



City Council Meeting & Public Hearing

MARCH 25, 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
- Brian Will
- Donald F. Mitchell
- Douglas J. DeRito
- John Hipes

• Council Members Absent

- Fergal M. Brady

• Staff

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney
- Lauren Shapiro, City Clerk
- James Drinkard, Assistant City Administrator
- Adam Montgomery, Director of Information Technology
- Brooke Lappin, Director of Courts
- Cris Randall, Director of Human Resources
- John Robison, Director of Public Safety
- 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
- Michael Woodman, Planning and Development Services Manager

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Recognition of Joy Ross for her service to the Historic Preservation Commission

- Director of Community and Economic Development, Kathi Cook, presented a letter from the Mayor to former Commissioner Joy Ross for her service to the Historic Preservation Commission.

5. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 3/18/2024)

Consideration of approval of the City Council meeting minutes from the meeting of March 18, 2024.

B. Alcoholic Beverage License Application

Consideration of approval of the following alcoholic beverage license applications:

1. PH-24-AB-03 The Tipsy Spoon, LLC

64 North Main Street, Alpharetta, GA 30009
 Eating Establishment
 Consumption on Premises
 Distilled Spirits, Beer, Wine & Sunday Sales
 Owner: The Tipsy Spoon, LLC
 Registered Agent: Jodi Chieco

2. PH-24-AB-04 LOKHO, LLC d/b/a Hen Mother Cookhouse

50 South Main Street, Suite 3A, Alpharetta, GA 30009
 Eating Establishment
 Consumption on Premises
 Distilled Spirits, Beer, Wine & Sunday Sales
 Owner: LOKHO, LLC
 Registered Agent: Soraya Khoury

C. Financial Management Report (Month Ending January 31, 2024)

Consideration of approval of the Financial Management Report for the month ending January 31, 2024.

- ❖ Council Member Mitchell offered a motion to approve the Consent Agenda.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).

6. PUBLIC HEARING

A. CLUP-24-01 / Z-24-04 / V-24-04 Upper Hembree Tract / Empire Communities

Consideration of a comprehensive land use plan amendment, rezoning and variances to allow for the redevelopment of the former's Harry's Market with a 149-lot single-family detached subdivision on 19.32 acres. A comprehensive land use plan amendment is requested from 'Commercial' to 'High Density Residential' and a rezoning is requested from PSC (Planned Shopping Center) to R-8D (Dwelling 'For-Sale', Detached Residential – High Density). Variances are requested to Unified Development Code (UDC) Subsection 2.2.9(D) to increase building coverage by principal buildings from 40% to 65%, and reduce minimum lot width from 50' to 31' and to UDC subsection 3.2.8(B)(1)(a) to reduce the 50' undisturbed buffer. The property is located at 1180 Upper Hembree Road and is legally described as being located in Land Lots 550 & 553, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Empire Communities, is requesting a comprehensive land use plan amendment, rezoning and variance to allow for the construction of 149 'For-Sale' single-family detached homes on 19.32 acres. The applicant requests a comprehensive land use plan amendment from 'Commercial' to 'High Density Residential' and a rezoning from PSC (Planned Shopping Center) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential). Variances are requested to reduce undisturbed buffers, lot width, and building/lot coverage. The subject property is located at 1180 Upper Hembree Road south of the intersection at Upper Hembree Road and Harris Road.
- This item was considered at the March 7, 2024 Planning Commission meeting. There were three (3) public comments in support including the following comments: safety during demolition, dog park should be fenced, on-street parking, need more housing, property should be developed as mixed-use, identify tree saves, and can existing intersection handle traffic. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (vote 6-0).
- Staff is recommending that Mayor and City Council approve CLUP-24-01 / Z-24-04 / V-24-04 Upper Hembree Tract/Empire Communities, subject to the following conditions:
 1. The 19.32-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the site plan prepared by PEC, revised 3/22/24, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.

2. The comprehensive land use plan designation of the property shall be 'High Density Residential'.
3. Maximum density shall not exceed 7.72 dwelling units per acre.
4. Minimum lot width shall be 31'.
5. Maximum building coverage shall not exceed 48% and impervious coverage shall not exceed 65%.
6. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A - Renderings, subject to final approval by Staff.
7. To screen rooftops, a landscape buffer shall be provided along Upper Hembree Road as depicted in the site plan prepared by PEC, revised 3/22/24, with final approval by Staff. Developer shall work with City Staff and Georgia Power to identify appropriate landscape screening material where the buffer area overlaps utility easements. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
8. Minimum 15' planted buffer shall be provided along the west property line and along the south property line adjacent to Hembree Forest. Minimum 20' planted buffer shall be provided along the east property line and along the south property line adjacent to non-residential use. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
9. Developer shall enhance project entrance with a decorative planted median, decorative landscaping beds on each side of the entrance, and a unique monument or sculpture representative of the proposed community, as approved by Staff. Monument or sculpture shall be approved by the Cultural Arts Commission. Existing monument sign in the entrance median shall be removed.
10. Minimum 1.47 acres of open space shall be improved substantially as depicted on the plan prepared by PEC, revised 3/22/24. HOA shall be responsible for maintenance of all open space.
11. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
12. Curb cut on the east side of the property shall be for fire and emergency access only and shall be gated, as approved by Staff.
13. Internal streets shall have a 4' planter and 5' sidewalk on one side of the street (not including alleys), as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
14. Developer shall improve Upper Hembree Road streetscape with a min. 2' planter planted with a row of shrubs, 6' sidewalk, and street trees planted in the landscape

area behind the sidewalk, as approved by Staff. Developer shall remove existing acceleration lane east of the existing entrance and incorporate the area into the Upper Hembree Road streetscape. HOA shall be responsible for the maintenance of the landscape material in the planter. Streetscape shall include decorative pedestrian lighting. Offsite improvements shall be eligible for impact fee credits.

15. Minimum 10' landscape strip shall be required along new internal streets as measured behind the sidewalk except in side yard conditions on corner lots. The minimum 10' landscape strip shall not apply to alleys. Landscape strips and buffers shall be exclusive of utilities and easements except where necessary for utilities to cross landscape strips and buffers, with final approval by Staff. If Fulton County requires an unencumbered water line easement, shrubs shall replace trees on one side of the street.
 16. Pedestrian amenities including sidewalks, lighting, and benches shall be included throughout the development and in amenity areas.
 17. Developer shall save trees in the tree save area depicted on the site plan prepared by PEC, revised 3/22/24. In addition, developer shall save the trees in the triangular area at the existing entrance to the property.
 18. Developer shall implement the recommendations of the submitted traffic impact study, with final approval by Staff. Developer shall be responsible for any necessary intersection or signal improvements at Upper Hembree Road and Harris Road. Any such offsite improvements not triggered by the development shall be eligible for impact fee credits.
 19. Stormwater management facility shall be screened as depicted on the site plan prepared by Kimley Horn, dated 3/1/24, with final approval by Staff. Smart stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
 20. Per mutual agreement, developer shall provide a privacy fence and evergreen trees along the south property line adjacent to Hembree Forest subdivision while protecting trees in the tree save area.
 21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- The proposed density is 7.72 dwelling units per acre.
 - The property served as Harry's Farmers Market until 2014 before becoming the corporate offices and distribution center for Whole Foods. The existing building is approximately 145,000 square feet and the surface parking lot includes approximately 588 parking spaces.
 - Surrounding properties are zoned O-I (Office-Institutional) to the west, C-1 (Neighborhood Commercial), R-15 (Dwelling, 'For-Sale', Residential), O-I, and O-P (Office-Professional) to the north, and City of Roswell to the south and east. Medical

and professional offices are located to the west, single-family detached home, Spirit of God Church, and professional offices are located to the north, flex office/warehouse are located to the east and south, and Hembree Forest subdivision is located to the south. The comprehensive land use plan designation of the property is 'Commercial'. The applicant proposes to change the future land use designation to 'High Density Residential'. The applicant states that the lot width reduction is needed in order to develop a detached product on the property.

- The submitted site plan depicts a 149-lot single-family detached subdivision with access from an existing signalized intersection at Upper Hembree Road and Harris Road. A 2nd curb cut is depicted at the northeast corner of the property but will be limited to fire and emergency access only and gated. Homes are proposed to be front- and rear-loaded, with 99 rear-loaded homes having a minimum lot size of 2,000 square feet and minimum lot width of 31' and 50 front-loaded homes having a minimum lot size of 4,500 square feet and minimum lot width of 38'. Homes around the perimeter of the property are proposed to be two (2) stories and the remaining homes will be three (3) stories. New internal streets and alleys will be private.
- Five-foot (5') sidewalks are depicted throughout the development, including a connection to the sidewalk along Upper Hembree Road. The sidewalk along Upper Hembree Road should be expanded to a minimum six feet (6'). A landscape buffer is depicted along Upper Hembree Road and fifteen-foot (15') replanted buffers are depicted along the east, west and south property lines.
- Unified Development Code (UDC) Parking regulations require two (2) parking spaces for each single-family detached home, as well as a minimum ten-foot (10') by eighteen-foot (18') driveway for a total of 447 parking spaces. Each home has two (2) side-by-side parking spaces in a garage, as well as two (2) spaces in the code-compliant driveway, for a total of 596 parking spaces. An additional 38 guest parking spaces are provided throughout the development.
- The site plan depicts approximately 4.9 acres of community space, including 1.47-acres of improved amenity space. Proposed community amenities include a pickleball court, dog park, pedestrian improvements, clubhouse and pool, community green, as well as several linear greenspaces fronted with homes.
- There are trees at the entrance to the property, as well as around the perimeter that could be saved. An existing stormwater pond on the south end of the property is proposed to be enlarged and heavily screened on all sides. The design of the existing stormwater pond does not allow the pond to be designed as an amenity for the proposed subdivision.
- Homes will range in size from 1,600 to 2,600 square feet with prices starting in the \$600,000's. Renderings were provided by the applicant depicting two (2) and three (3) story homes with a Craftsman influence. Homes are depicted with a brick or stone 1st floor and siding, board and batten and/or shakes on the 2nd and 3rd floors.

Homes are proposed to have a recessed or covered front entry and most homes have a recessed or covered porch on the 2nd floor.

- The applicant provided a traffic impact study, including a trip generation report which estimates that the 149 single-family detached homes would generate 119 AM Peak Hour trips and 149 PM Peak Hour trips. According to the applicant, a grocery store would generate approximately 237 AM Peak Hour trips and 600 PM Peak Hour trips.
- The traffic impact study analyzed the intersections at Pointe Place (unsignalized), Harris Road/Site Driveway, and Alpharetta Highway along Upper Hembree Road. The study concluded that the signalized intersections will operate at an overall level of service "C" or better in both the AM and PM peak hours with the applicant's proposed development.
- Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. Based on the total figure for elementary, middle, and high school, it can be assumed that the proposed development could house approximately 28 – 151 school age children.
- The Citizen Participation Report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no public comments were received as a result of the public notice mailing. However, the applicant noted that questions were raised by the public at the Community Zoning Information Meeting regarding traffic and impacts to surrounding properties. The applicant committed to meeting with an adjacent residential neighbor, inspecting an existing fence along the south property line, and review stormwater outlets from the existing detention pond. City Staff was contacted by a homeowner in Bellsmith Regency with concerns over traffic and density. The homeowner was placed in contact with the applicant.
- A Community Zoning Information Meeting was held on February 14, 2024. There were no public comments on the sign-in sheet.
- Staff has reviewed the applicant's proposal against the review criteria for a comprehensive land use plan amendment, rezoning and variance. The proposal to allow residential use is consistent with the character of the area which transitions from medical offices to residential uses. The requested R-8A/D zoning district has been approved at nearby subdivisions, including at Bellsmith Regency on Upper Hembree Road and Harris Walk at the corner of Harris Road and Rucker Road. Additionally, redevelopment of the property with a single-family detached subdivision would generate significantly fewer vehicular trips on the surrounding roadway network.
- The variance requests can be supported, given the geography of the property which transitions from medical office to residential use. The applicant demonstrated that a similar number of townhome units could be developed on the property. Therefore, the requested lot width reduction does not gain density and would allow for a detached

product. The proposed building/lot coverage to allow the cottage-home aesthetic that the developer desires will result in a reduction in impervious area on the site. If approved, conditions are recommended requiring a landscape buffer along Upper Hembree Road and aesthetic improvements at the project entrance.

- Kenneth Wood and Kevin North (Empire Homes, 350 Research Court, Peachtree Corners, GA 30092) came forward to speak on behalf of the applicant.

CITY COUNCIL DISCUSSION:

- Council Member Hipes asked about impact fees for this development and impacts to Public Safety.
 - Manager Woodman shared that has been considered and assessed for this plan.
- Council Member Mitchell asked about brick masonry on each building, and he expressed concerns about density and guest parking.
- Council Member DeRito expressed concerns about density, the width of the driveways for two vehicles to be parked side by side, the bright colors of the homes, and the distance between each home (especially from a stormwater perspective).

PUBLIC COMMENTS:

- Phyllis Goodrich (resident of Hembree Forest) came forward to speak in favor of this item.
- Gina Daunt (1555 Stelton Way, Alpharetta, GA 30004) came forward to speak on mutual aid for this subdivision.
- ❖ Mayor Pro Tem Merkel offered a motion to approve CLUP-24-01 / Z-24-04 / V-24-04 Upper Hembree Tract / Empire Communities, with the following conditions:
 1. The 19.32-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the site plan prepared by PEC, revised 3/22/24, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The comprehensive land use plan designation of the property shall be 'High Density Residential'.
 3. Maximum density shall not exceed 7.72 dwelling units per acre.
 4. Minimum lot width shall be 31'.
 5. Maximum building coverage shall not exceed 48% and impervious coverage shall not exceed 65%.

6. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A - Renderings, subject to final approval by Staff.
7. To screen rooftops, a landscape buffer shall be provided along Upper Hembree Road as depicted in the site plan prepared by PEC, revised 3/22/24, with final approval by Staff. Developer shall work with City Staff and Georgia Power to identify appropriate landscape screening material where the buffer area overlaps utility easements. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
8. Minimum 15' planted buffer shall be provided along the west property line and along the south property line adjacent to Hembree Forest. Minimum 20' planted buffer shall be provided along the east property line and along the south property line adjacent to non-residential use. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
9. Developer shall enhance project entrance with a decorative planted median, decorative landscaping beds on each side of the entrance, and a unique monument or sculpture representative of the proposed community, as approved by Staff. Monument or sculpture shall be approved by the Cultural Arts Commission. Existing monument sign in the entrance median shall be removed.
10. Minimum 1.47 acres of open space shall be improved substantially as depicted on the plan prepared by PEC, revised 3/22/24. HOA shall be responsible for maintenance of all open space.
11. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
12. Curb cut on the east side of the property shall be for fire and emergency access only and shall be gated, as approved by Staff.
13. Internal streets shall have a 4' planter and 5' sidewalk on one side of the street (not including alleys), as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
14. Developer shall improve Upper Hembree Road streetscape with a min. 2' planter planted with a row of shrubs, 6' sidewalk, and street trees planted in the landscape area behind the sidewalk, as approved by Staff. Developer shall remove existing acceleration lane east of the existing entrance and incorporate the area into the Upper Hembree Road streetscape. HOA shall be responsible for the maintenance of the landscape material in the planter. Streetscape shall include decorative pedestrian lighting. Offsite improvements shall be eligible for impact fee credits.

15. Minimum 10' landscape strip shall be required along new internal streets as measured behind the sidewalk except in side yard conditions on corner lots. The minimum 10' landscape strip shall not apply to alleys. Landscape strips and buffers shall be exclusive of utilities and easements except where necessary for utilities to cross landscape strips and buffers, with final approval by Staff. If Fulton County requires an unencumbered water line easement, shrubs shall replace trees on one side of the street.
16. Pedestrian amenities including sidewalks, lighting, and benches shall be included throughout the development and in amenity areas.
17. Developer shall save trees in the tree save area depicted on the site plan prepared by PEC, revised 3/22/24. In addition, developer shall save the trees in the triangular area at the existing entrance to the property.
18. Developer shall implement the recommendations of the submitted traffic impact study, with final approval by Staff. Developer shall be responsible for any necessary intersection or signal improvements at Upper Hembree Road and Harris Road. Any such offsite improvements not triggered by the development shall be eligible for impact fee credits.
19. Stormwater management facility shall be screened as depicted on the site plan prepared by Kimley Horn, dated 3/1/24, with final approval by Staff. Smart stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
20. Per mutual agreement, developer shall provide a privacy fence and evergreen trees along the south property line adjacent to Hembree Forest subdivision while protecting trees in the tree save area.
21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 - Council Member Mitchell seconded the motion.
 - Council Member Mitchell offered a friendly amendment for the applicant to change from 10 to 15 guest parking spaces and add a playground area for children some place within the greenspace area.
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - There was the following discussion during the motion:
 - Council Member Will expressed concerns about the density, reduction in buffers, and would like to see the plan redesigned with less homes.
 - Council Member Hipes shared that he could not support this; this project puts extra stress on public safety and the density

of this development is not in a walkable area of the community.

- Mayor Pro Tem Merkel shared that this site could be a distribution center and a lot of uses that the site could be, and this product is not necessarily something he would like to live in, but he is not the buyer. This could create an opportunity for more people to live in the City of Alpharetta, and he is not concerned with any impact to public safety, because this would create 149 new taxpayers to help offset public safety costs.
- Council Member DeRito shared that he has concerns about the density of this project, and there are definitely uses that could go into this site that council may not like, but are allowed under the current zoning. He would recommend tabling this item to allow the applicant to make some changes.
- Council Member Mitchell shared that he would support tabling this item. He would like for the developer to meet with school board to find a place for the school bus to pull into the development and to reduce density of the plan.
- Mayor Gilvin shared that he does support this project.
- Council Member Mitchell withdrew his second from the motion.
- Mayor Pro Tem Merkel withdrew his motion.
- ❖ Council Member Mitchell offered a motion to defer until April 29.
 - Council Member DeRito seconded the motion.
 - The motion was approved (5-1; with Mayor Gilvin in opposition).

B. E-24-01 Greco / 1530 Stelten Way Backyard Chickens

Consideration of an exception to allow backyard chickens on a property less than one (1) acre and with a chicken coop side setback of thirteen feet (13'). The chickens and associated structures are currently existing on the property. The subject property is located at 1530 Stelten Way in the Fuller Farms subdivision.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Hannah Greco, is requesting consideration of an exception to allow backyard chickens on a property less than one (1) acre and with a chicken coop side setback of thirteen feet (13'). The chickens and associated structures are currently

existing on the property. The subject property is located at 1530 Stelten Way in the Fuller Farms subdivision.

- Staff is recommending that Mayor and Council approve E-24-01 Greco/1530 Stelten Way Backyard Chickens, subject to the following conditions:
 1. Backyard chickens shall be permitted on a 0.47-acre property located at 1530 Stelten Way, subject to compliance with all related City regulations except as noted in the conditions below.
 2. Chicken coop shall be permitted as depicted on the submitted site plan with a 13' side setback.
 3. Exception to allow backyard chickens shall be limited to the current property owner.
- The City's Code Enforcement Division identified the non-conformity and notified the property owner of the need to resolve the matter.
- The 0.47-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and is developed with a one (1) story, 1,590 square foot single-family detached home. Surrounding properties are zoned R-15 and located in the Fuller Farms subdivision, except that the property to the north is located in the Brierfield subdivision.
- Unified Development Code (UDC) Subsection 2.3.3, Accessory Uses and Structures, allows backyard chickens on minimum one (1) acre properties with a single-family detached dwelling. The regulations limit the number of backyard chickens to no more than six (6) hens, no roosters allowed, minimum 25' side and rear setbacks for structures associated with backyard chickens, and no chickens permitted within undisturbed stream buffers, wetlands, or floodplain.
- The submitted site plan depicts the existing chicken coop and run in the rear yard of the property and with a side yard setback of approximately thirteen feet (13') from the western side property line. The chicken coop and run are setback approximately 55' from the rear property line. The chicken coop is nine feet (9') by seven feet (7'), or 63 square feet, and the chicken run is eighteen feet (18') by fourteen feet (14'), or 252 square feet. Neither structure requires a building permit. There is a twenty-foot (20') visual screen, or landscape buffer, along the rear property line, which abuts Mid Broadwell Road. The buffer is heavily landscaped with evergreen material and includes a six-foot (6') tall berm. The applicant has six (6) hens and no roosters.
- The applicant notified all properties within 500' of the subject property and the Fuller Farms HOA regarding the request for exception and intent for the property. The applicant's report indicates that several members of the public reached out to express their support for the request. Two (2) people expressed concern that the chickens would attract wildlife to the area. Letters of support were provided from an adjacent property, 1520 Stelten Way, and Fuller Farms HOA.

- The Community Zoning Information Meeting was held on February 14, 2024. There were several public comments in support of the applicant's request.
- City Staff has reviewed the applicant's proposal and finds that the exception does not conflict with the established review criteria. Exceptions have been approved to allow backyard chickens on residential lots less than one (1) acre. An adjacent neighbor and the Fuller Farms HOA are in support of the applicant's request.
- The applicant, Hannah Greco (1530 Stelten Way, Alpharetta, GA 30004), came forward to speak on this application.
- City Administrator, Chris Lagerbloom, suggested a deferral of this item.

PUBLIC COMMENTS:

- John Courtney (120 Woodfield Lane, Alpharetta, GA 30009) came forward to speak against this application.
- ❖ Council Member Will offered a motion to defer this item until April 29.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (6-0).

7. NEW BUSINESS

A. GEMA and Homeland Security Grant Application for Alpharetta Public Safety Hazmat Unit

Consideration of approval of the Memorandum of Understanding between the City of Alpharetta and the Georgia Emergency Management Agency / Homeland Security, approval and authorization for the Alpharetta Department of Public Safety to submit a grant application for the 2024 State Homeland Security Program for Sub-Grant Funds, and with authorization for the Mayor to execute all necessary documents.

- Director of Public Safety, John Robison, came forward to present this item.
- If approve and a grant is awarded, the funds would maintain existing capabilities of Hazardous Materials (HazMat) Team. Georgia's HazMat Teams provides emergency service to local and regional areas in a coordinated effort, with all resources, to contain and neutralize, or minimize the disastrous effects of an accident involving hazardous materials/CBRNE. An emergency or disaster could result from hazardous and radiological materials being released into the environment. Georgia's HazMat Teams are to be equipped and properly trained to prevent, protect, and respond.
- The Alpharetta Regional HazMat Team was formed in 2004 and provides hazardous materials/CBRNE/illicit drug materials response services primarily to the cities of Alpharetta, Milton, Johns Creek, Roswell, and Sandy Springs. The Alpharetta Regional HazMat Team has fifteen active members, and they are responsible for testing and identifying all likely hazardous substances/CBRNE/illicit drug materials onsite; ensuring that responders have protective clothing and equipment; conducting

rescue operations to remove affected victims from the hazardous environment; conducting geographical survey searches of suspected sources or contamination spreads and establishing isolation perimeters; mitigating the effects of hazardous materials/CBRNE/illicit drug materials, decontaminating on-site victims, responders, and equipment; coordinating off-site decontamination with relevant agencies, and notifying environmental, health, and law enforcement agencies having jurisdiction for the incident to begin implementation of their standard evidence collection and investigation procedures.

- The Alpharetta Regional HazMat Team is seeking \$ 206,700.00 to fund this existing HazMat program. The funding will be used to maintain our current response level and replace outdated equipment currently in service. This is a reimbursement grant, and no matching funds are required to receive the grant.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member Will offered a motion to approve the Memorandum of Understanding between the City of Alpharetta and the Georgia Emergency Management Agency / Homeland Security, approval and authorization for the Alpharetta Department of Public Safety to submit a grant application for the 2024 State Homeland Security Program for Sub-Grant Funds, and authorize the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (5-0; as Council Member Hipes was not present during this item).

B. Resolution: Authorizing the Use of Eminent Domain for Parcel 15 of the Webb Bridge Road Improvements Project

Consideration of a Resolution of the Mayor and Council of the City of Alpharetta, Georgia to condemn property interest in Tax Parcel # 21-5593-1239-006-6 (Parcel owners: Tina A. Smith and Windward Community Services Association, Inc.) of the Webb Bridge Road Improvements Project with authorization for the Mayor to execute documents in furtherance of same; estimated just and adequate compensation: \$11,900.00.

- City Attorney, Molly Esswein, came forward to present this item.
- City Attorney Esswein read the resolution title aloud.
- The City has determined that it is necessary to condemn property of Tax Parcel # 21 - 5593-1239-006-6 in furtherance of the Webb Bridge Road Bike and Pedestrian Improvements Project.
- Approval of this resolution will authorize the City Attorney's Office to acquire, through the use of Eminent Domain, the necessary property rights to, in, over, under, through

and across the property owned by Tina A. Smith and Windward Community Services Association, Inc. on Webb Bridge Road (Tax Parcel No.: 21 -5593-1239-006-6) in order to ensure the timely completion of this project.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve a resolution of the Mayor and Council of the City of Alpharetta, Georgia to condemn property interest in Tax Parcel #21-5593-1239-006-6 (Parcel owners: Tina A. Smith and Windward Community Services Association, Inc.) of the Webb Bridge Road Improvements Project with authorization for the Mayor to execute documents in furtherance of same; estimated just and adequate compensation: \$11,900.00.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (5-0; as Council Member Will was not present during the motion).

C. Resolution: Authorizing the Use of Eminent Domain for Parcel 18 of the Webb Bridge Road Improvements Project

Consideration of a Resolution of the Mayor and Council of the City of Alpharetta, Georgia to condemn property interest in Tax Parcel #21-5593-1239-056-4 (Parcel Owners: Westerra Windward, LLC and Windward Community Services Association, Inc.) of the Webb Bridge Road Improvements Project with authorization for the Mayor to execute documents in furtherance of same; estimated just and adequate compensation: \$8,700.00).

- City Attorney, Molly Esswein, came forward to present this item.
- City Attorney Esswein read the resolution title aloud.
- The City has determined that it is necessary to condemn property of Tax Parcel # 21 - 5593-1239-056-4 in furtherance of the Webb Bridge Road Bike and Pedestrian Improvements Project.
- Approval of this resolution will authorize the City Attorney's Office to acquire, through the use of Eminent Domain, the necessary property rights to, in, over, under, through and across the property owned by Westerra Windward, LLC on Webb Bridge Road (Tax Parcel No.: 21 -5593-1239-056-4) in order to ensure the timely completion of this project.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve a resolution of the Mayor and Council of the City of Alpharetta, Georgia to condemn property

interest in Tax Parcel #21-5593-1239-056-4 (Parcel Owners: Westerra Windward, LLC and Windward Community Services Association, Inc.) of the Webb Bridge Road Improvements Project with authorization for the Mayor to execute documents in furtherance of same; estimated just and adequate compensation: \$8,700.00).

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

D. Requests for Proposals 22-114 and 24-105: Premier Events Contract Addendum Approvals – Wire and Wood & Taste of Alpharetta Event Concessions

Consideration and approval of addendums to the existing Premier Events, LLC event management contracts to permit beverage concessions for the annual Taste of Alpharetta and Wire & Wood events.

- Director of Recreation, Parks and Cultural Services, Morgan Rodgers, came forward to present this item.
- With Premier Events being contracted to manage event operations and sell sponsorships for both the Taste of Alpharetta (through 2028) and Wire & Wood (through 2027) events, staff recommends streamlining concessions management under one company. Premier Events, LLC was highly successful in securing beverage sponsorship for Wire & Wood 2023 and has a history of being a successful beverage provider for Wire & Wood for several years prior to 2020.
- Benefits to the City and events having Premier Events, LLC be the concession provider are:
 - Assist the City by measuring the average revenue generated by beverage sales at its events and profit shares can be calculated to help offset operating costs.
 - Financial transactions and reporting will be on one system through Grub Box ticket sales that Premier Events, LLC utilizes for all sales, as opposed to a separate vendor having their own point of sale system. Prevents confusion for the public, not being able to use the Grub Box ticketing system for concession sales, and the reporting of revenues back to the City if all under the same system.
 - 35% of after-tax gross sales is a competitive rate by industry standards and the addition of Premier Events, LLC concession services adds no additional cost to the City of Alpharetta.
 - a. Previous Premier Events LLC- W & W 2023= 30%
 - b. Top Job - TOA 2022 & 2023= 35%
 - c. Average industry percentage range low to high, 20%-40% dependent upon vendor and event.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Council Member Hipes offered a motion to approve addendums to the existing Premier Events, LLC event management contracts to permit beverage concessions for the annual Taste of Alpharetta and Wire & Wood.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

8. PUBLIC COMMENT

- There were no public comments.

9. REPORTS

- There were no public comments.

10. EXECUTIVE SESSION (IF NECESSARY)

- ❖ Council Member Hipes offered a motion to recess to Executive Session for the purposes of litigation.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (6-0).
- Mayor Gilvin recessed the meeting at 8:21 p.m.
- ❖ Council Member DeRito offered a motion to reconvene the meeting.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).
- Mayor Gilvin recessed the meeting at 8:28 p.m.

11. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Mayor Pro Tem Merkel 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 8:29 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk