City Council Meeting & Public Hearing
JUNE 18, 2018
Office of the City Clerk

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA

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I. CALL TO ORDER

- *Mayor Pro Tem Mitchell called the meeting to order at 6:30PM*

II. ROLL CALL

- Council Members
  - Mayor Jim Gilvin (ABSENT)
  - Mayor Pro Tem Donald F. Mitchell
  - Jason Binder
  - Ben Burnett
  - John Hipes
  - Dan Merkel
  - Karen Richard
- Staff
  - Bob Regus, City Administrator
  - Coty Thigpen, City Clerk
  - Sam Thomas, City Attorney
  - James Drinkard, Asst. City Administrator
  - Peter Sewczwicz, Director of Public Works
  - John Robison, Deputy Director of Public Safety
  - Morgan Rodgers, Director of Recreation and Parks
  - Randy Bundy, Director of Information Technology
  - Kathi Cook, Director of Community Development

- Michael Woodman, Senior Planner
- Tom Harris, Director of Finance
- Shawn Mitchell, Budget Manager

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS

A. North Fulton Amateur Radio League

V. PUBLIC HEARING

A. Public Hearing On The Fiscal Year 2019 Budget

- Director of Finance, Tom Harris, came forward to advise Council that the purpose of this Public Hearing was to provide an opportunity for public comment regarding the Fiscal Year 2019 budget

Public Comment

None

B. CU-18-02 It's My Party Rentals/South Main Street

- Director of Community Development, Kathi Cook, came forward to present this item
- Ms. Cook explained that this item was heard at the May 10, 2018 Planning Commission meeting. Staff recommended approval of the item subject to 11 conditions. No one spoke in favor of or in opposition to the request. After discussion, the Planning Commission recommended to approve the item subject to staff's recommended conditions with a few changes requested by the applicant. Vote (4-0)
- Staff is recommending approval of CU-18-02 It's My Party Rentals/South Main Street, subject to the following conditions:

1. 'Rental Services Establishment with no outside storage' shall be added as a conditional use at 1670 South Main Street, Suites B – D, and limited to no more than 4,240 square feet.
2. Conditional use approval shall be limited to It's My Party Rentals; no additional 'Rental Services Establishment with no outside storage' businesses or subleasing shall be permitted within the approved space.
3. Hours of office operation shall be limited to Monday – Friday 9:00 AM – 5:00 PM and Saturday 9:00 AM – Noon. Applicant shall be permitted to pick-up/return equipment to the business outside those hours.
4. The business shall not have outside storage or outdoor displays, including storage of vehicles associated with the applicant's business.
5. Business shall secure a business license within 10 business days from the approval of the conditional use.
6. Horse trailers shall not be kept on the property.
7. Property owner shall install the required parking lot landscaping and landscape strips along South Main Street and Wills Road, where applicable, as approved by Staff. Landscaping shall be installed within 30 days from the approval of the conditional use.

8. Parking and loading spaces of sufficient size shall be provided for delivery trucks associated with the applicant's business. Parking and loading spaces for delivery trucks shall be screened from the public right-of-way, as approved by Staff. There shall be no more than 2 delivery trucks kept on the property overnight.
9. Storefront glass shall be clear. Business inventory/equipment shall not be visible through storefront windows, as seen from the public right-of-way.
10. Window signage, for the entire building, shall not exceed 10% of the total window area. There shall be no lighting window trim and no neon signs.
11. Outside storage shall not be visible from the public right-of-way, including Wills Park.

- The applicant, It's My Party Rentals, is requesting a conditional use to allow a 'Rental Services Establishment with no outside storage' in a 4,240 square foot suite within an existing retail strip center associated with a gas station. The proposed use requires approval of a conditional use permit in the C-1 (Neighborhood Commercial) district. The subject property is located at 1670 South Main Street, Suites B – D, at the northeast corner of South Main Street and Wills Road.

- The submitted request, if approved, will allow the applicant to operate a 'Rental Services Establishment with no outside storage' in a 4,240 square foot suite within an existing retail strip center connected to a gas station. The applicant's business includes equipment rental services for special events and weddings. The subject property is located at 1670 South Main Street, Suites B – D, at the northeast corner of South Main Street and Wills Road.

- The property is located within the Downtown Overlay and is developed with an Exxon gas station, convenience store and retail strip center. The zoning of the property is C-1 (Neighborhood Commercial), which allows 'Rental Services Establishment with no outside storage' with conditional use approval. Surrounding properties are zoned C-1 to the east and west, SU (Special Use) to the north and C-2 (General Commercial) to the south. Wills Park is located to the north, Village Park Assisted Living Facility was approved on the property to the west, Atlanta Saddlery is located to the east and Xavier & Sons Auto Body and Paint is located to the south.

- The property was developed in 1980 with a commercial building and gas pump canopy structure. The 7,600 square foot commercial building is the Exxon Food Mart (convenience store), which is connected to four (4) retail center suites. Suites B – D were previously occupied by a boxing and fitness studio. Other businesses occupying the building, include the Exxon Food Mart, It's My Party Rentals and a rug store. There are 34 parking spaces associated with the property, which exceeds the parking requirement in the Downtown Overlay.

- It's My Party Rentals has been in business for approximately ten (10) years, with a previous location at 11940 Alpharetta Highway, Suite 150 in Alpharetta. The applicant's business is equipment rental for special events and weddings, including tents, tables and chairs, inflatables, generators and miscellaneous decor. According to the applicant, two (2) delivery vehicles will be used for the business during the day and parked on the property overnight. Hours of operation are Monday – Friday 9:00 AM – 5:00 PM and Saturday 9:00 AM – Noon.

- GDOT has a roadway project along South Main Street, which will include a 10' multi-use sidewalk adjacent to the applicant's property. The GDOT project will not require additional right-of-way from the subject property, only temporary construction easements to facilitate the re-construction of the driveways. The existing strip of land between the sidewalk and parking lot along South Main Street will remain, which provides planting area to accommodate landscape screening material.

- The subject property is located in the Downtown Overlay and is designated Mixed Use on the City's Comprehensive Land Use Plan. The applicant's proposed use is a permitted use in the DT-MU (Downtown Mixed-Use) zoning district, which is listed as an appropriate zoning district in the South Main Street Corridor Mixed Use designation. Development along the South Main Street Corridor is typically auto- oriented, free-standing businesses with separate parking lots and curb cuts, which is contrary to the walkable, mixed-use pattern that is desired for the area. In addition, properties in the South Main Street Corridor generally lack aesthetic attractiveness and property maintenance, which usually results in underperforming properties. Given the property's location at the southern entrance into the City and the Downtown Overlay, conditions are recommended requiring screening and aesthetic improvements.

- The 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.

- Tony Worly came forth on behalf of the applicant

Public Comment

- Ruth Ann Tatum, 250 Pebble Trail, Alpharetta, GA came forward to speak on this item

❖ *Council Member Richard offered a motion to approve CU-18-02 It's My Party Rentals/South Main Street, subject to the staff recommended conditions with the exception of striking condition #4*

- *The motion received a second from Council Member Binder*

- *The motion was approved unanimously 6-0*

VI. OLD BUSINESS

A. Ordinance: Fiscal Year 2019 Budget (2nd Reading).

- Director of Finance, Tom Harris, came forward to present this item

- City Attorney, Sam Thomas, read the Ordinance into the record constituting a 2nd reading

Public Comment

None

❖ *Council Member Merkel offered a motion to approve the Ordinance as read for the 2nd time*

- *The motion received a second from Council Member Binder*

- *The motion was approved unanimously 6-0*

B. V-18-04 11450 Maxwell Road/Setback Variance

NOTE: This item was tabled by City Council on Monday, June 4, 2018. It must be removed from the table for consideration.

❖ *Council Member Richard offered a motion to remove the item from the table*

- *The motion received a second from Council Member Binder*
- *The motion was approved unanimously 6-0*

- Senior Planner, Michael Woodman, came forward to present this item on behalf of staff

- Staff recommends approval of V-18-04 11450 Maxwell Road/Setback Variance, subject to the following conditions:

  1. Side setback along northern property line shall be reduced to 1.47' for the existing encroachment depicted on the survey prepared by Grant Shepherd & Associates, Inc., dated 5/16/2017.
  2. Property owner shall secure a land disturbance permit and building permits for all improvements (buildings, retaining walls, site improvements, etc.) constructed without permits within 120 days from approval of the variance. If permits are not secured within 90 days, variance approval shall revert.
  3. Property owner shall install required parking lot screening and landscape strip along Maxwell Road, as approved by Staff. Landscaping shall be installed within 90 days from approval of the variance.
  4. There shall be no outside storage between the principal building and Maxwell Road, except that vehicles may be stored/parked on a Code-compliant parking space. Vehicles shall not be parked on the grass.
  5. Dumpster shall be contained at all times within a dumpster enclosure. Dumpster enclosure shall be screened from Maxwell Road.
  6. Re-sod the disturbed area near the entrance driveway.
  7. Remove temporary yard sign advertising 'Unisex Haircut'.
  8. The property shall not be used for residential use.

- The applicant, David Kahn, is requesting consideration of a variance to reduce the 15' side setback in the LI (Light Industrial) district to allow an accessory structure (garage) to be 1.47' from the side property line. The applicant constructed the structure without a building permit and has requested the setback variance to allow the structure to remain in its current location. The subject property is located at 11450 Maxwell Road on the west side of Maxwell Road and north of Encore Parkway.

- The submitted request, if approved, would allow an accessory structure (garage) to remain in its current location, which is 1.47' from the side property line. The applicant indicates that he unknowingly constructed the structure without the required permits. The subject property is located at 11450 Maxwell Road on the west side of Maxwell Road and north of Encore Parkway.

- The subject property is developed with a 1-story, 2,152 square foot structure on 1.02 acres. The property is zoned LI (Light Industrial) and is being used for the applicant's 'Automotive Service' business Tire & Brake Deals.

- The Unified Development Code (UDC) requires a 15' side building setback in the LI (Light Industrial) zoning district, which applies to both the principal and accessory structures. The survey depicts a 35' x 9' (315 square foot) concrete block structure as close as 1.47' from the side (north) property line. According to the applicant, the structure serves as storage for automotive repair equipment and parts. The accessory structure is approximately 90' away from the nearest building on the adjacent property to the north. In addition, a line of trees along the north property line provides some screening of the accessory structure from the adjacent property.

- Setback variances for structures that were already built have been approved in the past. A setback variance was approved at 255 Clipper Bay Drive for a home that was constructed within the side building setback due to a surveying error. In addition, the Board of Zoning Appeals granted a rear setback variance at 4325 Harbour Cove Court for a sunroom built without the required permits.
- Staff has reviewed the application and is in general agreement with the requested setback variance with conditions requiring the applicant to secure the proper permits, as well as installation of the required landscape strip along Maxwell Road and parking lot screening. According to the applicant, the adjacent property owner to the north does not have concerns with the requested setback variance to allow the accessory structure to remain 1.47' from the side property line.
- The applicant notified surrounding property owners of the variance request and intent for the property. The citizen participation report states the applicant spoke to a few neighboring property owners, of which none had any concerns or issues with the applicant's requested setback variance. The applicant reached out to the property owners of the parcel to the north (11460 Maxwell Road), which is closest to the structure in question. According to the report, the adjacent property to the north did not have any concerns or issues with the accessory structure being constructed too close to the side property line.

Public Comment

- Clifford Martin, 700 Anna Lane, Alpharetta, GA, came forward to speak on this item

❖ *Council Member Richard offered a motion to approve V-18-04 11450 Maxwell Road/Setback Variance subject to the staff conditions*

- *The motion received a second from Council Member Merkel*
- *The motion was approved 5-1; Burnett voting no*

VII. NEW BUSINESS

A. Data Backup and Disaster Recovery

- Director of Information Technology, Randy Bundy, came forward to present this item of staff
- Staff recommends awarding ThinkGard LLC as the vendor to provide data backup and disaster recovery services for one-time upfront costs of $35,651.80 and annualized ongoing costs of $113.639.52 and authorize the Mayor to execute all necessary documents
- The Information Technology Department has made it a priority to research, recommend, and implement a more secure and powerful data backup and disaster recovery option for the City of Alpharetta.
- In order to provide the most robust disaster recovery solution possible, the Department's research narrowed to the ThinkGard Hybrid Cloud system which consists of a local backup appliance that replicates to two offsite bi-coastal locations. This system employs image-based backups that allow the recovery of the entire server (operating system,

settings, files) as opposed to traditional file based backups. Using this method, we can avoid costly downtime and quickly recover the entire server either locally or in the ThinkGard Cloud, depending on the type of disaster encountered. What makes this solution unique is that ThinkGard also includes turn-key management of the backup device, the backups on the server(s), and an offsite sync. All of the associated documentation is developed and provided to go along with the backup solution to make it a true disaster recovery/business continuity program. ThinkGard's unique approach includes providing assistance and support during disaster situations (file recovery, server recovery, local disaster, etc.) without additional charges which makes the cost of this solution predictable. Until in the last few years, this level of system was beyond the financial reach of cities our size. ThinkGard has been identified as a sole-source provider for these services based on their technology and turn-key management solutions. The City of Smyrna and the City of Roswell are two local agencies that have secured the services of ThinkGard under a sole-source declaration for data backup and disaster recovery in the last two years. Both agencies have given a high recommendation for their experience with the ThinkGard support and technologies.

- As we shift the data backup and disaster recovery services to the cloud, and benefit from the value-added services discussed above, the funding will shift (starting in FY 2020) from the capital budget (traditional servers and storage housed onsite) to the operating budget. The budget impact associated with the ThinkGard initiative is discussed below. However, inherent in this approach will be savings in future operating budgets due to more robust disaster recover services (savings from discontinuation of Finance ERP disaster recovery services of $20,000 annually) and capital budgets as the existing servers and storage performing these functions (albeit on a more limited scope) will not be replaced (estimated savings of $350K every 5years). Also, as IT staff will no longer have to manage these pieces of equipment, their time will be freed-up to handle others needs of the city.
- Year 1 pricing totals $149,291.32 includes one-time costs of $35,651.80 (12TB Enterprise Appliance hardware and associated implementation services) and annual costs of $113,639.52 (DataGard monthly protection and replication services; SAS protection for Office 365). Funding will be provided through the Department's Technology Replacement account within the Capital Project Fund.
- Starting in year 2, costs will be the annualized $113,639.52 and will be allocated to Departments within the Operating Funds (e.g. General Fund, E911 Fund, etc.).

Public Comment

None

❖ *Council Member Burnett offered a motion to approve the award to ThinkGard LLC as the vendor to provide data backup and disaster recovery services for one-time upfront costs of $35,651.80 and annualized ongoing costs of $113.639.52 and authorize the Mayor to execute all necessary documents*

- *The motion received a second from Council Member Richard*
- *The motion was approved unanimously 6-0*

B. Security Information and Event Management System

- Director of Information Technology, Randy Bundy, came forward to present this item on behalf of staff
- Staff recommends awarding SHI International Corp. as the vendor to provide for security information and event management systems in the amount of $50,086.00 annually (base 3-year term), and authorize the Mayor to execute all necessary documents.
- LogRhythm is a hardware/software solution to replace our current event-log collection systems (ManageEngine components) and provide additional functionality and integration with our existing Palo Alto security environment and with the Carbon Black software that is replacing our current Trend Micro security environment.
- Among the many benefits of LogRhythm is to reduce overhead in our virtual environment to free-up resources for other virtual systems. This system also allows us to have improved functionality in the NIST framework (as adopted by the State of Georgia and the federal government for cyber security standards for organizations). The City will be able, for the first time, not just to react to incidents that occur, but to be able to automate our ability to respond to threats in real time, not just after they are discovered. This protection once properly configured can help provide 365/24 protection for City systems.
- State Contract pricing for LogRhythm is generally 5% off MSRP. SHI International Corp. is providing pricing in excess of 17% off MSRP (lower pricing than State Contract) and is the preferred vendor. Annual costs for the LogRhythm software totals $50,086. However, these costs are mostly offset through savings from discontinuing the software system currently used (ManageEngine, ADAudit and Eventlog Analyzer Plus and other software component savings) which currently costs @ $47,000 annually). Approval is requested for a base 3-year term.

Public Comment

None

- *Council Member Burnett offered a motion to award SHI International Corp. as the vendor to provide for security information and event management systems in an amount not to exceed $50,086.00 annually, and authorize the Mayor to execute all necessary documents.*
  - *The motion received a second by Council Member Hipes*
  - *The motion was approved unanimously 6-0*

C. Consideration of Public Safety Towing Contract (RFQ 18-1001)

- Director of Public Safety, John Robison, came forward to present this item on behalf of staff
- Staff recommends awarding RFQ 18-1001 to United Towing, Inc for a 5 year towing contract and A-Tow Roswell, Inc as the preferred alternative for the same time period and authorize the Mayor to execute all necessary documents.
- The City requires towing and certain roadside services for vehicles that are involved in accidents or are otherwise obstructing traffic, for towing and storing vehicles abandoned on the roadway, towing vehicles that need to be held as evidence, and occasionally for towing City-owned vehicles due to accidents or mechanical issues. Calls for such services are usually initiated by the Department of Public Safety through the 911 Center. Our 5 year average of towing requests reported to 911 is 2042 annually - making a monthly volume average of about 170 vehicles. In virtually all cases the fees are paid by the vehicles' owners.
- Through the RFQ process the Department attempts to obtain a fair price for residents and visitors whose vehicles are towed but we are also concerned with the quality of service that is provided. One of the most important considerations is response time, particularly to incidents that involve obstructions of major roadways and/or hazardous conditions. Other considerations include the proximity and security of storage lots, the skill and reliability of drivers, and the availability and capabilities of trucks and equipment.
- The Department has contracted with United Towing, Inc. for wrecker services since approximately 2003 and while the relationship and service has been excellent, the current contract expires on July 31, 2018. Because of the importance of factors other than cost in selecting a provider the Department pursued a request for qualifications rather than a request for bids. RFQ #18-1001 was issued on April 19, 2018 and two completed responses were received – United Towing, Inc. and A-Tow Roswell, Inc. The responses were evaluated on the basis of equipment available, capabilities, experience, storage, compliance with applicable laws and regulations, and cost. United Towing scored the highest with a score of 4.85 out of 5 (including being the lowest cost provider) and is being recommended as the main service provider. A-Tow ranked second with a score of 4.8 out of 5 and is being recommended as the preferred alternate.

Public Comment
None

- ❖ *Council Member Hipes offered a motion to award RFQ 18-1001 to United Towing, Inc for a 5 year towing contract and A-Tow Roswell, Inc as the preferred alternative for the same time period and authorize the Mayor to execute all necessary documents.*
  - *The motion received a second by Council Member Binder*
  - *The motion was approved unanimously 6-0*

D. Consideration of Gibson Property Purchase Agreement Terms

- City Administrator, Bob Regus, came forward to present this item

- Staff formal approval of consensus in executive session on June 4, 2018 for the purchase of approximately 27,000 square feet of property located adjacent to the Alpharetta Community Center. The location of the property is 191 Roswell Street and is owned by Mr. Dan Gibson.

- The history with the City and Mr. Gibson and this property goes back to 2007 and the City and Mr. Gibson came to an agreement in 2010, yet the agreement could not be consummated. Recently Mr. Gibson approached the City again and through several meetings with staff and then executive sessions with Mayors and Councils, you approved the agreement June 4, 2018 in executive session.

- 191 Roswell Street is almost an acre of land with a 2,200 square foot structure at the front of the property. The agreement calls for Mr. Gibson to retain the front 16,000 square feet and the structure. The City will purchase the remaining approximately 27,000 square feet. The site was appraised back in 2007 with the structure and property to be retained by Mr. Gibson valued at $225,000 and the remaining property valued at $203,000 for a total valuation of $428,000.

- This agreement calls for the City to pay Mr. Gibson $70,000, provide the appropriate documents to Mr. Gibson for a $30,000 non-cash contribution, and to allow Mr. Gibson a curb cut from the Community Center parking lot to his property.

Public Comment
None

❖ *Council Member Binder offered a motion to authorize the City to pay Mr. Gibson an amount not to exceed $70,000 and for the City to provide appropriate documents to Mr. Gibson for a $30,000 non-cash contribution and to allow Mr. Gibson a curb cut from the Community Center parking lot to his property.*

- *The motion received a second by Council Member Richard*

- *The motion was approved unanimously 6-0*

VIII. PUBLIC COMMENT
None

IX. REPORTS

A. Board of Ethics Appointments (Binder)

- Council Member Binder appointed Morris Cowan to the Board of Ethics

- Council Member Burnett announced a Town Hall meeting on Monday, August 13th at a location to be determined
- Council Member Burnett appointed Katie Harding and Clifford Martin to the Board of Ethics
- Council Member Merkel announced that there is going to be an adjustment to sanitation pick up and signs and notices will go out to those impacted

X. ADJOURNMENT

- *Mayor Pro Tem Mitchell adjourned the meeting at 7:34 p.m.*

Respectfully submitted,

Coty Thigpen
City Clerk