



Official City Council Meeting Minutes
July 10, 2017
CITY HALL- 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 tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours.

COUNCIL MEETING SUMMARY

I. CALL TO ORDER



❖ *Mayor Pro Tem Chris Owens called the meeting to order at 6:30 PM*

II. ROLL CALL

- Members Present
 - Chris Owens (Mayor Pro Tem)
 - Jason Binder
 - Jim Gilvin
 - Dan Merkel
 - Mike Kennedy
 - Donald Mitchell
- Members Absent
 - Mayor David Belle Isle
- Staff Present
 - Bob Regus, City Administrator
 - Sam Thomas, City Attorney
 - James Drinkard, Assistant City Administrator
 - Kathi Cook, Director – Community Development
 - John Robison, Director - Public Safety
 - Morgan Rodgers, Director – Recreation, Parks & Cultural Affairs
 - Peter Tokar, Director – Economic Development
 - Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS AND PRESENTATIONS



A. 30-Year Service Recognition: Lieutenant Randy Meyers

V. CONSENT AGENDA



A. Public Hearing & Council Minutes (Meeting of 06/19/2017)

B. Alcoholic Beverage License Application

Sanjha Chulha LLC
d/b/a Sanjha Chulha
5815 Windward Parkway
Alpharetta, GA 30005
Consumption on Premises
Beer, Wine, Liquor and Sunday Sales

C. Financial Management Report: Month Ending 05/31/2017

- ❖ *Council Member Gilvin offered a motion to approve the Consent Agenda*
- ❖ *The motion received a second from Council Member Mitchell*
- ❖ *The motion passed by unanimous vote (6-0-0)*

VI. PUBLIC HEARING

A. CLUP-17-02 / Z-17-04: Taylor Morrison / 40 Cumming Street

- This item was deferred by the applicant and was neither heard nor discussed during this meeting.
- The case has been rescheduled to appear on the July 24, 2017 Council Agenda.

B. V-17-08: Shamoun / 1021 Colony Drive Variance



- Michael Woodman, Senior Planner, came forward to introduce the case
 - The applicant, Joseph D. Shamoun, is requesting a variance to reduce the side and rear yard setbacks for residential accessory structures from ten (10) feet to 3.8' from the rear property line and 2.5' from the side property line.
 - The purpose of the request is to bring the residential accessory structure into compliance with the setback requirements
 - The applicant's site plan depicts the shed and pavilion structure 3.8' from the rear property line and 2.5' from the side property line
 - Property overview
 - The subject property is located at 1021 Colony Drive in the Mayfield subdivision
 - The 0.47-acre property is heavily wooded and developed with a single-family detached home and accessory structure (shed with covered deck)
 - Single-family detached homes surround the subject property, with homes in the Mayfield subdivision to the east, south and west and homes in the Hearthstone Phase III subdivision to the north

- Unified Development Code (UDC) Section 2.3.3 (C)(3-4) requires a ten (10) foot side and rear yard setback for residential accessory structures such as sheds and miscellaneous free-standing structures.
- The applicant added-on to an existing accessory structure (shed) without a building permit and is trying to correct a non-conformity
- According to the applicant, the accessory structure was constructed over the rear property line onto the Hearthstone Phase III property due to a surveying mistake.
 - The applicant removed a portion of the structure and Sharp Residential deeded the applicant 0.009 acres of land at the rear of the property.
 - The land acquired from Sharp Residential is not sufficient to bring the structure into compliance with the residential accessory structure setback requirement.
- Although the residential accessory structure was constructed without a building permit, the applicant has made a concerted effort to correct the situation by surveying the subject property, purchasing land from the adjacent property owner, requesting a setback variance and applying for a building permit.
- Recommendation
 - Approve V-17-08 Shamoun/1021 Colony Drive Variance subject to the following conditions:
 1. The location and size of the accessory structure shall be limited to the submitted survey, dated 6/4/2017.
 2. There shall be no additional accessory structures permitted on the subject property.
 3. A building permit shall be required for the accessory structure. A Certificate of Completion (CC) for the building permit, in compliance with these conditions, shall be issued no later than October 10, 2017.
- The applicant, Joseph D. Shamoun, Sr., came forward in support of the application

Public Comment

- Kitty Owens, 1041 Colony Drive, came forward to speak in favor of the applicant's request
- ❖ *Council Member Kennedy offered a motion to approve case V-17-08: Shamoun / 1021 Colony Drive Variance with the three Staff recommended conditions*
- ❖ *The motion received a second from Council Member Merkel*
- ❖ *The motion passed by unanimous vote (6-0-0)*

C. PH-17-17: Windward Retail



- Eric Graves, Senior Transportation Planner in the Department of Community Development, came forward to introduce the case.
 - The applicant is requesting a change to the following public hearing conditions in order for the property to be meet site conditions:
 8. Front building setback shall be 10', side setbacks shall be 15', rear shall be 5' in addition to the 60' undisturbed Georgia 400 tree buffer.

- They are requesting to modify condition #8 by reducing the side setback from fifteen (15) feet to five (5) feet
- 11. A focal point feature such as a bronze equestrian sculpture or kinetic contemporary sculpture (approximate value \$25,000) shall be required at the Windward Parkway/Georgia 400 interchange (but not within the Georgia 400 buffer) as approved by Staff. Feature shall be installed prior to a Certificate of Occupancy.
 - They are requesting relief from condition #11, requiring focal point feature
- Property Overview
 - The subject property is located at Old Morris Road and Windward Parkway adjacent to the Georgia 400 ramp.
 - The subject site is zoned C-1, is triangular in shape, and is a combination of three tracts.
 - Due to proposed road improvements proposed by Department of Transportation, the City of Alpharetta, and the North Fulton CID the applicant's parcel is reduced at the Georgia 400 interchange/Windward Parkway frontage impacting the site plan previously approved.
 - The proposed improvements require 0.024 acres of right-of-way and 0.061 acres of easement for the construction and maintenance of slopes.
 - The proposed right of way needed will not leave a location outside of the Georgia 400 buffer for a focal point feature and the remaining setback will require landscape screening.
- Recommendation
 - Staff evaluated the request and found it to be reasonable based on the hardship caused by the required right-of-way and necessary easements.
 - Approve PH-17-17: Windward Retail request to modify conditions of zoning subject to the following conditions:
 1. Side setback shall be 5 feet
 2. Requirement for a focal feature is removed.
 3. All additional conditions from case V-06-04 remain.
- Johnny Hembree of Peiper O'Brien Herr Architects, representing the applicant, Northern Bay Holdings, came forward in support of the application.

Public Comment

- None
- ❖ *Council Member Kennedy offered a motion to approve case PH-17-17: Windward Retail with the three Staff recommended conditions*
 - *The motion received a second from Council Member Merkel*
- ❖ *Council Member Mitchell offered a substitute motion to approve case PH-17-17: Windward Retail with Staff recommended conditions #1 and #3 but removing condition #2*
 - *The motion received a second from Council Member Binder*

- *Council Member Gilvin offered a friendly amendment to include an amended condition #2 so as to require a sculpture or similar focal feature, allowing flexibility for placement of the sculpture/ focal feature in an alternative location on the property, with final location to be approved by the Director of Community Development*
- *Council Members Mitchell and Binder accepted the friendly amendment*
- *The motion passed by a 5-1-0 vote (Kennedy in opposition)*

VII. OLD BUSINESS

A. PH-17-12: UDC Text Amendments



- Michael Woodman, Senior Planner, came forward to introduce the item
 - Consideration of text amendments to Unified Development Code (UDC) Section 1.4 Definitions, to add and modify definitions for hotels, UDC Section 2.2 Permitted Use Districts and Regulations to assign hotel uses within the various zoning districts and in Table 2.2 List of Permissible and Conditional Uses and miscellaneous text amendments to correct discrepancies between zoning districts and Table 2.2 List of Permissible and Conditional Uses as it relates to 'Tattoo Parlor' and 'Wireless Tower'
 - Staff proposes to add a definition for 'Boutique Hotel' and modify the definition of 'Hotel'
 - Staff also proposes corrections to the zoning districts and to the List of Permissible and Conditional Uses with respect to 'Extended Stay Hotel' to reflect the use as a conditional use in the CUP, O-I, C-2 and LI zoning districts
- There have been no substantial changes since the first reading
- Sam Thomas, City Attorney, read the ordinance into the record

Public Comment

- None
- ❖ *Council Member Kennedy offered a motion to approve the second reading of the ordinance as presented*
- ❖ *The motion received a second from Council Member Mitchell*
- ❖ *The motion passed by unanimous vote (6-0-0)*

VIII. NEW BUSINESS

A. Purchase Of New Vehicles: Department Of Public Safety



{Council Member Kennedy left the room and was not present for this item}

- John Robison, Director Of Public Safety, and Officer Jonathan Hickle came forward to introduce the item
 - The Department of Public Safety seeks approval to purchase sixteen (16) vehicles at a total cost of \$497,754.22
 - Four (4) Ford F-150 pickup trucks from Alan Vigil Ford, available on State Contract (99999-SPD-ES40199373-002).

- Nine (9) Ford Police Interceptor Utilities (Explorers) from Wade Ford, available on State Contract (99999-SPD-ES40199409-0003).
- Two (2) Chevrolet Tahoes from Hardy Chevrolet, available on State Contract (99999-SPD-ES40199409-0002).
- One (1) Honda Pilot from Gwinnett Place Honda, the lowest bid from three dealerships
- Funding for this initiative is requested from existing appropriations within the Department's Capital Fleet Account

Public Comment

- None
- ❖ *Council Member Gilvin offered a motion to authorize the purchase, as presented, of sixteen vehicles by the Department of Public Safety for a total purchase amount not to exceed \$497,754.22 and to authorize the Mayor to execute all necessary documents*
- ❖ *The motion received a second from Council Member Merkel*
- ❖ *The motion passed by unanimous vote (5-0-0)*

B. Roof Repair / Replacement And Wall Restoration: Multiple City Facilities



{Council Member Kennedy returned to the meeting at this time}

- Tom Harris, Director Of Finance, came forward to introduce the item
 - The award of this contract is for roof repair/replacement and wall restoration at multiple city facilities
 - The project will be managed by the Department of Public Works and includes the following summarized scopes-of-work
 - Webb Bridge Park Structures Shingle Re-Roof
 - Quote Total: \$40,791
 - Shingle Re-Roof (7,200 square feet; 30-year warranty)
 - Soccer Restroom Building; Soccer Pavilion; Webb Zone Pavilion; Tennis Restroom Building; Storage Barn
 - Community Center Wall Restoration
 - Quote Total: \$41,492
 - Comprehensive Exterior Rehabilitation and Wall Restoration/Waterproofing (11,000 square feet)
 - Add Alternate Quote Total: \$6,492
 - Cleaning, rehabilitation, and painting of all metal doors, metal vents, and other metal wall accessories
 - 2970 Webb Bridge Road
 - Quote Total: \$126,945
 - Roof replacement (8,000 square feet; 30-year warranty)
 - Add Alternate Quote Total: \$8,793

- Window Re-Sealing / EIFS Wall Repair and Waterproofing (1,000 square feet)
- While the age of the roofing sections vary by location, many have experienced leaking and moisture infiltration and need corrective measures
- The goal is to address these moisture issues now while they are relatively minor and have not resulted in significant damage (e.g. large areas of wet insulation and interior damage) which increase repair costs dramatically

Public Comment

- None
- ❖ *Council Member Mitchell offered a motion to Please award a contract for the repair and replacement of roofs and wall restorations at multiple city facilities to Garland/DBS, Inc. (under the competitively procured US Communities contract #14-5903) in an amount not to exceed \$224,513 and authorize the Mayor to execute all necessary documents*
- ❖ *The motion received a second from Council Member Binder*
- ❖ *The motion passed by unanimous vote (6-0-0)*

C. Ordinance Amendment: Chapter 13, Article 1, Section 13-3 Of The Code Of Alpharetta Pertaining To Disorderly Conduct



- Sam Thomas, City Attorney, came forward to introduce the item
 - It is recommended that Section 13-3 of the City Code be amended by deleting same in its entirety and inserting in lieu thereof a new Section 13-3
 - The new code section would read as follows

Sec. 13-3. - Disorderly conduct.

(a) It shall be unlawful for any person to disturb or endanger the public peace or decency by any disorderly conduct.

(b) The following acts, among others, are declared to be disorderly conduct:

(1) Act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of such person's life, limb or health;

(2) Act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;

(3) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;

(4) Assemble or congregate with another or others for the purpose of, or with the intent to engage in, gaming;

(5) Be in or about any place, alone or with others, with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable thing or to aid or abet any person doing so;

(6) Be in or about any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs are practiced, allowed or tolerated, for the purpose of or intent to engage in gaming or the purchase, use, possession or consumption of such illegal drugs, narcotics or alcohol;

- (7) Direct fighting words toward another, that is, words which by their very nature tend to incite an immediate breach of the peace;
- (8) Interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;
- (9) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear that public way after being ordered to do so by a city police officer or other lawful authority;
- (10) Stand or remain in or about any street, sidewalk, overpass, or public way so as to impede the flow of vehicular or pedestrian traffic, and to fail to clear such street, sidewalk, overpass or public way after being ordered to do so by a police officer or other lawful authority; provided, however, no further order by a police officer or other lawful authority shall be required when such person has previously engaged in similar acts and been ordered on two (2) or more occasions by a police officer or other lawful authority to clear any other street, sidewalk, overpass or public way in the city;
- (11) Disrupt by actions which tend to cause an immediate breach of the peace the undisturbed activities of any house of worship, hospital or home for the elderly; or
- (12) Throw bottles, paper, cans, glass sticks, stones, missiles, or any other debris on public property.

- City Council posed questions that were responded to be the City Attorney

Public Comment

- None
- ❖ *Council Member Kennedy offered a motion to approve the first reading of the ordinance amendment as presented by the City Attorney*
- ❖ *The motion received a second from Council Member Merkel*
- ❖ *The motion passed by unanimous vote (6-0-0)*

IX. WORKSHOP

A. Workforce Housing



- Kathi Cook, Director of Community Development, came forward to introduce the item and the consultant in charge of the study
- Caleb Racicot of the firm TSW and Dan Reuter of Reuter Strategies, the consultants who performed the analysis, came forward to present the study findings and recommendations
 - Key project goals
 - Review demographic and market conditions.
 - Research models for consideration.
 - Discuss possible strategies with City Council.
 - Amend City Code, as directed by City Council
 - Notable community characteristics

- High average income of \$95,098
- Current population: 64,000
- Ninety-four percent of workers commute into Alpharetta.
- Only 6.4% of employees live and work in the city.
- Most new housing units in 2016 were single-family and owner occupied
- Observations
 - Increasingly, young professionals budget differently, desire less space, more free time and entertainment options.
 - Alternative housing choices fit many of these professionals' goals.
 - Managing workforce housing goals should be closely aligned with understanding the overall area economy, commercial space and jobs within the city.
- The consultants provided an overview of workforce housing strategies and policies being employed by a variety of communities in the region and nationally
- City Council posed questions that were responded to by Mr. Racicot and Mr. Reuter
- State Senator Brandon Beach came forward to discuss the item as it relates to economic development
- City Council expressed interest in continuing a dialogue on the topic of workforce housing
 - Requested that the consultants identify comparison communities that more closely mirrored Alpharetta in terms of demographics; not just in terms of key employer segments
 - The potential of exploring the topic in cooperation with other North Fulton cities was discussed

X. PUBLIC COMMENTS



None

XI. REPORTS



- None

XII. ADJOURNMENT TO EXECUTIVE SESSION



- ❖ *Council Member Kennedy offered a motion to enter Executive Session for the purpose of discussing matters of real estate.*
 - *The motion received a second from Council Member Merkel*
 - *The motion passed by unanimous vote (6-0-0)*
- ❖ *With no further business to be considered or items to be heard, Mayor Pro Tem Owens adjourned the meeting at 8:11 PM.*