City Council Meeting & Public Hearing
FEBRUARY 5, 2024
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
     - Douglas J. DeRito
     - John Hipes
     - Brian Will
     - Fergal M. Brady
   - Council Members Absent
     - Donald F. Mitchell
   - Staff
     - Chris Lagerbloom, City Administrator
     - Melissa Tracy, City Attorney
     - James Drinkard, Assistant City Administrator
     - Lauren Shapiro, City Clerk
     - Adam Montgomery, Director of Information Technology
     - Kathi Cook, Director of Community & Economic Development
     - Morgan Rodgers, Director of Recreation, Parks & Cultural Arts Services
     - Pete Sewczwicz, Director of Public Works
     - Tom Harris, Director of Finance

3. PLEDGE TO THE FLAG

4. BOARDS & COMMISSIONS

A. Natural Resources Commission Appointment by Council Member Hipes and Swearing-In of Commissioner

- Council Member Hipes appointed Michael Buchanan to serve on the Natural Resources Commission.
- Mayor Gilvin swore in Michael Buchanan.

5. PRESENTATIONS & PROCLAMATIONS

A. Cambridge High School Presentation – Parks Emma Chandler and Kaitlyn Clark

- Cambridge High School students, Emma Chandler and Kaitlyn Clark, provided a summary of all of the activities that they have completed at the Old Rucker Farm for the AGaretta Box program.

B. Proclamation: North Fulton Rotary and School Muralist Project

- Mayor Gilvin provided a proclamation presentation to members of Rotary of North Fulton and recognized the student artists that worked on this project.

6. WORK SESSION ITEMS

A. Downtown Events and Concerts

City Council discussion of event and concert programming in Downtown Alpharetta, including the Town Green and Brook Street Park.

- City Administrator, Chris Lagerbloom, provided an introduction of this item and shared that this work session is a continuation of a discussion that occurred during the 2024 City Council Planning Retreat.
- Mayor Pro Tem Merkel shared that the City Council is not looking to cancel all downtown concerts.
- Council Member DeRito shared that he does not want to attract concerts that create a profit for themselves and would rather them support local causes or fundraisers. Additionally, he does not want to limit public access regardless of whether or not it is considered a private permitted event. He also asked if there could be a definition of what is considered an "event" as part of this policy, which would also include the number of days/hours for the total event duration.
- Council Member Will agreed with Council Member DeRito and shared that free seating should be a mandatory requirement.
- Mayor Gilvin shared that he does not like signs being posted stating that the event is a private event and reiterated the idea that Council needs to set objective policies for these types of events. Additionally, he mentioned that four events

would be the maximum amount of concerts he would like to see at Brook Street Park during the season.

- Council Member Hipes encouraged for people to take advantage of using Union Hill Park.
- City Administrator, Chris Lagerbloom, share that it would be appropriate to have a policy that would require anyone with this type of permit to be required to pay a damage deposit in the event that one of our parks were to have any damage as a result of an event. Additionally, we could bring a policy forward (beyond the park rules) that as part of the approval process that based upon the weather the event may have to be cancelled or rescheduled.

PUBLIC COMMENTS:

- Steve Beecham (199 Academy Street, Alpharetta, GA 30009)
- Mike Ross (11965 Haynes Bridge Road, Alpharetta, GA 30009)
- Tonya Tate (415 Rowes Circle, Alpharetta, GA 30009)
- Linda Builderback (11935 Haynes Bridge Road, Alpharetta, GA 30009)
- Brandon Winecroft (241 Market Street, Alpharetta, GA 30009)
- Ted Gray (11955 Haynes Bridge Road, Alpharetta, GA 30009)

7. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 1/29/2024)

Consideration of approval of the City Council Minutes from January 29, 2024.

B. Alcoholic Beverage License Applications

Consideration of approval of the following alcoholic beverage license application:

1. PH-24-AB-01 Village Burger Alpharetta, LLC 1497 Alpharetta Highway #A, Alpharetta, GA 30009

   Eating Establishment
   Consumption on Premises
   Beer, Wine & Sunday Sales
   Owner: Village Burger Alpharetta, LLC
   Registered Agent: Matthew Gephardt

C. Settlement Agreement: Travis Moya and Kami Moya

Settlement Agreement, Release of All Claims, and Indemnity Agreement between Travis Moya and Kami Moya, and the City of Alpharetta.

PUBLIC COMMENTS:

- There were no public comments.
- Council Member Will requested that Item C "Settlement Agreement: Travis Moya and Kami Moya" be removed from the Consent Agenda.

- Mayor Gilvin announced that Item C was removed from the Consent Agenda and will be discussed and considered at the conclusion of the New Business items.

❖ Mayor Pro Tem Merkel offered a motion to approve the Consent Agenda (consisting of the 1/29/2024 City Council Meeting Minutes and Alcoholic Beverage License Application for PH-24-AB-01 Village Burger Alpharetta).

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

8. NEW BUSINESS

A. PH-24-01 Unified Development Code Text Amendments – Golf Course Tree Removal

Second Reading

The first reading of this item occurred during the January 29, 2024 City Council Meeting and Public Hearing.

Consideration of text Amendments to the Unified Development Code (UDC). Amend Subsection 3.2.3 Exemptions, to exempt golf courses from the tree conservation, landscape, and buffer requirements.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- There have been no changes to this Ordinance since the first reading and first motion on this item.
- City Attorney, Melissa Tracy, read the Ordinance title aloud.

PUBLIC COMMENTS:

- There were no public comments.

❖ Mayor Pro Tem Merkel offered a motion to adopt an ordinance for PH-24-01Unified Development Code (UDC) Text Amendments – Golf Course Tree Removal.

- Council Member Will seconded the motion.
- The motion was approved (5-0; as Council Member Hipes was not present in Council Chambers during the motion of this item).

B. Ordinance: Fiscal Year 2024 Mid-Year Budget Amendment

Second Reading

The first reading of this item occurred during the January 29, 2024 City Council Meeting and Public Hearing.

Consideration of an Ordinance to adopt a Mid-Year Fiscal 2024 Budget for certain funds of the City of Alpharetta, Georgia appropriating the amounts shown in each budget as expenditures, adopting the item of revenue anticipation, prohibiting expenditures to exceed appropriations, and prohibiting expenditures to exceed actual funding available.

- Director of Finance, Tom Harris, came forward to present this item.
- Since the first reading of this Ordinance, staff has included one additional request. Specifically, the inclusion of a request totaling $6,500 within the Series 2022

Parks Bond Fund for the removal/disposal of an underground fuel drum that was found as part of the grading of the Waters Road Park site.

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

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member Brady offered a motion to adopt an ordinance for Mid-Year Fiscal 2024 Budget.

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

C. Fiscal Year 2024 Task Order Funding Award: City-Wide Stormwater Pipe Lining to IPR Southeast, LLC

Consideration of approval to award funds in an amount not to exceed $1,109,096.42 to IPR Southeast, LLC for stormwater pipe lining through the City, pursuant to the August 23, 2021 On-Call Storm Pipe Lining Services Contract by and between the IPR Southeast, LLC and the City of Alpharetta, Georgia and with authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- During routine inspections of the City's stormwater pipe conveyance infrastructure, the condition of the pipes is evaluated and ranked. Based on that ranking, work orders are entered into the Public Works Asset Management System for repairs. City-maintained pipes and structures are inspected on a 5-year cycle.
- Pipe maintenance falls into two categories; full replacement and repairs in place. When pipes are in need of repair but are not to the point of complete failure or replacement, the City has a unique opportunity of extending pipe life expectancy through trenchless lining of the pipe. The trenchless system of lining pipes has been recognized as being the most efficient and cost-effective way of making repairs while minimizing the impact on our residents, roads, and parking lots.
- The City currently has over 200 pipe lining work orders in the queue. Most of the pipes that have been identified meet the criteria necessary for repairs through the contract with IPR Southeast. The award of this funding will provide for pipe lining throughout the City on our most critical pipes. We anticipate that this funding will cover 7,100 linear feet of pipe lining.
- On March 15th, 2021, the City approved two 5-year pipe lining contracts, one with IPR Southeast and a second with Utility Asset Management (UAM). Each contract is for a specific variation of pipe lining.
- IPR Southeast primarily handles pipes 36" in diameter and smaller, while UAM handles much larger pipes through a method called spin casting.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member DeRito offered a motion to award funds in an amount not to exceed $1,109,096.42 to IPR Southeast LLC for stormwater pipe lining through the City, pursuant to the August 23, 2021 On-Call Storm Pipe Lining Services Contract by and between the IPR Southeast, LLC and the City of Alpharetta, Georgia, and with authorization for the Mayor to execute all necessary documents.

  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (6-0).

D. Invitation to Bid 24-009: Webb Bridge Road Construction – Big Creek Greenway to Maid Marion Close

Consideration of approval to award a contract for ITB 24-009 to OhmShiv Construction, LLC for the construction of Webb Bridge Road from the Big Creek Greenway to Maid Marion Close in an amount not to exceed $13,771,601.25 and approval of the proposal from Georgia Power Company to install the pedestrian lighting system on Webb Bridge Road from the Big Creek Greenway to Maid Marion in an amount not to exceed $1,000,000.00 (lease option) and with authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- The Webb Bridge Road Improvement Project is a project designed to advance Webb Bridge Road's role as a residential collector corridor through a design that reduces vehicular speeds and elevating operational safety while also providing enhanced pedestrian, bicycle, and landscape amenities.
- The item under consideration is the award of a contract for construction of the Phase 2b section of the Webb Bridge Road Improvement Project, which includes the span running from Big Creek Greenway to the intersection with Maid Marion Close. The total length of this section is approximately 1.6 miles.
- Landscaping is not included as part of this contract, and a separate contract for landscape installation by the City's on-call landscape contractor will be presented for consideration to the Mayor and Council at a later date when the roadway construction is substantially complete.
- Procurement for this project was initiated through Invitation to Bid (ITB 24-009), which was issued on October 12, 2023 with a response deadline of December 15, 2023. A total of five proposals were received in response to this invitation.
- Each of the five bidders that responded to ITB 24-009 provided a cost to install a pedestrian lighting system including 173 decorative poles, fixtures (LUMEC Serenade), and cables along the corridor. The lighting will match the existing lights installed near the greenway as well as those along Encore Parkway between Westside Parkway and North Point Parkway. The fixture is not downward lit, but with the cap

there is a reduction of upward lighting (similar to the lights within City Center). A cost proposal was obtained from Georgia Power to provide the lighting system.

- Given the lower cost for the installation ($980k vs $1.96M) and Georgia Power maintaining all the lights, Public Works recommends awarding the lighting component of the project to Georgia Power.

CITY COUNCIL DISCUSSION:

- Council Member Hipes requested that Night Sky lighting be evaluated for this project and the road construction and lighting options be considered separately.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member DeRito offered a motion to approve the award of contract ITB-009 to OhmShiv Construction, LLC for the construction of Webb Bridge Road from the Big Creek Greenway to Maid Marion Close in an amount not to exceed $13,771,601.25 and authorize the Mayor to execute all necessary documents.

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

❖ Council Member DeRito offered a motion to postpone the award of a contract to Georgia Power Company to install the pedestrian lighting system on Webb Bridge Road from the Big Creek Greenway to Maid Marion Close to a meeting to be determined by the City Administrator in the future.

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

E. Title VI Policy Statement and Agreement

Consideration of approval of the Title VI Policy Statement and Agreement and with authorization for the Mayor to execute all necessary documents.

- Assistant City Administrator, James Drinkard, came forward to present this item.
- City Attorney, Melissa Tracy, read the Resolution title aloud.
- Title VI of the Civil Rights Act of 1964 and related statutes prohibiting discrimination in federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance. The City of Alpharetta is committed to ensuring compliance with The Act as amended and all related regulations and directives.
- As a recipient of federal funds administered by the Georgia Department of Transportation (GDOT), the City of Alpharetta is required to periodically re-adopt certain statements and assurances related to Title VI. Failure to readopt these statements and assurances would make the City ineligible for GDOT funding programs.

- The Title VI statements and assurances as required by GDOT are consistent with the existing policies of the City of Alpharetta.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member DeRito offered a motion to approve the Title VI Policy Statement and Agreement and with authorization for the Mayor to execute all necessary documents.

  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (6-0).

F. Settlement Agreement: Travis Moya and Kami Moya

Settlement Agreement, Release of All Claims, and Indemnity Agreement between Travis Moya and Kami Moya, and the City of Alpharetta.

- This item was removed from the Consent Agenda at the beginning of the meeting for consideration as a New Business item.
- City Administrator, Chris Lagerbloom, came forward to present this item.

PUBLIC COMMENTS:

- There were no public comments.

❖ Mayor Pro Tem Merkel offered a motion to approve the Settlement Agreement for Travis Moya and Kami Moya.

  - Council Member Hipes seconded the motion.
  - The motion was approved unanimously (5-1; with Council Member Will in opposition).

9. PUBLIC COMMENT

- There were no public comments.

10. REPORTS

- There were no reports.

11. EXECUTIVE SESSION (IF NECESSARY)

❖ Council Member Hipes offered a motion to recess the meeting.

  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (6-0).

- Mayor Gilvin recessed the meeting for an executive session regarding litigation at 8:19 p.m.

❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.

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

- Mayor Gilvin reconvened the meeting at 8:35 pm.

12. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn the meeting.
  - Council Member Will seconded the motion.
  - The motion was approved unanimously (6-0).

- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Lauren Shapiro, City Clerk