



City Council Meeting & Public Hearing

AUGUST 26, 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
- John Hipes
- Fergal M. Brady
- Douglas J. DeRito

• 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

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Payroll Week

- Mayor Gilvin presented a proclamation to members of the City of Alpharetta's payroll department in recognition of National Payroll Week.

5. CONSENT AGENDA

A. Special Called City Council Meeting Minutes (Meeting of 8/19/2024)

Consideration of approval of the Special Called City Council meeting minutes from the meeting of August 19, 2024.

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).

6. WORK SESSION ITEMS

A. Short Term Rental

City Council discussion of a potential short term rental ordinance. This item is for discussion purposes only and no formal action will be sought or taken.

- City Attorney, Molly Esswein, and Director of Community and Economic Development Kathi Cook, came forward to present this item.
- The Short Term Rental work shop presentation is attached hereto as "Exhibit A."
- Staff will bring forward a potential ordinance for the land use and licensing permit for short term rentals.

CITY COUNCIL DISCUSSION

- Council Member Will asked how many of short term rentals are in the Windward subdivision and whether the subdivisions are aware that they can create covenants against short term rentals. He also shared his concerns about creating an ordinance for this.

- Council Member Hipes asked about clarification of the number of guests permitted within each room and home and limitations and considerations for the party homes definition and would like to see a max per bedroom and nothing on daytime occupancy.
- Council Member DeRito asked about covenants and policing of this ordinance.

7. PUBLIC HEARING

- City Attorney, Molly Esswein, announced the City of Alpharetta's Public Hearing Procedures.

A. CU-24-09 Wills Park Vet

Consideration of a conditional use to allow an 'Animal Hospital, Small Animal (Veterinarian)' on 8.24 acres in the Downtown. A conditional use is requested to allow 'Animal Hospital, Small Animal (Veterinarian)' for Wills Park Vet in the Alpharetta Crossing shopping center. The property is located at 11770 Haynes Bridge Road, Suite 703 & 704 and is legally described as being located in Land Lot 695, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, AcharaVet, is requesting a conditional use to allow an 'Animal Hospital, Small Animals' for Wills Park Vet in a 3,600 square foot suite within an existing shopping center in the Downtown. The subject property is located at 11770 Haynes Bridge Road, Suites 703 & 704 in the Alpharetta Crossing shopping center.
- This item was considered at the August 1, 2024 Planning Commission meeting. There was one (1) public comment in support of the request. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (vote 6-0).
- Staff is recommending that Mayor and Council approve CU-24-09 Wills Park Vet, subject to the following conditions:
 1. 'Animal Hospital, Small Animals' shall be added as a conditional use at 11770 Haynes Bridge Road, Suites 703 & 704 and limited to no more than 3,600 square feet.
 2. Conditional use approval shall be limited to Wills Park Vet; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted in the approved space.
 3. Business shall be permitted to operate Monday – Saturday 7:30 AM – 5:30 PM.
 4. Boarding of animals is limited to short-term care incidental to the hospital use.
 5. A pet waste station with waste bags and trash shall be installed in the landscape area near the front door of the suite. The applicant shall be responsible to

maintain the pet relief area and waste station, including daily removal of trash and regular cleaning and replenishing of waste bags.

6. As submitted by the applicant, interior tenant improvements shall include noise attenuation measures, as approved by Staff.
 7. Mobile resources supporting the business, such as a mobile MRI or X-ray, shall not be visible from the public right-of-way.
- The property is zoned C-2 (General Commercial). Surrounding properties are zoned C-2 to the north, east and west, DT-MU (Downtown Mixed-Use) to the south, and O-I (Office-Institutional) and R-4A (Dwelling, 'For-Sale', Attached Residential) to the east. Haynes Park and an undeveloped office property are located to the east, Mammoth Car Wash, Country Place Animal Hospital, a gas station and Regions Bank are located to the north, Dogwood Square is located to the west, and the Maxwell is located to the south.
 - Alpharetta Crossing shopping center is a 9.8-acre property developed with a one (1) story, 96,544 square foot retail shopping center. A variety of businesses operate in the center, including Urban Hardware, Bagel Boys, The UPS Store, Chau's Alterations, and AJ's Home Cooking. The applicant's business is proposed in Suites 703 & 704 of the shopping center.
 - UDC Section 1.4.2 defines 'Animal Hospital, Small Animals' as, "A place where dogs, cats, birds or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use." The use is permitted by-right in the LI (Light Industrial) district and as a conditional use in the AG (Agriculture), CUP (Community Unit Plan), C-1 (Neighborhood Commercial), C-2 (General Commercial), O-I (Office-Institutional) and PSC (Planned Shopping Center) districts.
 - Wills Park Vet is a new general practice veterinary clinic providing services to small animals, such as cats and dogs. The business will not provide boarding services and overnight stays will be limited to pets under observation after surgery or other treatment. Hours of operation will be Monday – Friday from 7:30 AM to 5:30 PM and some Saturdays within the same timeframe. The applicant estimates the business will have six (6) to seven (7) employees. Noise attenuation measures are proposed within the proposed suite. In addition, a pet waste station is recommended near the storefront and animal hospital staff should provide routine maintenance of the waste station, including replenishing waste bags and daily trash removal. Wills Park Vet staff and customers will also have access to a pet relief area at the back of the building. The area will be maintained by the business's staff.

- There are ten (10) animal hospitals operating in the City. The applicant's business would be approximately 0.14 miles away from the nearest animal hospital, which is Country Place Animal Hospital.
- Staff estimates that the 3,600 square foot animal hospital would generate thirteen (13) AM Peak Hour trips and thirteen (13) PM Peak Hour trips.
- 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 six (6) emails were received with five (5) in support and one (1) asking if there would be outdoor boarding that would create noise. The applicant responded that there would not be outdoor boarding.
- The Community Zoning Information Meeting was held on July 10, 2024. There was one (1) comment in support of the request.
- Staff has reviewed the applicant's proposal against the review criteria for a conditional use. The proposed use would be compatible with surrounding uses and other locations for this business type, which are similarly situated along commercial corridors. If approved, it is recommended that conditions be established that regulate and limit any expansion of the business.
- Drew Keller (3550 Valleyway Road, Cumming, GA 30040) came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve CU-24-09 Wills Park Vet, subject to the following conditions:
 1. 'Animal Hospital, Small Animals' shall be added as a conditional use at 11770 Haynes Bridge Road, Suites 703 & 704 and limited to no more than 3,600 square feet.
 2. Conditional use approval shall be limited to Wills Park Vet; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted in the approved space.
 3. Business shall be permitted to operate Monday – Saturday 7:30 AM – 5:30 PM.
 4. Boarding of animals is limited to short-term care incidental to the hospital use.
 5. A pet waste station with waste bags and trash shall be installed in the landscape area near the front door of the suite. The applicant shall be responsible to maintain the pet relief area and waste station, including daily removal of trash and regular cleaning and replenishing of waste bags.

6. As submitted by the applicant, interior tenant improvements shall include noise attenuation measures, as approved by Staff.
7. Mobile resources supporting the business, such as a mobile MRI or X-ray, shall not be visible from the public right-of-way.
 - o Council Member Hipes seconded the motion.
 - o The motion was approved unanimously (7-0).

B. CU-24-11 Salons by JC Alpharetta Crossings

Consideration of a conditional use to allow 'Spa Services' on 8.24 acres in the Downtown. A conditional use is requested to allow 'Spa Services' for Salons by JC in the Alpharetta Crossing shopping center. The property is located at 11770 Haynes Bridge Road, Suite 401 and is legally described as being located in Land Lot 695, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Salons by JC, is requesting a conditional use to operate a 'Spa Services' business in an 8,640 square foot suite in the Alpharetta Crossing shopping center. The business leases rooms to a variety of beauty and wellness personal services providers. The subject property is located at 11770 Haynes Bridge Road, Suite 401 at the southwest corner of Haynes Bridge Road and Old Milton Parkway.
- This item was considered at the August 1, 2024 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (vote 6-0).
- Staff is recommending that Mayor and City Council approve CU-24-11 Salons by JC/Alpharetta Crossing, subject to the following conditions:
 1. 'Spa Services' shall be added as a conditional use at 11770 Haynes Bridge Road, Suite 401 and limited to no more than 2,160 square feet.
 2. Conditional use approval shall be limited to Salons by JC.
 3. 'Spa Services' shall be limited to waxing and massage services.
 4. Hours of operation shall be Monday – Sunday 9:00 AM – 6:00 PM.
 5. Window signage shall be limited to no more than 10% of the window area and window area shall not be covered or blacked out. No lighted window trim.
- The property is zoned C-2 (General Commercial). Surrounding properties are zoned C-2 to the north, east and west, DT-MU (Downtown Mixed-Use) to the south, and O-I (Office-Institutional) and R-4A (Dwelling, 'For-Sale', Attached Residential) to the east. Haynes Park and an undeveloped office property are located to the east, Mammoth

Car Wash, Country Place Animal Hospital, and Regions Bank are located to the north, Dogwood Square is located to the west, and the Maxwell is located to the south.

- Alpharetta Crossing shopping center is a 9.8-acre property developed with a one (1) story, 96,544 square foot retail shopping center. A variety of businesses operate in the retail center, including Urban Hardware, Bagel Boys, The UPS Store, Chau's Alterations, and AJ's Home Cooking, to name a few. The applicant's business is located in Suite 401 of the shopping center.
- Unified Development Code (UDC) Section 1.4.2 defines 'Spa Services' as, "A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, and hair removal/waxing, and may have the sale of associated retail products. Such business shall be located within a retail center, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business."
- Salons by JC leases suites to cosmetologists, hair stylists, estheticians, and other similar personal service providers. The business has 48 rooms for lease and has been operating at the Alpharetta Crossing shopping center since it opened. Salons by JC is approved to offer a variety of beauty and wellness personal services that do not require a customer to disrobe. Hours of operation for the business are Monday – Sunday 9:00 AM – 6:00 PM.
- 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 no comments were received. The applicant provided sixteen (16) letters of support from tenants operating at Salons by JC.
- The Community Zoning Information Meeting was held on July 10, 2024. There were no public comments.
- Staff has reviewed the applicant's proposal against the review criteria for a conditional use. The use would be compatible with the surrounding uses and other locations for this business, which are similarly situated in retail corridors and shopping centers. The proposed use would complement the beauty services offered at the applicant's business. If approved, conditions should be established that regulate and limit an expansion of services and signage.
- Marci Soran (2041 Wheaton Way, Sandy Springs, GA) came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.

❖ Mayor Pro Tem Merkel offered a motion to approve CU-24-11 Salons by JC/Alpharetta Crossing, subject to the following conditions:

1. 'Spa Services' shall be added as a conditional use at 11770 Haynes Bridge Road, Suite 401 and limited to no more than 2,160 square feet.
2. Conditional use approval shall be limited to Salons by JC.
3. 'Spa Services' shall be limited to waxing and massage services.
4. Hours of operation shall be Monday – Sunday 9:00 AM – 6:00 PM.
5. Window signage shall be limited to no more than 10% of the window area and window area shall not be covered or blacked out. No lighted window trim.
 - o Council Member Mitchell seconded the motion.
 - o The motion was approved unanimously (7-0).

C. Charter Amendment: Mayor and Council Member Salary

FIRST READING

Consideration of adoption of an ordinance to amend the Alpharetta City Charter; to increase the annual salary of the Mayor; to increase the salary of the members of the City Council; to provide for the annual adjustment of the salaries of the Mayor and members of the City Council; to include the provision of insurance, retirement, workers' compensation, and other employee benefits to the Mayor and members of the City Council; to provide for an effective date; to repeal conflicting ordinances; and for other purposes.

- City Attorney, Molly Esswein, read the ordinance title aloud.
- City Administrator, Chris Lagerbloom, came forward to present this item.
- State law (O.C.G.A. § 36-35-3(b)) allows a municipality to, as an incident of its home rule power, amend its charter by ordinance. Further, O.C.G.A. § 36-35-4(a) provides that a municipal corporation is authorized to fix the salary, compensation, and expenses of the members of the municipal governing authority.
- If approved, this ordinance would amend the City Charter to increase the Mayor's salary to \$50,000 per year and each City Council Member's salary to \$25,000 per year. In addition to this increase, this ordinance would allow for an annual increase in the Mayor and Council members salary of either 3% or match that of the increase provided to city employees, whichever is less.
- Further, if approved, this would become effective on January 1, 2026.
- Director Harris shared that if approved, this would be an \$80,000 increase per year to the overall budget.
- The Ordinance is attached hereto as "Exhibit B."

PUBLIC COMMENTS:

- John Courtney (120 Woodfield Lane, Alpharetta, GA 30009) came forward to speak on this item.
 - ❖ Council Member Hipes offered a motion to adopt an ordinance to amend the Alpharetta City Charter; to increase the annual salary of the Mayor; to increase the annual salary of the members of the City Council; to provide for the annual adjustment of the salaries of the Mayor and members of the City Council; to include the provision of insurance, retirement, worker's compensation, and other employee benefits to the Mayor and members of the City Council; to provide for an effective date; to repeal conflicting ordinances; and for other purposes.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).

8. NEW BUSINESS

A. Request for Qualifications 24-1003: Comprehensive Energy Conservation Program

Consideration to award RFQ 24-1003 to McKinstry Inc. for Comprehensive Energy Conservation services and Facility Assessment services in an amount totaling \$189,647 and to authorize the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- This agenda item is for consideration to award RFQ 24-1003 for Comprehensive Energy Conservation Program services and Facility Assessment services in furtherance of our 2025 Annual Action Plan (Infrastructure and Facilities Maintenance). Specifically, this contract approval is step #1 ("Investment Grade Audit") of a potential multistep process to conduct comprehensive facility assessments.
- The Facility Assessment will be provided to the City in an electronic format (Reveal software) that allows the City to visualize the condition assessment data through dashboards, sort the condition assessment funding needs based on various criteria (such as overall building score, year of replacement need, etc.), and update the condition assessment data as facility replacement/improvements are made. FIM data will be incorporated herein as well.
- McKinstry will conduct the Investment Grade Audit of our roughly 60 facilities (625k sq ft, including parking decks) with a focus on the above scope. This Audit will, in addition to the deliverables discussed, determine whether there are sufficient energy savings opportunities available to go to Step 2 (GESPC).
- Step2: A GESPC is a contract between a public entity (City) and a qualified energy service provider (ESP - McKinstry) to finance energy-saving projects for public buildings. The contract guarantees that the energy savings will be at least equal to the total annual

contract payments, including financing charges, over the life of the contract. GESPCs are a flexible funding option that allows public entities to avoid capital costs and use energy savings to pay for improvements and maintenance needs.

- RFQ 24-1003 was issued on April 11, 2024. RFQ 24-1003 was advertised through the City's e-procurement site (Bonfire) as well as the Georgia Procurement Registry and was submitted to the qualified ESPs maintained by the State of Georgia. RFQ 24-1003 responses were received on May 9, 2024, and included submissions from 2 firms. The low submission # is understandable given the limited # of qualified ESPs authorized to conduct GESPC projects (currently 13 authorized ESPs).
- The negotiated cost proposal for the Investment Grade Audit phase with McKinstry is \$189,647. As part of the cost negotiation, staff verified pricing through other vendors which indicated general pricing of 20-25 cents per sq ft for the facility assessment portion of the scope. Specifically, this equates to roughly \$125K to \$155K for just the facility assessment portion. The FIM is anticipated to be a similar cost magnitude. Merging the two scope components enables the City to save money as a material portion of the work involved overlaps.
- McKinstry has over 60-years of experience, including over 600 projects, and has completed multiple GESPC in the State of GA. They focused their presentation on City needs and modified their approach to focus on Alpharetta's priorities. Multiple references are provided for similar work scopes including Johnson County GA, City of Denver CO, Hillsborough County Public Schools, etc.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member DeRito offered a motion to award RFQ 24-1003 to McKinstry Inc. for Comprehensive Energy Conservation services and Facility Assessment services in an amount totaling \$189,647 and to authorize the Mayor to execute all necessary documents.
 - Council Member Brady seconded the motion.
 - The motion was approved unanimously (7-0).

B. Fiscal Year 2025 Task Force Order Funding Award: On-Call Storm Pipe Cleaning Services to Southern Hydro Vac

Consideration of approval to award funds in an amount not to exceed \$200,000 to Southern Hydro Vac for storm pipe cleaning services pursuant to the April 1, 2020, On-Call Storm Pipe Cleaning Contract by and between Southern Hydro Vac and the City of Alpharetta and with authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.

- This request is for approval to award funds in an amount not to exceed \$200,000 to Southern Hydro Vac for storm pipe cleaning services pursuant to the existing On-Call Storm Pipe Cleaning Contract with Southern Hydro Vac.
- On-call storm pipe cleaning services are needed to supplement City resources in providing quick and proactive storm pipe flushing to prevent flooding and possible damage to property in the event of a clogged storm pipe during storm events.
- Southern Hydro Vac was awarded the On-Call Storm Pipe Cleaning Contract through a competitive Request for Proposals process (RFP 20-118) and was the highest scoring vendor including the most cost competitive.
- The task order funding for FY 2025 totals \$200,000 and is forecast to cover the following scopes: cleaning of approximately 40 storm lines equal to 3,545 linear feet, cleaning of approximately 40 headwalls, maintenance and cleaning of stormceptors, and all other stormwater proprietary devices related to the treatment of stormwater required annually will also be completed with the funding requested, and all remaining funding from the requested amount will be utilized to clean box culverts and utilized for emergency situations to prevent damage to property in case of clogged storm pipes or structures.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member DeRito offered a motion to award funds in an amount not to exceed \$200,000 to Southern Hydro Vac for storm pipe cleaning services pursuant to the April 1, 2020, On-Call Storm Pipe Cleaning Contract by and between Southern Hydro Vac and the City of Alpharetta and with authorization for the Mayor to execute all necessary documents.
 - Council Member Brady seconded the motion.
 - The motion was approved unanimously (7-0).

C. Purchase Approval: Ten (10) Scott Air-Packs X3 Pro SCBA for Fire Personnel

Consideration of approval of the purchase of ten (10) Scott Air-Packs X3 Pro SCBA units in an amount not to exceed \$75,930.60 and with authorization for the Mayor to execute all necessary documents.

- Director of Public Safety, John Robison, came forward to present this item.
- The Fire Department is seeking approval to purchase ten (10) Scott Air-Packs X3 Pro SCBA for the new engines scheduled for delivery in October 2025. This purchase will enhance our fleet by equipping the new engines with the latest technology in self-contained breathing apparatuses (SCBAs). The Scott Air-Pak SCBA is an open-circuit, self-contained breathing apparatus that meets the National Fire Protection Association (NFPA) Standard 1981. This standard ensures that each firefighter on the truck has access to a functional and compliant SCBA, which is crucial to protect users from airborne carcinogens.

- The ten air-packs are necessary to replace older models that are no longer covered under our current service contract due to their age. These outdated units will be repurposed for training exercises but will be retired from operational use on fire engines.
- The City maintains a service contract with Municipal Emergency Services (MES) for the annual servicing of our air packs. Under the existing maintenance plan, any repairs are covered at no cost to the City for the Air-Pak X3 Pro models. However, the older models are not included in this plan, meaning any repairs to these units are a direct cost to the City.
- The procurement will be conducted through Sourcewell Contract #010424, which offers a 16% discount off the list price. The air packs, excluding air cylinders, have a list price of \$9,039.36 each (or \$90,393.60 for the 10 units). Under the Sourcewell contract and the 16% discount that is applied, the cost of each is \$7,593.06 (or \$75,930.60 for the 10 units).

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member Will offered a motion to approve the purchase of ten (10) Scott Air-Packs X3 Pro SCBA units in an amount not to exceed \$75,930.60 and with authorization for the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion passed unanimously (7-0).

D. Text Amendments: The Code of the City of Alpharetta – Alcohol Ordinance

SECOND READING

The first reading of this item occurred during the August 19, 2024, City Council Meeting and Public Hearing

Consideration of an ordinance to amend Chapter 4 of the Code of the City of Alpharetta, Georgia, to amend provisions regarding fees and administrative costs associated with an alcoholic beverage license, to amend procedures regarding review and approval of license applications and notice requirements; to provide for effective dates; to repeal ordinances in conflict herewith; and for other purposes.

- City Attorney, Molly Esswein, read the ordinance title aloud.
- City Clerk, Lauren Shapiro, came forward to present this item.
- During the July 29, 2024 City Council meeting, Mayor and City Council discussed proposed changes to the city's Alcohol Ordinance as a work session item. As a result of that discussion, Mayor and City Council directed staff to amend the city's alcohol ordinance to allow for alcoholic beverage licenses to be approved administratively by staff, except in specific situations, and for all license fees, investigative fees, and

administrative costs to be approved by resolution of the City Council, from time to time. Within the Alcohol Ordinance, there are 12 code sections that reference fees.

- There have been no changes to the ordinance since the first reading.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to approve an ordinance to amend Chapter 4 of the Code of the City of Alpharetta, Georgia to amend provisions regarding fees and administrative costs associated with an alcoholic beverage license, to amend procedures regarding review and approval of license applications and notice requirements; to provide for effective dates; to repeal ordinances in conflict herewith; and for other purposes.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

E. Text Amendments: City Code of the City of Alpharetta – Legal Organ

SECOND READING

The first reading of this item occurred during the August 19, 2024, City Council meeting and public hearing.

Consideration of an ordinance to amend Chapter 2 of the Code of the City of Alpharetta, Georgia to designate the Alpharetta Roswell Herald as the official legal organ for the City of Alpharetta; to provide for effective dates; to repeal all ordinances in conflict herewith; and for other purposes.

- City Attorney, Molly Esswein, read the ordinance title aloud.
- City Clerk, Lauren Shapiro, came forward to present this item.
- Because of the contract that was most recently awarded to the Alpharetta Roswell Herald, staff is recommending a change to the City Code in order to designate the name of the newspaper that the city is currently contracted with. The current code section states that the "Alpharetta Roswell Revue and News" is the city's legal organ, and this proposed amendment is to change that code section to designate the "Alpharetta Roswell Herald" as the city's legal organ.
- There have been no changes to the ordinance since the first reading.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member Brady offered a motion to approve an ordinance to amend Chapter 2 of the Code of the City of Alpharetta, Georgia to designate the Alpharetta Roswell Herald as the official legal organ for the City of Alpharetta;

to provide for effective dates; to repeal all ordinances in conflict herewith; and for other purposes.

- Mayor Pro Tem Merkel seconded the motion.
- The motion was approved unanimously (7-0).

F. Change Order 24-106: Artificial Turf Field Replacement Contract

Consideration of a Change Order for Contract 24-106 Miracle League Artificial Field Replacement and with authorization for the Mayor to execute all necessary documents.

- City Administrator, Chris Lagerbloom, came forward to present this item.
- Earlier this year, City Council approved a contract for a new field surface for the Miracle League field. In the process of renovating the field and removing the old surface, it was discovered that the underlying surface was aged and it is necessary to mill and resurface that area, wait for it to cure, and then continue to install the new surface.
- If this change order is approved, then there may be a couple of weeks of a delay in the start of the fall season (but not the entire season).
- Further, if approved, it would be suggested to utilize unallocated capital funds for this change order.

PUBLIC COMMENTS:

- There were no public comments
- ❖ Council Member Mitchell offered a motion to approve a Change Order for Contract 24-106 Miracle League Artificial Field Replacement and authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).

9. PUBLIC COMMENT

- There were no public comments.

10. REPORTS

- There were no reports.

11. EXECUTIVE SESSION (IF NECESSARY)

- ❖ Council Member Will offered a motion to adjourn to Executive Session for the purposes of personnel and real estate.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin recessed the meeting at 8:05 p.m.

- ❖ Council Member Merkel offered a motion to reconvene the meeting.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin reconvened the meeting at 8:24 p.m.

12. ADJOURNMENT

- ❖ Council Member Will offered a motion to adjourn the meeting.
 - Council Member Merkel 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 8:24 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

EXHIBIT A

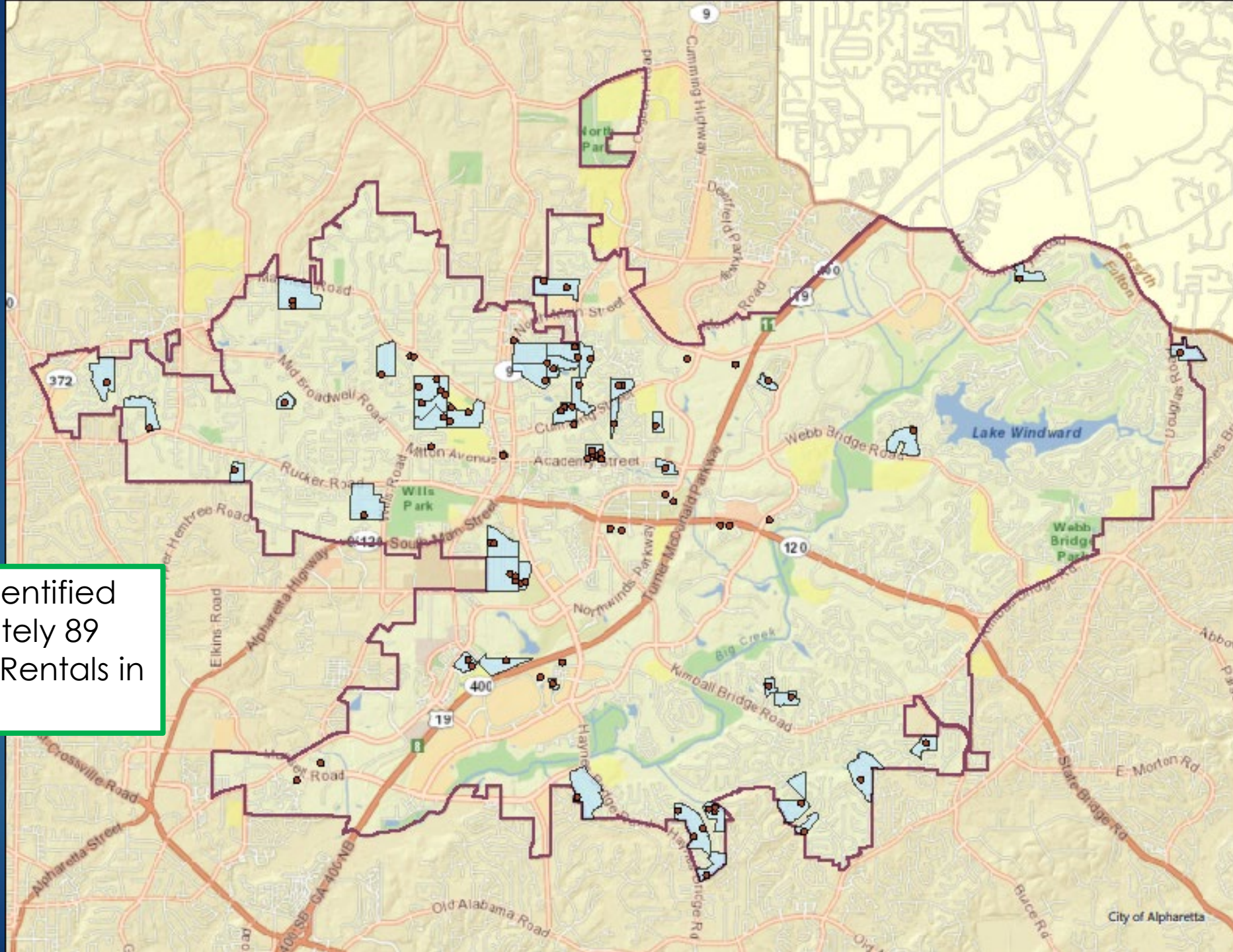


Short-Term Rentals

ALPHARETTA CITY COUNCIL

AUGUST 26, 2024

Staff has identified approximately 89 Short-term Rentals in the City



Prior Proposal

- ▶ Council previously considered designating Short-term Rentals as a **conditional** use in the AG district, and prohibited in all other districts.
- ▶ In addition to the Conditional Use Review Criteria set forth in Section 2.2a of the Unified Development Code, the proposal contemplated additional criteria for the City Council to consider including:
 - (1) Overnight occupancy;
 - (2) Daytime occupancy;
 - (3) The number of bedrooms;
 - (4) The capacity of the paved or impervious surface parking lot;
 - (5) Lot size;
 - (6) Distance from the structure to be used as a Short-term Rental from all neighboring property lines; and
 - (7) Sewer capacity and/or size and condition of the on-site septic system, as applicable.
- ▶ The original zoning proposal was paired with a permitting ordinance, which would impose operation regulations on Short-term rentals.

Stakeholder Meeting

- ▶ The City hosted a meeting with stakeholders, who provided input regarding their concerns with the proposed regulations.
- ▶ Feedback was provided both by Short-term Rental owners/operators, as well as City residents affected by Short-term Rentals.
- ▶ Feedback regarding operational regulations significantly aligned with the proposed ordinance.
- ▶ Owners/operators voiced concern with limiting the number of Short-term Rentals to be operated by an individual, as well as the narrowed zonings where Short-term Rentals could be operated.
- ▶ Residents expressed frustration regarding the possible change to the character of neighborhoods. They want to retain a sense of community where they know their neighbors.

Proposed Regulations

- ▶ Revise the UDC to authorize short-term rentals in residential districts, but with a 5% rental cap in platted subdivisions
- ▶ Revise the Code of Ordinances to require a license for short-term rentals with operational requirements

Proposed Revisions to the UDC

- ▶ Add a definition for “Short-term Rental”
 - ▶ An accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than thirty (30) days. For the purposes of this definition, a Short-term Rental shall include all housing types but shall exclude Bed and Breakfast establishments and Boarding Houses as they are defined by this Code. Short-term Rentals shall not constitute a Home Occupation as defined by this Code.

Proposed Revisions to the UDC

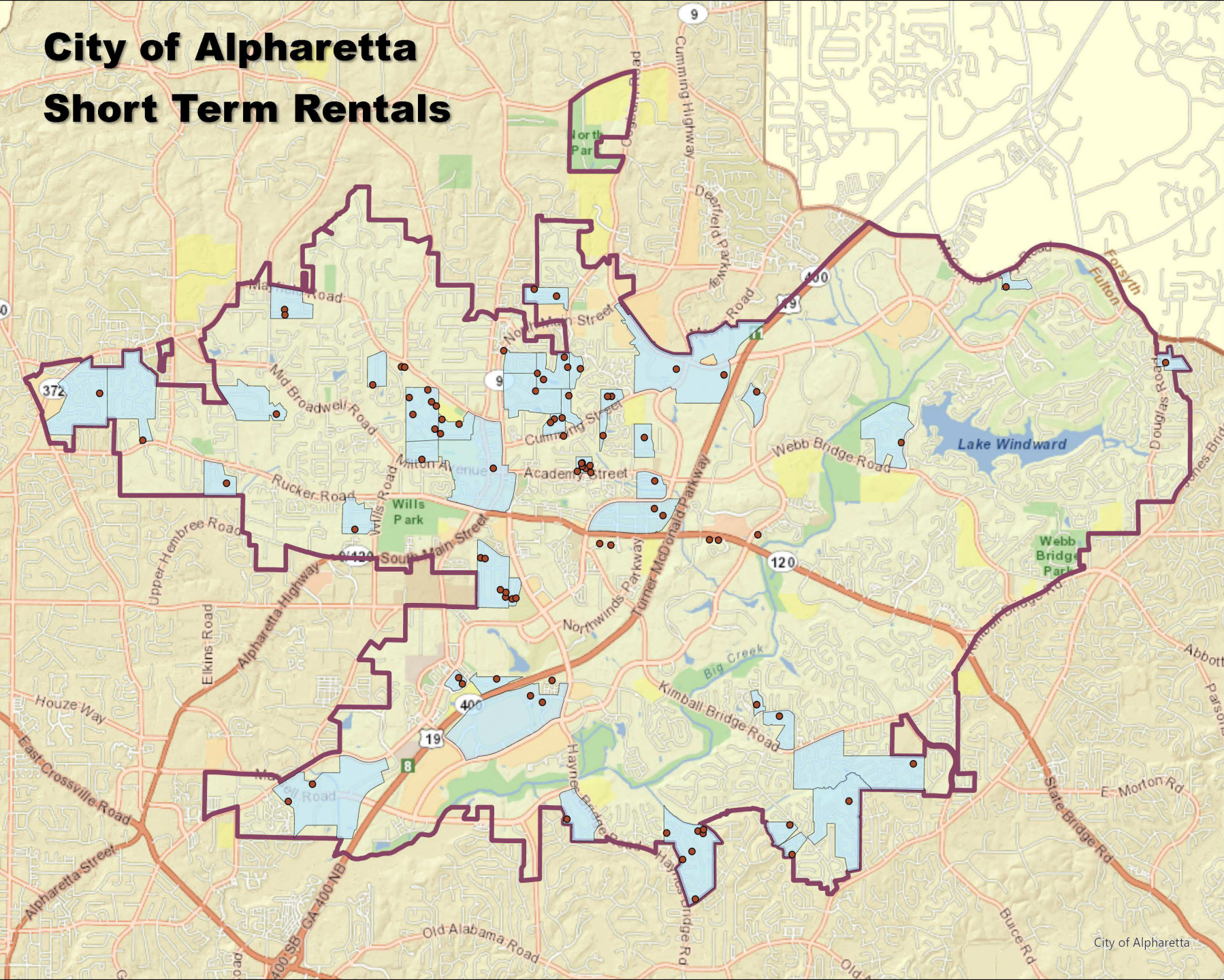
- ▶ Identify Short-term Rental as a permitted use in all residential districts
- ▶ Provide for a cap on the number of Short-term Rentals in platted subdivisions
 - ▶ One Short-term Rental per subdivision, or 5% of the total number of residential lots, whichever is greater
- ▶ Variances to the rental cap may be submitted for consideration by the City Council

Short-term Rentals

- ▶ There are approximately 295 properties classified as residential that are not in a subdivision of record
- ▶ Staff has identified six (6) subdivisions that currently exceed the proposed 5% rental cap

City of Alpharetta

Short Term Rentals



Subdivision	# STRs	Total Lots	% STR
Village Green	7	52	13.5%
Jackson Lake	4	58	6.9%
Coldridge Forest	8	118	6.8%
Milton Estates	6	94	6.4%
Dania Hills	1	17	5.9%
Meadow Brook Hills	3	57	5.3%
Henderson Village	1	22	4.5%
Crabapple Trace	2	50	4.0%
Hillcrest	1	28	3.6%
Vantage Point	2	56	3.6%
Alpha Park	5	141	3.5%
Sterling Heights	1	31	3.2%
Wood Brooke East	1	34	2.9%
Crabapple Chase	1	35	2.9%
Eastwood	1	37	2.7%
Milton Manor	1	41	2.4%
Woodbrooke	1	41	2.4%
Westwood Park	2	88	2.3%
Gatewood	2	92	2.2%
Selbridge Mill	1	47	2.1%
Arrowood	1	48	2.1%
Calumet	1	48	2.1%
Charlotte Estates	1	48	2.1%
Dunmoor	1	52	1.9%
Berkshire Manor	6	329	1.8%
Planters Ridge	2	124	1.6%
Winthrop Park	1	72	1.4%
Summerfield	1	77	1.3%
Kimball Point	1	81	1.2%
The Artisan	1	94	1.1%
Preserve at North Pointe	1	112	0.9%
Bluffs	1	136	0.7%
Mannings Ridge	1	151	0.7%
Caravelle at Windward Park	1	187	0.5%
Woodlands at Webb Bridge	1	209	0.5%
Northfarm	1	251	0.4%
Tuxford	1	375	0.3%

Stakeholder Feedback

- ▶ The City has since met with and heard from the Windward HOA, and they provided the following comments:
 - ▶ Asked for minimum distance requirements between STRs to prevent multiple in a row
 - ▶ Requested clarification regarding the 5% cap per platted subdivision (i.e. per phase)
 - ▶ Some suggested treating them like hotels and other fully commercial uses
 - ▶ Suggested increased fines for violations

Updated Recommendations

- ▶ Specify the 5% rental cap is per phase in platted subdivisions to prevent a concentration of rentals in a single phase
- ▶ Prohibit STRs from being located immediately adjacent to another STR along the same street
 - ▶ Staff believes this is more enforceable than implementing distance requirements
- ▶ Prohibit rentals of portions of homes (e.g. rental a single room)

Proposed Licensing Ordinance

- ▶ Requires a short-term rental license on an annual basis
- ▶ Establishes qualifications for the issuance of a license
- ▶ Subjects short-term rentals to various operational requirements
- ▶ Provides for the suspension or revocation of a license
- ▶ Provides for violations and penalties

Applications

- ▶ Required on an annual basis
- ▶ Information provided:
 - ▶ Property information
 - ▶ Owner information
 - ▶ Local contact person
 - ▶ Number of bedrooms
 - ▶ Occupancy calculations
 - ▶ Acknowledgment of all regulations
 - ▶ Verification of on-site septic or sewer service

Operational Requirements

- ▶ Occupancy must be memorialized by written agreement
- ▶ Overnight occupancy (11PM – 7AM) limited to 2 persons per bedroom plus 2 additional persons.
 - ▶ If serviced by sewer, 2 additional persons per residents
 - ▶ In no case shall overnight occupancy exceed 15 persons
 - ▶ Individuals under 2 years of age do not count toward maximum occupancy
- ▶ Daytime occupancy shall not exceed the overnight occupancy plus 4 additional guests.
- ▶ Vehicles are limited to 1 per bedroom, or the capacity of the parking lot, whichever is greater.

Operational Requirements

- ▶ All rentals must be to a “responsible person” as defined in the ordinance.
 - ▶ An occupant of a short-term rental who is at least twenty-one (21) years of age and who is legally responsible for ensuring that all occupants and/or guests of the short-term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental.
- ▶ Prior to permitting occupancy, the owner must:
 - ▶ provide information about short-term rental regulations to the responsible person
 - ▶ require written confirmation from the responsible person of their agreement to comply

Operational Requirements

- ▶ Notice to be posted in the Short-term rental:
 - ▶ Owner and local contact person information
 - ▶ Name and address of the nearest hospital
 - ▶ Maximum number of overnight occupants and daytime guests
 - ▶ Maximum number of vehicles and designated parking areas
 - ▶ Trash pickup information
 - ▶ Noise regulations
 - ▶ Copy of the short-term rental license

Operational Requirements

- ▶ Life Safety
 - ▶ Bedrooms must comply with safety codes in effect as of the date a CO was issued
 - ▶ Bedrooms, hallways, and common areas must have a smoke detector that meets IRC standards
 - ▶ Each floom must have a carbon monoxide detector and fire extinguisher
 - ▶ House number must be visible from the street

Other Requirements

- ▶ Occupation taxes
- ▶ Timely payment of all property taxes
- ▶ Apartments are not eligible
- ▶ Local Contact person:
 - ▶ Must be available to respond to the location 24/7 within 3 hours
 - ▶ May be a managing agency
 - ▶ Contact information must be kept current with City

Suspension or Revocation of a License

- ▶ Suspension, revocation, or forfeiture of an issued license is possible following notice and an opportunity for a hearing before City Council based on:
 - ▶ Violation of the short-term rental ordinance or noise regulations
 - ▶ The applicant provided fraudulent information in the application
 - ▶ The short-term rental does not meet the licensing requirements
 - ▶ The short-term rental was used as a rental during a period of suspension

Violations and Penalties

- ▶ 1st violation: fine up to \$250 and a warning
- ▶ 2nd violation: fine up to \$500 and a license suspension between 30 and 90 days
- ▶ 3rd violation: fine up to \$1000, revocation of the license, and neither the owner nor local contact person can reapply for a license for 12 months.
- ▶ Each day a short-term rental is marketed or rented for overnight accommodation without the necessary short-term rental license constitutes a separate violation.

EXHIBIT B



AN ORDINANCE TO AMEND THE ALPHARETTA CITY CHARTER; TO INCREASE THE ANNUAL SALARY OF THE MAYOR; TO INCREASE THE ANNUAL SALARY OF THE MEMBERS OF THE CITY COUNCIL; TO PROVIDE FOR THE ANNUAL ADJUSTMENT OF THE SALARIES OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL; TO INCLUDE THE PROVISION OF INSURANCE, RETIREMENT, WORKERS' COMPENSATION, AND OTHER EMPLOYEE BENEFITS TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled *Home Rule for Municipalities*, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1, *et seq.*; and

WHEREAS, O.C.G.A. § 36-35-3(a) provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

WHEREAS, O.C.G.A. § 36-35-3(b) provides that a municipal corporation may, as an incident of its home rule power, amend its charter by ordinance, except where prohibited pursuant to O.C.G.A. § 36-35-6; and

WHEREAS, O.C.G.A. § 36-35-4(a) provides that a municipal corporation is authorized to fix the salary, compensation, and expenses of the members of the municipal governing authority; and

WHEREAS, the Council desires to amend the Charter of the City of Alpharetta ("City") to establish a salary of \$50,000.00 per annum for the Mayor; and

WHEREAS, the Council desires to amend the Charter of the City to establish a salary of \$25,000.00 per annum for members of the City Council; and

WHEREAS, the Council desires to amend the Charter of the City by providing for the annual increase in the salaries of the Mayor and the members of the City Council by the lesser of three per cent (3%) or in accordance with the increase in pay provided to City employees; and

WHEREAS, the Council desires to amend the Charter of the City to include the provision of insurance, retirement, workers' compensation, and other employee benefits to the Mayor and members of the City Council; and

WHEREAS, the modifications provided for in this Ordinance may be lawfully completed by home rule and in accordance with O.C.G.A. § 36-35-4; and

WHEREAS, O.C.G.A. § 36-35-3(b)(1) provides that, in order to amend its charter, a municipal corporation must duly adopt an ordinance at two regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, additionally, O.C.G.A. § 36-35-3(b)(1) provides that a notice, containing a synopsis of the proposed amendment and stating that a copy of the proposed amendment is on file in the office of the City Clerk and in the Office of the Clerk of the Superior Court of Fulton County for the purpose of examination and inspection by the public, shall be published in the official organ of the county of the legal situs of the municipal corporation or in a newspaper of general circulation in the municipal corporation once a week for three weeks within a period of 60 days immediately preceding its final adoption; and

WHEREAS, O.C.G.A. § 36-35-4(a)(3) provides that in order to increase the compensation of the Mayor and members of the City Council, such action shall not be taken until notice of intent to take the action has been published in a newspaper of general circulation designated as the legal organ in the county and in the municipal corporation at least once a week for three consecutive weeks immediately preceding the week during which the action is taken; and

WHEREAS, in accordance with O.C.G.A. §§ 36-35-3(b)(1) and 36-35-4 (a)(3), a legal ad identifying this charter revision proposing to increase the compensation of the members of the governing authority was published in the City's legal organ, the Alpharetta-Roswell Herald, as well as Fulton County's legal organ, the South Fulton Neighbor, for the weeks beginning August 12, August 19, August 26, and September 2, 2024; and

WHEREAS, those requirements applicable to amendments to the charter of a municipal corporation by an ordinance duly adopted by the municipality's governing authority as set forth in O.C.G.A. § 36-35-3 have been met and satisfied, and, specifically, notice of the consideration of this Ordinance has been advertised and this Ordinance has been duly adopted by the governing authority at two regularly consecutive meetings in compliance with O.C.G.A. § 36-35-3; and

WHEREAS, those requirements applicable to action increasing the salary and compensation of the members of the municipal governing authority as set forth in O.C.G.A. § 36-35-4 have been met and satisfied; and

WHEREAS, a majority of the Council deems it to be in the best interests of the citizens of the City of Alpharetta that the Alpharetta Charter be further amended.

NOW THEREFORE, the Council of the City of Alpharetta hereby ordains and resolves that the Charter of the City of Alpharetta shall be amended as follows:

Section 1: Section 2.13 of the Alpharetta Charter is hereby amended by deleting Section 2.13 in its entirety and substituting a new Section 2.13 as follows:

Sec. 2.13. Compensation and expenses.

Effective January 1, 2026, the mayor and councilmembers shall receive compensation- a salary for their services in the following amounts:

- (1) Mayor: \$30,000.0050,000.00 per annum, payable monthly; and
- (2) Council[member]: \$15,000.0025,000.00 per annum, payable monthly.

Effective July 1, 2027, and every July 1 thereafter, the annual salary of the mayor and councilmembers shall be automatically increased by 3% or by the average percentage increase in pay provided to city employees during the then applicable fiscal year, whichever is less. There shall be no more than one salary adjustment for the mayor and councilmembers in any 12-month period.

The mayor and councilmembers shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. In addition, the city council may provide for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and members of the city council.

Section 2: Severability. If any portion of this Ordinance or the application thereof shall be held invalid or unconstitutional, the other provisions of this Ordinance shall not be affected, and thus, the provisions of this Ordinance are declared severable.

Section 3: Repealer. Any other Ordinance, Resolution, or local law, or portion thereof, now in effect, that is in conflict with any of the provisions of this Ordinance is hereby repealed.

Section 4: Effective Date. This Ordinance shall become effective on January 1, 2026 as required by O.C.G.A. § 36-35-4(a)(1), provided all required documents have been filed with the Secretary of State and in the Office of the Clerk of Superior Court of Fulton County as required by O.C.G.A. § 36-35-5.

Section 5: Adoption at Two Consecutive Meetings. This Ordinance was adopted at two (2) regular consecutive meetings of the Council of the City of Alpharetta held on the 26th day of August, 2024, and the 9th day of September, 2024, as required by O.C.G.A. § 36-35-3.

SO ORDAINED, this 9th day of September, 2024.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

Mayor Pro Tem Dan Merkel

Council Member Donald F. Mitchell

Council Member Brian Will

Council Member Douglas J. DeRito

Council Member John Hipes

Council Member Fergal M. Brady

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney

First Reading: _____

Second Reading: _____