



City Council Meeting & Public Hearing

AUGUST 19, 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 6:32 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
- Michael Woodman, Planning and Development Services Manager
- Lindsey Pritchard, Recreation Supervisor

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Alpharetta Gymnastics Association

- Mayor Gilvin presented a proclamation the members of the Alpharetta Gymnastics Association 2023-2024 team and recognized Lindsey Pritchard and Ashley Parks for their contributions to the team's successful season.

5. BOARDS & COMMISSIONS

A. Natural Resources Commission Appointment by Council Member DeRito

- Council Member DeRito announced the appointment of Herb Velazquez to the Natural Resources Commission.

6. CONSENT AGENDA

A. Alcohol Beverage License Application

Consideration of approval of the following alcoholic beverage license application:

1. PH-24-AB-14 Jejumouse114 Hospitality, LLC d/b/a Monkey 68

160 North Main Street, Alpharetta, GA 30009

Change in Ownership

Eating Establishment

Consumption on Premises

Distilled Spirits, Beer, Wine & Sunday Sales

Owner: Jejumouse114 Hospitality, LLC

Registered Agent: Yen Po Liu

B. City Council Meeting Minutes (Meeting of 7/15/2024)

Consideration of approval of the City Council meeting minutes from the meeting of July 15, 2024.

C. City Council Meeting Minutes (Meeting of 7/29/2024)

Consideration of approval of the City Council meeting minutes from the meeting of July 29, 2024.

D. Quitclaim Deeds: Old Milton Parkway Parcels 5,7,8 and 9

Consideration of approval of a Quitclaim Deed between the City of Alpharetta, Georgia and the Georgia Department of Transportation for parcels 5, 7, 8, and 9 of project number 0017187 for Old Milton Parkway.

E. Financial Management Report (Month ending June 30, 2024)

Consideration of approval of the Financial Management Report for the month ending June 30, 2024.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the Consent Agenda.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).

7. PUBLIC HEARING

A. Announcement of Public Hearing Procedures

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

B. V-24-20 Midwick Property Owner's Association Fence Variance

Consideration of a variance to reduce a fence setback and increase fence height along the Alpha Loop. A variance is requested to Unified Development Code (UDC) Subsection 2.3.6(F) to reduce the setback for a fence and to increase the height of the fence along a multi-use trail (Alpha Loop). The property is located at 361 Bradbury Crossing and is legally described as being located in Land Lots 748 & 749, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Midwick POA, is requesting variances to eliminate the setback for a fence along a multi-use trail and to increase the height of the fence. The Midwick subdivision has an alignment of the Alpha Loop along its northern boundary, as well as an Alpha Loop connection running through a central amenity area within the subdivision, connecting the Alpha Loop to the sidewalk along Thompson Street. The subject property is located at 361 Banbury Crossing on the north side of Thompson Street and west of Park Street.
- Staff is recommending that Mayor and City Council deny V-24-20 Midwick POA Alpha Loop Fence Variance request to eliminate a fence setback and increase fence height along a multi-use trail.
- The property is zoned DT-LW (Downtown Live-Work) and is developed with 40 'For-Sale' detached homes and townhomes, as well as an alignment of the Alpha Loop. Surrounding properties are zoned R-4A (Dwelling, 'For-Sale', Residential) to the north, MU (Mixed Use) to the east and south, and O-P (Office-Professional) to the west. Academy Park is located to the north, Thompson Street Park is located to the east,

Towns on Thompson is located to the south, and the Moss property is located to the west.

- Variances are requested to Unified Development Code (UDC) Subsection 2.3.6(F) to eliminate the ten-foot (10') setback for a fence along a multi-use trail and to increase the height of the fence from five-feet (5') to six-feet (6'). The applicant states that a variance is needed in order to maximize the central amenity area for the residents of Midwick. A 2015 condition of zoning required that the developer construct a public access connection between the Alpha Loop and the Thompson Street sidewalk through a central amenity area in the subdivision. The developer of Midwick, Edward Andrews Homes, received impact fee credits for the construction of the Alpha Loop, which included the trail connection through the central amenity area. In 2022, Staff approved a plan depicting an evergreen hedge along the eastern edge of the trail connection. However, the applicant believes a fence would be the best means to clearly differentiate between the public trail connection and the private neighborhood amenity space.
- The submitted site plan depicts a six-foot (6') fence with a zero-foot (0') setback along the eastern edge of the Alpha Loop connection running through the central amenity area for the Midwick subdivision. The trail has been relocated to the western side of the central amenity area. The western side of the trail connection is a ten-foot (10') wide landscaped area planted with trees and shrubs. The applicant proposes a Confederate Jasmine vine to be planted along a six-foot (6') pressed spear black aluminum fence.
- A Community Zoning Information Meeting was held on July 10, 2024. There were several public comments in support of the request.
- The Citizen Participation Plan Report submitted by the applicant states that property owners were contacted regarding the applicant's intent. According to the report, the applicant received a request for more information from Academy Park Property Owner's Association.
- Staff has reviewed the applicant's proposal against the review criteria for a variance. The condition of zoning requiring the Alpha Loop connection through Midwick's central amenity area was established when the property was rezoned in 2015 and prior to development of the subdivision. The developer of Midwick received impact fee credits for the construction of the Alpha Loop and the multi-use trail connection through the subdivision, which are both public improvements. Staff previously approved a plan depicting evergreen trees along the eastern side of the Alpha Loop connection, which would achieve the applicant's goal of separating the central amenity area from the public access trail connection while maximizing the amenity area. There are several other public connections through neighborhoods such as The

Foundry and approval of fencing with no setback along a multi-use trail could set a precedent. The intent is to have open spaces or green landscaped spaces.

- Richard DeLuca (400 Banbury Crossing, Alpharetta, GA 30009) and Steven Bogart (360 Banbury Crossing, Alpharetta, GA 30009) came forward to speak as the applicant.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to deny V-24-20 Midwick POA Alpha Loop Fence Variance request to eliminate a fence setback and increase fence height along a multi-use trail.
 - Council Member Hipes seconded the motion.
 - The motion was approved (6-1 ; with Council Member Will in opposition).

C. PH-24-15 The Gathering

Consideration of a request for changes to conditions of zoning related to a mixed-use development under construction on 24.75 acres in the North Point Overlay. Changes to zoning conditions are requested to the site plan to reconfigure the commercial building layout, remove a parking deck fronting Haynes Bridge Road, allow additional site access from Morrison Parkway, change the height of townhomes from 3 to 4 stories, change the minimum height of commercial buildings from 24' to 18' and to clarify that sculpture requirements relate to commercial certificates of occupancy. The property is located at 0 Haynes Bridge Road and is legally described as being located in Land Lots 745 & 746, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Brock Built Homes, LLC, is requesting changes to previous conditions of zoning related to The Gathering mixed-use development on 24.76 acres in the North Point Overlay. The following changes are requested to the previous conditions of zoning: 1) amend the site plan to remove the four (4) level parking deck along Haynes Bridge Road, 2) increase the maximum height of townhomes from three (3) stories and 40' to four (4) stories and 50', 3) reduce minimum height of commercial buildings from two (2) stories and 24' to 18', and 4) clarify that the sculpture requirement is subject to the first 'commercial' certificate of occupancy. The subject property is located at the northwest corner of Haynes Bridge Road and Morrison Parkway.
- Staff is recommending that Mayor and City Council approve PH-24-15 The Gathering, subject to the following conditions:

Related to file #PH-23-03 The Gathering Change of Conditions:

1. The 24.76-acre property shall be zoned MU and the site shall be developed substantially similar to plan ZP-2 prepared by Kimley-Horn, dated 5/31/2024, except for changes required to comply with the conditions below.
4. Development regulations shall be as follows:
 - a. 39 'For-Sale' single-family detached homes and 140 'For-Sale' townhome units shall be permitted with homes having a maximum height of 3-stories or 40' and townhomes having a maximum height of 4 stories or 50'. 14' townhomes shall be limited to no more than 52 units and shall have no more than 2 bedrooms. No more than 10% of units/homes shall be rented as stated in the HOA documents.
 - b. Retail/Restaurant/Office – Maximum 50,000 square feet shall be permitted, not including outdoor dining areas. Minimum building height shall range between 18' to 26', substantially as depicted on Exhibit A, with a maximum height of 3 stories. Architecture and materials of the commercial buildings shall be substantially similar to Exhibit B, with final approval by DRB. Commercial buildings at the corner of Haynes Bridge Road and Morrison Parkway shall be constructed in the first phase of development with the residential uses. Restaurants shall include outdoor dining areas. No drive-thru restaurants. Commercial area shall be replanted with a 100' buffer, to City buffer standards, along Haynes Bridge Road and Morrison Parkway, if construction does not commence within 18 months from the issuance of the LDP.

Related to file #Z-21-05/V-21-13 Morrison Park/The Mix:

25. Developer shall provide at least 2 original sculptures, murals or North Point District Thresholds located at prominent locations within the development, with final approval by the Cultural Arts Commission. Construction of 1 sculpture, mural or District Threshold shall be required concurrent with the first commercial CO and all sculptures, murals or District Threshold shall be completed prior to final CO. An art installation shall be provided at the location depicted on the site plan, with final approval by the Cultural Arts Commission. The budget for the described sculptures and artwork shall not exceed \$100,000.

New Conditions:

1. Surface parking lot, between Buildings 'C' and 'D', shall be heavily screened from Haynes Bridge Road, with final approval by DRB.
2. Developer shall submit an updated Traffic Impact Study, with methodologies and analyses to be coordinated with, reviewed, and approved by Staff prior to LDP approval. If applicable, any geometric, traffic control, and/or signal improvements identified and evaluated in the updated Traffic Impact Study to

mitigate unacceptable levels-of-service (LOS) operations that are potentially triggered by the addition of site traffic shall be eligible for impact fee credits.

- The undeveloped property was rezoned to MU (Mixed Use) in 2021 and is currently under construction. Surrounding properties are zoned O-I (Office-Institutional), except that the property to the northwest is zoned R-10M (Dwelling, 'For-Sale' or 'For-Rent', Residential). The property is bound by Morrison Parkway to the south, FedEx to the west, Vantage Point to the northwest, and Haynes Bridge Road to the east. Northwinds and Lakeview Park Master Plans are located to the east and south, respectively. The comprehensive land use plan designation of the property is 'Mixed Use'.
- In addition to a revised site plan depicting the removal of the parking garage, the applicant provided a height study of recent commercial developments to justify the reduction in minimum building height. The applicant proposes varied building heights to work with the existing grade change along the Haynes Bridge Road frontage. Buildings are proposed to vary between eighteen feet (18') and 26' with an average building height of approximately twenty feet (20'). The applicant also provided a rendering depicting the four (4) story townhomes. The overall look of the townhomes has remained the same with the addition of a fourth (4th) floor which includes an outdoor roof deck area.
- The applicant's updated site plan is generally the same as previously approved, with adjustments limited to the commercial village at the corner of Haynes Bridge Road and Morrison Parkway. The four (4) level parking garage previously depicted along Haynes Bridge Road has been removed and replaced with commercial buildings. The commercial village includes seven (7) buildings with four (4) buildings framing an outdoor green at the corner of Haynes Bridge Road and Morrison Parkway and three (3) buildings framing the main project entrance off Haynes Bridge Road. Surface parking has been added in the commercial village including 175 spaces, as well as 30 shared on-street spaces for a total of 205 spaces. The site plan complies with the City's minimum parking requirements. A new curb cut is proposed on Morrison Parkway at the western edge of the commercial village.
- A Community Zoning Information Meeting was held on July 10, 2024. There were no public comments.
- The Citizen Participation Plan 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.
- Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for changes to conditions of zoning. The request would result in a better, continuous streetscape along Haynes Bridge Road by removing the four (4) level parking deck and replacing it with commercial storefronts. Four (4) story townhomes have been approved at the nearby mixed-use development to the south,

Lakeview Park. In addition, the applicant desires a successful retail environment, which will be predicated upon ease of access to parking and the built environment.

- Woody Galloway (attorney representing Lincoln Property Company and Brock Built Homes), Tony Bartlett (Lincoln Property Company), and Adam Brock (Brock Built Homes) came forward to speak on behalf of this application.

CITY COUNCIL DISCUSSION:

- Council Member Mitchell asked about the loss of greenspace and the lack of fountain in the corner area of the development.
- Council Member Brady shared that the timing is disingenuous and asked about the timeline of the project. He shared the importance of this corner of the development and asked what the developer will do if this is not approved tonight, and if they could add more green space between building C and D.
- Council Member DeRito asked about the amount of reduction in parking, the change of the retail building, and the removal of the parking deck. He shared that he was concerned about the parking lot and the potential of the developer walking away from the commercial development of this project.
- Mayor Gilvin shared that he liked the creativity to create a lower price point, but is concerned that enclosing the 4th story would likely increase the price point.
- Council Member Mitchell asked if the applicant would be okay with a deferral.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to defer PH-24-15 The Gathering until September 9th so that they can change several things from the parking to adding more amenities and adding a fountain and making it what the applicant was proposed to be when you first came forward.
 - Council Member Will seconded the motion.
 - The motion was approved (7-0).

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

FIRST READING

Consideration of adoption 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. The attached ordinance was prepared for adoption in order to codify the direction of Mayor and City Council, based upon the Work Session discussion.
- A copy of the proposed ordinance is attached hereto as "Exhibit A."
- If approved, the city's Alcohol Ordinance would be amended to reflect the following:
 - **Section 4-6: License Applications:** Allows for expansion of license payment options (other than only by certified check); specifies that there is a license fee, investigative fee, and administrative costs associated with license applications, removes language about specific fee amounts, provides definitions of who is considered an applicant in a partnership, limited liability company, and corporations provides for an administrative approval process of applications, requires a public hearing in specific situations (when licensed premises does not have a building permit, when a variance is required, is for a special event, or when other conditions may exist), amends public noticing requirements, and specifies that in addition to new applications, there is also a yearly renewal application and an amendment application for when conditions of the business may change.
 - **Section 4-10: Compliance and fee payment prior to license issuance; term of license; proration of fees; no refund**
 - Clarifies that proration of license fees are based upon when the application is submitted to the city; and specifies that all alcoholic beverage license fees, investigative fees, and administrative costs to be approved by resolution of the City Council, from time to time.
 - **Section 4-30: Complimentary service.**
 - Offers general code clean up by removing abbreviations for clarity (ex: "CS" means Complimentary Service); and specifies that all alcoholic beverage license fees, investigative fees, and administrative costs to be approved by resolution of the City Council, from time to time.
 - **Section 4-11: Nonprofit civic organization's temporary permit, Section 4-19: Renewal of license, Section 4-141: Growlers, Section 4-215: Exception for specialty gift shops, Section 4-239: Licensed alcoholic beverage caterers, Section 4-257: Exception for publicly-owned facilities, Section 4-347:**

Conditions of license issuance; Section 4-424 License Fee, and Section 4-457: Application; license fee:

- Specifies that all alcoholic beverage license fees, investigative fees, and administrative costs to be approved by resolution of the City Council, from time to time.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to adopt 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 Mitchell seconded the motion.
 - The motion was approved (7-0).

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

FIRST READING

Consideration of adoption 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 speak on this item.
- During the July 29, 2024 City Council meeting, Mayor and City Council approved the award of a contract to Appen Media Group (d/b/a Alpharetta Roswell Herald) for the purposes of legal advertising services.
- Section 2.22 of the Charter of the City of Alpharetta requires that certain acts of the City Council be advertised by publishing a legal notice in a newspaper of general circulation within the City of Alpharetta. Additionally, Section 2-15 of Article I of Chapter 2 of the Code of Ordinances of the City of Alpharetta designates the name of city's legal organ.
- 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.

- A copy of the proposed ordinance is attached hereto as "Exhibit B."

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to adopt 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.
 - Council Member Brady seconded the motion.
 - The motion was approved (7-0).

8. NEW BUSINESS

A. Invitation to Bid 24-022: North Point Parkway Pipe Assessment

Consideration of approval of the award of a contract for ITB 24-022 North Point Parkway Pipe Assessment to Southern Drainage Solutions, LLC for an amount not to exceed \$76,445.00 and with authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- This bid is for closed circuit television (CCTV) inspections, cleaning services, and pipe assessments of the 18"-66" inch storm sewer conveyances located along North Point Parkway. The extent of this project and pipe assessment will span from Haynes Bridge Road to Mansell Road.
- In order to accurately assess the current condition of these pipes, a robotic crawler with a camera and jet vac will have to be utilized. Approximately 7,000 linear feet (LF) of pipeline will be video inspected and cleaned as part of the project. The contractor will inspect each pipe joint, pipe connection, structural deterioration, infiltration and inflow sources, and deposits and appropriately log the observations to include them in the CCTV reports.
- Any deficiencies will be identified, and the appropriate repair methods be incorporated into the current improvement plans as part of the overall North Point Parkway Improvement project currently being planned in this corridor.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member DeRito offered a motion to approve the award of a contract for ITB 24-022 North Point Parkway Pipe Assessment to Southern Drainage

Solutions, LLC for an amount not to exceed \$76,445.00 and with authorization for the Mayor to execute all necessary documents.

- Council Member Brady seconded the motion.
- The motion passed unanimously (7-0).

B. Request for Proposals 24-121: Downtown Alpha Loop Connections Design

Consideration of approval of the award of a contract for RFP 24-121 to Keck & Wood, Inc. for the design of Alpha Loop connections at four locations within and near Downtown in an amount not to exceed \$164,760.00 and with authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- This project is to design safe and convenient shared-use paths (i.e., sidewalks and crosswalks) at the following four locations: 1) Roswell Street - Along the west of Roswell Street between Old Milton Parkway and Devore Road; 2) Devore Road - End of Maxwell Development on Devore Road to Haynes Bridge Road; 3) Old Milton Parkway at Kingry Lane - Crossing of Old Milton Parkway and extending the Alpha Loop along east side of Kingry Lane to Thompson Street; and 4) Intersection of Haynes Bridge Road and Westside Parkway.
- The design process will follow concepts within the Downtown Link Conceptual Design Report, adopted by the City Council on 3/27/2023. All sidewalks will be 12-ft wide, and landscaped buffer will be provided between the sidewalks and vehicular travel lanes. Some of the other features of the design would include pedestrian lighting and enhanced crosswalks.
- Procurement for this project was initiated through a Request for Proposal (RFP 24-121), that was issued on March 28, 2024, with a response deadline of May 23, 2024. A total of three submittals were received.
- After evaluation and verifying the submitted proposals, staff from the Public Works and Community Development Departments met with representatives of Keck & Wood on Friday, July 26, 2024. The project scope, schedule, and proposal package as submitted by Keck & Wood were discussed with the firm during the meeting. Keck & Wood is an experienced engineering firm that has successfully completed projects for multiple local governments.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to award RFP 24-121 to Keck & Wood, Inc. for the design of Alpha Loop connections at four locations within and near Downtown in an amount not to exceed \$164,760.00 and with authorization for the Mayor to execute all necessary documents.

- Council Member Brady seconded the motion.
- The motion passed unanimously (7-0).

C. Purchase Approval: Encore Greenway Wetland and Stream Mitigation

Consideration of approval of the purchase of Wetland and Stream Mitigation Credits in association with the Encore Greenway Project in an amount not to exceed \$355,630 from RES Aster, LLC and authorize the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Over the last several years, the City and True North 400 have been working with AECOM to develop construction plans for a 12' wide greenway connection from the intersection of the Encore Greenway and North Point Parkway to the Big Creek Greenway. The scope of work includes an array of items ranging from an elevated concrete trail, a gathering plaza, gateway signage, and an elevated viewing area.
- Because the project will have impacts on wetlands, however, the City is required to purchase wetland credits. This is something the City has had to do with some of our previous projects, most recently the reconstruction of the bridge over Big Creek along Webb Bridge Road and the associated connection to the Big Creek Greenway.
- Wetland credits are a way to compensate for the loss of or negative impact on wetlands on a given site or property. The credits are purchased from Wetland Mitigation Banks, which create them by restoring, creating, or enhancing wetlands. The individual or entity that sponsors a Wetland Mitigation Bank is responsible for the cost of wetland development, as well as the long-term maintenance of the wetland bank to ensure that it continues to function as designed in the future. The size and scope of the wetland restoration, creation, or enhancement activities determine the quantity of credits available for sale. The price of credits is negotiated between the buyer and seller, and the number of credits required to be purchased is determined based on the impact one's project has on wetlands and streams.
- For the Encore Greenway project, a total of 2.48 wetland credits and 234 stream credits are required to be obtained. The wetland credits cost \$310,000 and the stream credits cost \$45,630. The total cost of these credits is \$355,630.
- Typically, the award of the credits occurs at the same time as the overall project is presented to the Council for award. However, AECOM has informed Public Works staff that the company with the credits has interests from multiple entities and is only holding the credits for a few more weeks for us. The Encore Greenway project is currently out to bid and bids are due August 22nd. Without showing we have purchased the credits the US Army Corp will not issue a permit of approval and the project would be delayed.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Council Member DeRito offered a motion to approve the purchase of Wetland and Stream Mitigation Credits in association with the Encore Greenway Project in an amount not to exceed \$355,630 from RES Aster, LLC and authorize the Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion passed unanimously (7-0).

9. PUBLIC COMMENT

- Derrick Blassingame (PO Box 570373, Alpharetta, GA 30357) came forward to speak about The Gathering and Public Safety.

10. REPORTS

- There were no reports.

11. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

12. ADJOURNMENT

- ❖ Mayor Pro Tem Merkel offered a motion to adjourn the meeting.
 - Council Member DeRito 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 8:27 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

EXHIBIT A



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA 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

WHEREAS, O.C.G.A. § 36-35-3(a) provides that the governing authority of each municipal corporation shall have 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, the Code of Ordinances of the City of Alpharetta, Georgia ("City") was designed to be amended from time to time when circumstances warrant that modifications be made in order to make the Code of Ordinances more responsive to community needs; and

WHEREAS, the Mayor and City Council desire to amend Chapter 4 of the Code of Ordinances related to regulations of alcoholic beverages; and

WHEREAS, the Mayor and City Council find that the following amendment to the Code of Ordinances promotes the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City;

NOW THEREFORE, the Mayor and City Council of the City of Alpharetta hereby ordains, as follows:

Section 1. Section 4-6 of Article I, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-6 in its entirety and replacing it with the following:

Sec. 4-6. License applications.

- (a) All persons, as owners, desiring to engage in activities permitted by this chapter, shall make and file a written application to the city for the appropriate license on forms prescribed by the city. All applications shall be accompanied ~~by a certified check~~ with payment for the full amount of the license fee, investigative fee, and any other administrative costs associated with the application. ~~together with a separate check or cash in the amount of \$350.00 to defray investigative and administrative costs.~~ If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded, but the ~~\$350.00~~ investigative fee and any other administrative costs shall be retained.
- (b) The application shall include, but shall not be limited to: the name and address of the applicant and the proposed business to be carried on.

- (1) If a partnership, the application shall include the names and residence addresses of the partners, and whether all partners have been convicted of any felony, misdemeanor, or a violation of any municipal ordinance;
 - (2) If a limited liability company with individual persons as members, the application shall include names and residence addresses of the members and whether its members have been convicted of any felony, misdemeanor, or a violation of any municipal ordinance;
 - (3) If a corporation or a limited liability company with corporate members having as its principal business the sale of alcoholic beverages, the application shall include the names and addresses of the principal officers, the name and address of the majority stockholder, the name and address of the agent for service of process, the name and address of the manager, or any other entity having a financial interest in each entity which is to own or operate the establishment, and whether its officers or manager has been convicted of any felony, misdemeanor, or a violation of any municipal ordinance. If the manager changes, the applicant must furnish the city clerk with the name and address of the new manager and other information as requested within ten days of such change.
 - (4) If a corporation or a limited liability company with corporate members having as its principal business an activity other than the sale of alcoholic beverages, the application shall include the name and address of the officer or employee of the corporation primarily responsible for the operation of the licensed premises, and whether its officers or manager has been convicted of any felony, misdemeanor, or a violation of any municipal ordinance.
- (c) All applications shall be sworn to by the applicants before a notary public or other officer authorized to administer oaths.
- ~~(d) The department of community development or its designee shall review the application to determine compliance with city regulations and laws and to investigate the character and reputation of the applicant. If the director of community development or his designee determines that the application appears to meet the requirements of applicable law, the director of community development shall forward the application to the city clerk, who shall schedule and conduct a public hearing as provided in subsection (f) of this section.~~
- (d) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation and to the Federal Bureau of Investigation, as specified in O.C.G.A. § 3-3-2(c).
- ~~(e) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints to be forwarded to the state bureau of investigation and to the Federal Bureau of Investigation, as specified in O.C.G.A. § 3-3-2(c).~~
- (e) The Director of Community Development or its designee shall review the application to determine completeness of the application and whether or not a public hearing may be required. A public hearing is required when there is an application for premises that does not yet have a building permit, requires a variance to the Alcohol

Ordinance, is for a special event, or there are conditions surrounding the application that warrant additional review or conditions.

- (1) If the application is complete and a public hearing is not necessary, a public notice sign will be posted on the premises and to the city website.
 - (2) If the application is complete and a public hearing is required, the Director of Community Development or its designee shall request that the city clerk schedule a public hearing as provided in subsection (f) of this section and post a public notice on the premises and to the city website.
- ~~(f) The city clerk shall prepare and cause to be published a notice of each pending application, which notice shall include the date the application will be considered by the city clerk, the location or street number of the premises where the applicant proposes to conduct activities permitted by this chapter, and the name of the applicant, and if a partnership, the name of the partners, and if a corporation, the names of the president, secretary and treasurer of such corporation. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city, and shall appear once a week for two weeks immediately preceding consideration of the application by the city clerk. Each applicant for a license for consumption on the premises of alcoholic beverages shall, at such applicant's expense, post on the premises where the activities permitted by such license are to be conducted, continuously for a period of not less than ten days prior to consideration of the application by the city clerk, a notice of the pending application, meeting the following minimum specifications: this notice shall be painted or printed in black letters three inches or more in height, against a white background, on a wooden or metal sign, and having a surface of not less than 12 square feet, and shall be placed with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting same, and not more than ten feet therefrom. The sign shall state clearly the nature and purpose of the application, the date and hour and place of the city clerk hearing, and the name of the person making the application. If, after conducting the public hearing, the city clerk determines that the application meets the requirements of this chapter, the city clerk shall place the application on the consent agenda of the next available city council meeting. The license shall be issued following approval of the consent agenda.~~
- (f) Each applicant for an alcoholic beverage license (except for special events and events on public property) shall, at such applicant's expense, post on the premises where the activities permitted by such license are to be conducted, continuously for a period of either 14 days or approval of the application, whichever is greater, a notice of the pending application, meeting the following minimum specifications: this notice shall be painted or printed in black letters three inches or more in height, against a white background, on a wooden or metal sign, and having a surface of not less than 12 square feet, and shall be placed with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting same, and not more than ten feet therefrom. The sign

shall state clearly the nature and purpose of the application and the name of the person or entity making the application.

(1) If the application is to be heard by city council, the notice must state the date and hour of the council meeting at which the application will be considered. Additionally, for all applications to be considered by city council, the city clerk shall prepare and cause to be published a notice of each pending application, which notice shall include the date and time the application will be considered by the city council, the location or street number of the premises where the applicant proposes to conduct activities permitted by this chapter, and the name of the applicant, and if a partnership, the name of the partners, and if a corporation, the names of the president, secretary and treasurer of such corporation. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city, and shall appear once a week for two weeks immediately preceding consideration of the application by the city council.

(2) For applications eligible to be administratively approved, notice of the premises location and name of the applicant shall be placed on the city website.

~~(g) The city shall have the authority to prescribe forms for new or renewal applications. All applicants shall furnish data, information and records as required by the city and shall ensure compliance with the provisions of this chapter. Failure to furnish such data shall automatically serve to dismiss the application with prejudice.~~

(g) After public noticing has been posted, the Director of Community Development or its designee shall review the application for compliance with city regulations and laws and investigate the character and reputation of the applicant(s).

~~(h) Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof.~~

(h) If the Director of Community Development or its designee determines that the application satisfies the requirements of applicable law and the city's ordinance, the Director of Community Development or its designee shall administratively approve the application.

~~(i) In all instances in which an application is denied under the provisions of this chapter, the applicant may not re-apply for a license for at least one year from the final date of such denial.~~

(i) The city shall have the authority to prescribe forms for new, amendment, or renewal applications. All applicants shall furnish data, information and records as required by the city and shall ensure compliance with the provisions of this chapter. Failure to furnish such data shall automatically serve to dismiss the application with prejudice.

- ~~(j) Each applicant shall certify that the applicant has read this chapter, and if a license is granted, each licensee shall maintain a copy of this chapter on the premises and shall require each of the licensee's employees to be familiar with this chapter.~~
- ~~(i) Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof.~~
- ~~(k) In all instances in which an application is denied under the provisions of this chapter, the applicant may not re-apply for a license for at least one year from the final date of such denial.~~
- ~~(l) Each applicant shall certify that the applicant has read this chapter, and if a license is granted, each licensee shall maintain a copy of this chapter on the premises and shall require each of the licensee's employees to be familiar with this chapter.~~

Section 2. Section 4-10 of Article I, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-10 in its entirety and replacing it with the following:

Sec. 4-10. Compliance and fee payment prior to license issuance; term of license; proration of fees; no refund.

- (a) Before a license shall be granted, the applicant shall comply with all city rules and regulations pertaining to the sale of alcoholic beverages, and each applicant shall pay a license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk.
- (b) All licenses shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be prorated based on the number of months remaining in the calendar year following the date the application is submitted to the city. A partial month shall be counted as a full month.
- (c) License fees are not refundable.

Section 3. Section 4-11 of Article I, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-11 in its entirety and replacing it with the following:

Sec. 4-11. Nonprofit civic organization's temporary permit.

Any bona fide nonprofit civic organization may be issued a temporary permit authorizing the organization to sell alcoholic beverages for consumption on the premises or to sell wine at retail for off-premises consumption, or both, for a period not to exceed three days, subject to all laws and ordinances regulating the time for selling such beverages. The temporary

permit shall be valid for only the place specified in the permit and no more than two permits may be issued to the applicant organization in any one calendar year. The organization must make application to the ~~city director of community development~~ and pay the ~~fee license fee and any investigative or administrative fees associated with the application, which may be established from time to time by the city council in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk.~~ As used in this section, the term "bona fide nonprofit civic organization" means an entity which is exempt from federal income tax pursuant to the provisions of 26 U.S.C. § 501(c), 501(d) or 501(e).

Section 4. Section 4-19 of Article I, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-19 in its entirety and replacing it with the following:

Sec. 4-19. Renewal of license.

All licenses granted hereunder shall expire on December 31 of each year. A licensee who desires to renew his license shall file a renewal application accompanied by the requisite license fee ~~and any investigative or administrative fees~~ with the city upon forms prescribed by the city on or before November 15 of each year without penalty, and not later than December 15. Applications for renewal filed after November 15 and on or before December 15 shall be subject to a penalty of ten percent of the license fee. No renewal license shall be granted on applications filed after December 15, but such applications shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been issued. Failure of a licensee to comply with any section of this Code shall subject the licensee to non-renewal of the license.

Section 5. Section 4-30 of Article I, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-30 in its entirety and replacing it with the following:

Sec. 4-30. Complimentary service.

Complimentary service is the gratis provision of malt beverages or wine to patrons, and is permitted in accordance with this section. Complimentary service of malt beverages shall be limited to individual pours of no greater than 12 fluid ounces per person. Complimentary service of wine shall be limited to individual pours of no greater than six fluid ounces per person. Holders of a ~~CS Complimentary Service~~ permit may, in lieu of complimentary pours, elect to allow patrons to bring in the establishment one bottle of wine, but the pour shall not exceed six ounces per person. The following shall be ineligible to receive a ~~CS Complimentary Service~~ permit:

- (1) Holders of other city alcoholic beverage licenses; or
- (2) Establishments, as designated by the ~~director of~~ community development ~~director~~, with advice and assistance from staff and council, as providing a use or service that is not compatible with complimentary service of alcohol (i.e., gas stations, convenience stores).

The list of prohibited establishments may be revised from time to time and shall be on file for review in the clerk's office and the office of community development. The city shall develop a ~~CS Complimentary Service~~ application form and a ~~CS Complimentary Service~~ permit, which may include additional criteria, and an annual permit, which may be renewed on an annual basis. ~~The permit fee is \$300.00 per year, subject to revision from time to time by resolution. Each applicant shall pay an annual license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk.~~

Section 6. Section 4-141(b) of Article V, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby by striking Section 4-141(b) in its entirety and replacing it with the following:

Sec. 4-141. Growlers.

(b) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirits license, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the conditions set forth in this section. Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises, or in conjunction with growler malt beverage education classes and sampling designed to promote growler and malt beverage appreciation and education. Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises. Growler malt beverage sampling for customers shall be limited to no more than one time per day per customer for a period not to exceed two consecutive hours. Samples shall not exceed four ounces, and no customer shall consume more than 16 ounces in any two-hour period. Only the licensee or an employee shall open and handle unpackaged malt beverages, and samples shall only be poured by the licensee and/or an employee. No open growler container shall be removed from the licensed premises. Not more than two times per week for a period not to exceed two consecutive hours, the holder of an ancillary growler malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted. Growler malt beverage sampling and tasting is only permitted within the designated interior portion of the premises. ~~The annual fee for an annual growler malt beverage tasting license shall be \$50.00, and may be revised, by resolution of the mayor and council, from time to time. Each applicant shall pay an annual license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk.~~

Section 7. Section 4-215(c) of Article VIII, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-215(c) in its entirety and replacing it with the following:

Sec. 4-215. Exception for specialty gift shops.

- (c) All persons desiring to engage in activities permitted by this section shall make and file a written application to the city director of community development for a specialty gift shop alcohol permit. ~~on forms prescribed by the director of community development, and filed with the director of community development. All applications shall be accompanied by a certified check for \$150.00. Each applicant shall pay an annual license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk.~~ If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded. The application shall include the name and address of the applicant, the address of the business location, and the name and address of the manager. If the manager changes, the applicant must provide the city furnish the director of community development with the name and address of the new manager and the information as requested within ten days of such change. The applicant must meet the character requirements of this chapter. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.

Section 8. Section 4-239(a)-(b) of Article IX, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-239(a)-(b) in its entirety and replacing it with the following:

Sec. 4-239 Licensed alcoholic beverage caterers.

- (a) License requirements; resident caterers.
- (1) Any caterer who possesses a valid city license to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink for consumption on the premises within the city may apply for an off-premises license that permits sales of the same off premises at authorized catered events or functions.
 - (2) Any caterer who possesses a valid city license to sell malt beverages, wine or distilled spirits by the package for consumption off the premises within the city may apply for an off-premises license that permits sales of the same class of alcoholic beverages by the drink off premises at authorized catered events or functions.
 - (3) Each off-premises catering license authorized herein shall be valid through December 31 of the year for which it is issued. ~~The fee for each license shall be set by resolution of the city council, and this fee shall remain in effect until modified or amended by subsequent resolution.~~ Each applicant shall pay an annual license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk.
 - (4) In order to distribute or sell malt beverages, wine or distilled spirits at an authorized catered function, a licensed alcoholic beverage caterer shall file an application for an off-premises event permit with the city director of community

~~development at no additional fee.~~ The application shall include the name of the caterer, the date, address and time of the event, the caterer's license number and any other information the city deems necessary to review a request for such permit.

- (5) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises and in connection with the catered event or function without first having obtained a license and event permit as provided herein.

(b) Permit requirements; nonresident caterers.

- (1) A nonresident alcoholic beverage caterer shall submit an application for an off-premises event permit to the ~~city. director of community development or his designee.~~ The fee for each such permit shall be \$50.00, as authorized by O.C.G.A. § 3-11-3 (or such fee as may be authorized by any future amendment or revision thereto).
- (2) An application for an off-premises event permit shall include the name of the caterer, the licensed alcoholic beverage caterer's state and local license number and expiration date, the date, address, time, and name of the event and the quantity and type of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function.
- (3) The original off-premises permit shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function.
- (4) It shall be unlawful for a licensed alcoholic beverage caterer to distribute, sell, or otherwise dispense alcoholic beverages off premises except as authorized by the off-premises event permit.

Section 9. Section 4-257(c) of Article X, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-257(c) in its entirety and replacing it with the following:

Sec. 4-257. Exception for publicly-owned facilities.

- c) Any person or entity desiring to engage in activities permitted by this section shall make and file a written application to the director of community development for the appropriate public facilities permit on forms prescribed by the ~~city. director of community development, and filed with the director of community development.~~ All applications shall be accompanied by a public facilities permit fee of \$50.00. For each proposed event, the applicant shall pay a license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee, without interest, shall be refunded. The application shall include, but shall not be limited to: the name and

address of the applicant, the date, address and times of the proposed event and the location of the public facility. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.

Section 10. Section 4-347(8) of Article XIV, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-347(8) in its entirety and replacing it with the following:

Sec. 4-347. Conditions of license issuance

- (8) Wine and/or craft beer license sampling and tasting shall not be permitted prior to the city's approval of a package license holder's application for an ancillary wine tasting license and the package license holder's payment of the subject license fee and any investigative and administrative fees. Each applicant shall pay an annual license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk. The annual fee for an ancillary wine tasting license shall be \$250.00, which fee may be revised from time to time by resolution of the mayor and council.

Section 11. Section 4-424 of Article XVII, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-424 in its entirety and replacing it with the following:

Sec. 4-424. License fee.

The license fee for a brewer shall be \$500.00 annually. The license fee may be amended from time to time by resolution adopted by the mayor and city council. Each applicant shall pay an annual license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk.

Section 12. Section 4-457 of Article XIX, Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking Section 4-457 in its entirety and replacing it with the following:

Sec. 4-457. Application; license fee.

Application for a distiller's license shall be made in the manner and in accordance with the procedures set forth in article I of this chapter. The annual fee for a distiller's license shall be \$500.00, which fee may be revised from time to time by resolution of the mayor and council. Each applicant shall pay an annual license fee and any investigative and administrative fees in accordance with the fee schedule as established by resolution of the city council, from time to time, and kept on file in the office of the city clerk.

Section 13. Severability

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section hereof shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the Mayor and Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 14. Effective Date

This Ordinance shall be effective immediately upon adoption.

Section 15. Repealer

All ordinances or parts of ordinances found to be in conflict herewith are hereby repealed.

SO ORDAINED, this ____ 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: _____

EXHIBIT B



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA 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.

WHEREAS, O.C.G.A. § 36-35-3(a) provides that the governing authority of each municipal corporation shall have 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, from time to time, the City is required by law to publish certain legal notices in a newspaper of general circulation within the City of Alpharetta, which notices include, but are not limited to, election notices, zoning notices, and requests for proposals; and

WHEREAS, the City Charter requires that the City designate a newspaper of general circulation as the City's official legal organ for the publication of legal notices; and

WHEREAS, the Mayor and City Council recently approved a Legal Advertising Services Agreement between the City of Alpharetta and Appen Media Group, Inc., d/b/a Alpharetta Roswell Herald, to provide legal advertising for the City; and

WHEREAS, the Mayor and City Council desire to amend Chapter 2 of the Code of Ordinances related to the official legal organ for publication of legal notices; and

WHEREAS, the Mayor and City Council find that the following amendment to the Code of Ordinances promotes the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City;

NOW THEREFORE, the Mayor and City Council of the City of Alpharetta hereby ordains, as follows:

Section 1. Section 2-15 of Article I of Chapter 2 of the Code of Ordinances of the City of Alpharetta is hereby amended, as follows:

Sec. 2-15. – Official legal organ for publication of legal notices.

The Alpharetta ~~-Roswell Herald Review and News~~ is designated as the official legal organ for the publication of city legal notices.

Section 2. Severability

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section hereof shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the Mayor and Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 3. Effective Date

This Ordinance shall be effective immediately upon adoption.

Section 4. Repealer

All ordinances or parts of ordinances found to be in conflict herewith are hereby repealed.

SO ORDAINED, this ____ 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: _____