoring alarm systems; the alarm company shall be licensed in compliance with all applicable local and state laws.

Alarm or Alarm System means and includes any fire, robbery, burglary, holdup, medical or panic alarm that transmits any signal (audible, visual or silent) to the city, indicating a predetermined emergency condition exists, whether the alarm is received either:

- (1) By telephone line to a designated position on an alarm panel;
- (2) By a private alarm service company relayed to the city communications center telephone;
- (3) By an automated telephone alarm system, playing a recorded message when received on the city communications center telephone; or
- (4) By a signal relayed to the city communications center by a third party.

False alarm means any activation of an alarm system when, upon inspection by the Police or Fire Departments, there is no evidence of fire, unauthorized entry, robbery, or other such crime attempted in or on the premises which would have activated a properly functioning alarm system. where none of the emergencies for which the alarm system has been installed have in fact occurred.

Response means the dispatch of any police or fire unit to the premises where an alarm system has been activated or the arrival of an officer to the location by any means of notification.

~~Telephone alarm system means any alarm system which automatically transmits by telephone line a recorded electronic or mechanical signal to a telephone instrument at the city communications center.~~

(Code 1989, § 13-42; Ord. No. 374, § 2, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-21. Registration required after false alarm.

Each person who receives a warning notice for a false alarm as provided in section 16-23(2) shall, within 30 days of the notice, apply for and obtain a registration certificate in accordance with the provisions of this article. ~~When registration is required under this section, the application fee shall be \$50.00. Any other person may, but is not required to voluntarily register, and there shall be no application fee for voluntary registration.~~

(Code 1989, § 13-43; Ord. No. 374, § 3, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-22. Contents of application; permit fee.

- (a) Each applicant for a registration certificate shall complete a registration form prescribed by the city containing the following information:
 - (1) The name and telephone number of the applicant, and the address of the premises where the alarm system is installed;
 - (2) The ~~person or business entity~~ name of the alarm company maintaining, monitoring or servicing the alarm system, along with a telephone number of the alarm dispatch center; and
 - (3) Names and telephone numbers of all persons who have access to the premises and have knowledge of the operation of the alarm, and who shall be responsible for resetting, disconnecting or disarming the alarm.
- (b) Registration applications, together with a fee of \$50.00 ~~(unless registration is voluntary, in which case no fee is required)~~, shall be filed with the finance department, which will disseminate registration application information to the inspections, fire, and police departments.
- (c) Persons owning or using alarm systems shall provide response to the alarm location, when requested, in order to reset, disconnect or disable the alarm system within 90 minutes of such request. Failure to provide such response shall result in a service fee of not less than \$25.00 for each such occurrence, subject to the provisions of sections 16-23 and 16-24, below. ~~The imposition of this service fee may be appealed to the city administrator by sending a letter of appeal to the city administrator within ten days after the fee is imposed. The city administrator may waive the fee if the appellant establishes to the satisfaction of the city administrator that the failure to respond was due to circumstances not within the reasonable control of the appellant.~~
- (d) Nothing in this article shall be deemed to impose any liability upon the city in connection with the regulation of alarm systems, or otherwise constitute a waiver of sovereign immunity.
- (e) All alarm systems installed after the effective date of the ordinance from which this article is derived having an audible or visual signal at the premises shall be equipped so as to automatically shut off the audible signal after no longer than ten minutes ~~for residential installations and 15 minutes for nonresidential installations~~, except those systems required by law to have a longer operation period, in which case, such system shall be equipped so as to automatically shut off the audible signal at the conclusion of the longer operating time.
- (f) Telephone alarm devices shall be construed or installed so as not to seize or otherwise hold or preempt the telephone lines of the city communications center. ~~Beginning 12 months after the effective date of the ordinance from which this article is derived, n~~No person shall use or cause to be used any telephone device or telephone attachment that automatically selects or dials a published emergency telephone number or any city telephone number and then reproduces any prerecorded message or signal, provided that this section shall not apply to a life safety alert system utilizing residential transmitting equipment designated for direct telephone access to dedicated control receiving equipment located in the city's public safety communications center.

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- (g) If, after a registration certificate is issued, any of the information contained within the application for which the registration certificate was issued changes, the certificate holder shall notify the ~~inspections~~ Public Safety Department in writing of each such change not later than 30 days after the change.

(Code 1989, § 13-44; Ord. No. 374, § 4, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-23. ~~Service fee~~Civil penalty for false alarms.

For each police or fire response to a false alarm, the responding officer shall leave a false alarm notification slip at the premises. ~~Service fees~~Civil penalties for police or fire response to false alarms shall be imposed as follows:

- (1) False alarms occurring during the first 120 days of operation of a newly installed or reinstalled alarm system shall not be counted as "false alarms" for the purposes of subsections (2) through (4) of this section.
 - (2) For the first false alarm within a calendar year, no ~~service feecivil penalty~~ shall be charged, but a warning notice shall be issued and a registration certificate shall be ~~applied for and~~ obtained within 30 days of the notice.
 - (3) For the second, third and fourth false alarm within a calendar year, the property owner or lessee shall be charged a ~~service feecivil penalty~~ of \$50.00 per false alarm.
 - (4) For the fifth and each additional false alarm within a calendar year, the property owner or lessee shall be charged a ~~service feecivil penalty~~ of \$125.00 per false alarm.
 - (5) ~~Service fees~~Civil penalties shall be billed by the city finance department directly to the occupant where the false alarm occurred, ~~and shall provide a due date for payment which is at least 30 days from the date of the notice of the service feecivil penalty, and shall contain a statement setting forth the appeal procedure of section 16-24. Such notice shall be sent to the alarm user vis USPS Registered Mail, Return Receipt Requested, or by Statutory Overnight Delivery. In the event the occupant fails to pay the service fees billed under this article, the city shall bill the owner of the property, if different than the occupant. The owner and the occupant shall be jointly responsible for the service fees billed under this article.~~
 - (6) ~~The failure of an alarm user to make payment of any civil penalty assessed under this article within 30 days from the date of the invoice shall result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's registration certificate until payment is received. However, response by law enforcement shall continue in the normal course in response to 911 calls to the emergency communications center, or upon verification by the alarm contractor or user that an alarm was set off as a result of criminal activity. Normal alarm responses will be restored under the following circumstances:~~
 - ~~(a) Upon the filing of an appeal as provided in this article; or~~
 - ~~(b) Upon the city's receipt of full payment from the alarm user who is 60 or more days delinquent on payment of any civil penalties.~~
- ~~Should the service fees go unpaidnot be paid in full by the due date, the city shall withhold the issuance of a business license or occupational tax certificate or apply funds paid for other charges and services to service fees billed under this article.~~
- (7) In the event ~~fees-civil penalties~~ go unpaid after the due date, a one-time ten percent penalty will be charged based upon the amount due, and interest at the rate of one percent per month shall accrue until the fees are paid in full.

(Code 1989, § 13-45; Ord. No. 374, § 5, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-24. Appeals.

- (a) Assessments of civil penalties and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal, setting forth the reasons for the appeal, with the public safety director or his or her designee within fourteen (14) days after the date of notification of the assessment of civil penalties or other enforcement decision.
- (b) The failure to file a notice of appeal within this period shall constitute a waiver of the right to contest the assessment of civil penalties or other enforcement decisions.
- (c) Appeals will be considered by the public safety director, or a hearing officer designated by the public safety director. Appeal hearings may be conducted in person, by telephone, by video conferencing or simply on the record submitted in the appeal by the applicant or alarm user. The party appealing shall indicate the preferred method of appeal in the submission of the written notice of appeal. Such appeal hearing shall be conducted within fourteen (14) days of the filing of the appeal, unless the parties mutually agree to extend the time for such a hearing. The public safety director or hearing officer shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the public safety director or hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision upon a finding of good cause or extenuating circumstances. The public safety director or hearing officer shall make a decision regarding the appeal within five (5) days of the hearing, and shall provide notice of same to the alarm user in writing.
- (d) The decision of the public safety director or designated hearing officer may be appealed to the city administrator. An appeal to the city administrator must be filed in writing within fourteen (14) days after the date of the notice of decision by the public safety director or hearing officer.

Sec. 16-245. Duties of alarm ~~system company or business~~ companies.

Each alarm ~~system~~ company or business selling, leasing and/or monitoring an alarm system installed within the city limits shall provide the user with a copy of this article and an application for a registration certificate, and shall instruct the user in the proper operation of the system. Each ~~business entity~~ alarm company monitoring or servicing an alarm system installed within the city limits shall file an annual registration with the city identifying the name, address and telephone number of the ~~entity~~ alarm company, the name of a contact person, and the location of each system in the city that is monitored or serviced by the ~~entity~~ alarm company. The registration is due no later than January 15 of each year.

(Code 1989, § 13-46; Ord. No. 374, § 6, 4-1-1996; Ord. No. 567, 5-23-2005)

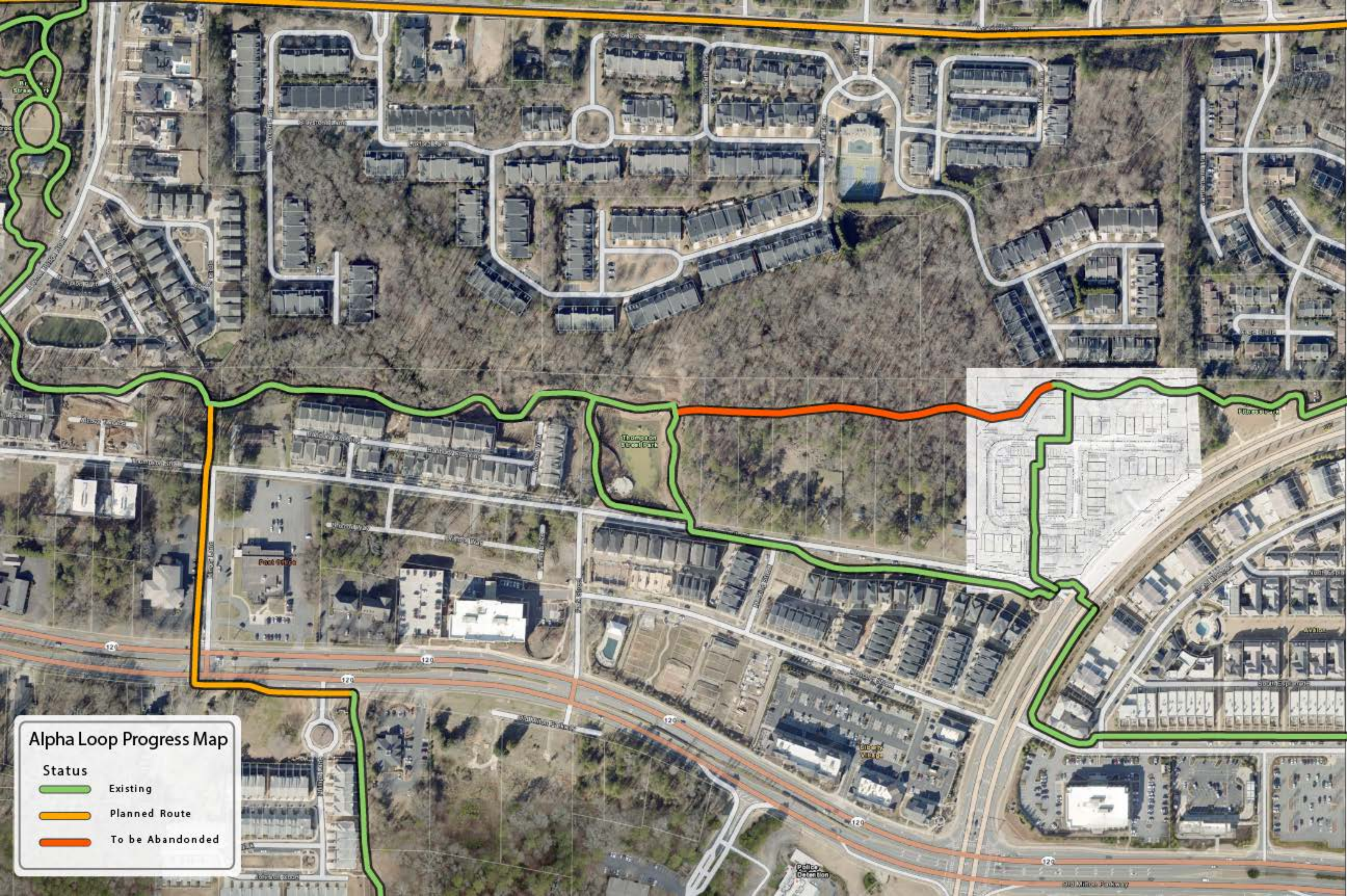
Sec. 16-256. Penalties.

~~Any person who violates any provision of this article, shall be guilty of a misdemeanor punishable according to the penalties described in section 1-8. Each day that a violation occurs or continues shall constitute a separate offense. The punishment or conviction of any person under this section shall not relieve the person from paying any unpaid permit or service fee; nor shall payment of any unpaid permit or service fee bar criminal prosecution for any violation of this article.~~

~~(Code 1989, § 13-47; Ord. No. 374, § 7, 4-1-1996; Ord. No. 567, 5-23-2005)~~

Secs. 16-2~~667~~—16-53. Reserved.

EXHIBIT B



Alpha Loop Progress Map

Status

-  Existing
-  Planned Route
-  To be Abandoned

EXHIBIT C



Pedicab Ordinance Discussion

Alpharetta City Council

Work Session
October 16, 2023

Code Amendments

- Revise the Code of Ordinances to require a permit for pedicab operators, including operational requirements.
- Code of Ordinances Chapter 48 Vehicles for Hire – Specific to Taxicabs (motor vehicle)



Pedicab Defined

A bicycle, or pedal vehicle, with three (3) or more wheels operated by one (1) person for the purpose of, or capable of, transporting passengers in seats or a platform made a part of the pedicab. This definition shall not include a bicycle built for two (2) where the operators are seated one (1) behind the other, nor shall it include a bicycle with trainer or beginner wheels affixed thereto, nor shall it include a wheelchair or other vehicle for the purpose of transporting a handicapped person, nor shall it include a tricycle built for a child or an adult with a seat for only one (1) operator and no passenger.

Pedicab Ordinance

- Require an annual permit
- Establish qualifications for issuance of a permit
- Establish operation requirements
- Provide for appeals, violations, and penalties



Ordinance – Permit Requirements

- Definitions
- Permit required/Fee
- Indemnity for benefit of city
- Insurance
- Driver's permit fee
- Application
- Physician's certificate
- Qualifications
- Permit display
- Permit duration
- Revocation of permit

Ordinance – Operational Requirements

- Identification
- Safe mechanical condition/cleanliness
- Pedicab inspection
- Authority for removal of pedicabs from street
- Rates of fare
- Prohibitions (no solicitation/collecting fare in motion)
- Loading, unloading; stopping, parking
- Restriction on number of passengers
- Refusal to carry orderly passengers
- Safety equipment
- Area/time of operation
- Traffic regulations
- Impediment to traffic flow

Questions?