



City Council Meeting & Public Hearing

JULY 23, 2018

Office of the City Clerk

ALPHARETTA CITY HALL

COUNCIL CHAMBERS

2 PARK PLAZA

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I. CALL TO ORDER

❖ *Mayor Gilvin called the meeting to order at 6:30 p.m.*

II. ROLL CALL

- Council Members
 - o Mayor Jim Gilvin
 - o Mayor Pro Tem Donald F. Mitchell
 - o Jason Binder
 - o Ben Burnett
 - o John Hipes
 - o Dan Merkel
 - o Karen Richard
- Staff
 - o Bob Regus, City Administrator
 - o Sam Thomas, City Attorney
 - o James Drinkard, Asst. City Administrator
 - o Peter Sewczwicz, Director of Public Works
 - o John Robison, Deputy Director of Public Safety
 - o Morgan Rodgers, Director of Recreation and Parks
 - o Kathi Cook, Director of Community Development
 - o Michael Woodman, Senior Planner

- o Tom Harris, Director of Finance
- o Shawn Mitchell, Budget Manager
- o Peter Tokar, Director of Economic Development

III. PLEDGE TO THE FLAG

IV. PUBLIC HEARING

A. Public Hearing on the Fiscal Year 2019 Millage Rate Levy

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

Public Comment

None

B. E-18-04 American Legion/Standard Informational Sign Exception

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff recommends approval of E-18-04 American Legion/Standard Informational Sign Exception, subject to the following conditions:
 1. One (1) Standard Informational Sign, advertising Alpharetta Aviators baseball games, shall be permitted on the subject property. Sign shall be no greater than 32 square feet with a maximum height of 6'. Sign shall be setback from the right-of-way a minimum 10'.
 2. The one (1) Standard Informational Signs, advertising Alpharetta Aviators baseball games, shall be permitted to be displayed annually from June 1st to August 1st. Additional Standard Informational Sign shall not be permitted on the subject property, until baseball games signs have been removed. Additional Standard Informational Signs shall comply with all requirements of the UDC.
- The applicant, American Legion, requests consideration of a sign exception to allow an increase to the maximum size and height of two (2) Standard Informational Signs. The request would allow the American Legion to advertise their baseball games, which supports funding for veterans. The subject property is located at 201 Wills Road at the northwest corner of Rucker Road and Wills Road.
- The submitted request, if approved, would allow for an increase to the permitted size and height of a Standard Informational Sign from an aggregated total of 12 square feet to 64 square feet (2 signs at 32 SF each). The height of each sign is proposed to be six (6) feet. The subject property is located at 201 Wills Road at the northwest corner of Rucker Road and Wills Road.
- The subject property is zoned R-15 and developed as the American Legion Post 201, which includes Veterans Field. Surrounding properties are all residentially zoned (R-15 and R-8D), except that Wills Park is zoned SU (Special Use). Hunters Oaks subdivision is located to the north and west, Meadowbrook Park Estates to the east, Enclave at Wills Park to the south and unplatted lots to the west. The property is bound by Wills Road to the east and Rucker Road to the south.

- The City's Unified Development Code (UDC) defines a Standard Information Sign, as "A non-illuminated, temporary free-standing sign, which shall contain no reflecting elements, flags, projections or unpainted wooden surfaces, mounted on a post, stake or metal frame (with a thickness or diameter not greater than three and one-half inches) that is attached to, or anchored in, the ground. Standard informational signs are limited per lot to either one (1) sign that is twelve (12) square feet in area or up to four (4) signs not to exceed an aggregate of twelve (12) square feet in area. In addition, each sign shall not exceed a height of five (5) feet. These signs shall be set back not less than ten (10) feet from public right-of-way or ten (10) feet from the back of curb of a private roadway. Standard informational signs do not require a permit." UDC Subsection 2.6.13 places further regulations on Standard Informational Signs in residential zoning districts, requiring that "Each lot located in a residential district may display standard informational signs, as defined in this Ordinance. No single sign shall exceed four feet (4 ft.) in height. No sign shall be illuminated. All signs must be set back at least ten feet (10 ft.) from the right-of-way."
- The applicant is requesting two (2) Standard Informational Signs, with each sign being 32 square feet (4' x 8') and 6' tall. The signs have been fabricated and are posted on the subject property at the intersection of Wills Road and Rucker Road and near the primary entrance to the American Legion from Wills Road. The signs are a metal material mounted on 4" x 4" wooden posts. Both signs are identical, including advertisement for the Alpharetta Aviators baseball game schedule.
- Staff has reviewed the application and is in general agreement with the requested sign exception if reduced to 1 sign on the property. The American Legion, a non-profit supporting veterans, is located on a property with residential zoning, which restricts sign allowances. If approved, conditions are recommended limiting the number, size, height and time period for Standard Informational Signs on the subject property.
- The applicant notified adjacent property owners of the sign variance request and intent for the property. The citizen participation report states that no comments were received.

Public Comment

- Lisa Dernovish, 224 Dennis Drive, Alpharetta, GA, came forward to speak on this item
- Daniel McAlonon, 1995 Willshire Glen, Alpharetta, GA, came forward to speak on this item

❖ Council Member Richard offered a motion to table E-18-04 American Legion/Standard Informational Sign Exception

- The motion received a second from Council Member Binder
- The motion was approved unanimously 7-0

v. OLD BUSINESS

A. Ordinance - Fiscal Year 2019 Millage Rate Levy (2nd reading)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, TO FIX THE AD VALOREM TAX RATE OF THE CITY OF ALPHARETTA, GEORGIA FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, AND ENDING JUNE 30, 2019; AND FOR OTHER PURPOSES

- City Attorney, Sam Thomas, read the Ordinance title into the record constituting a second reading

Public Comment

None

- ❖ Council Member Merkel offered a motion to approve the Ordinance for the Fiscal Year 2019 Millage Rate Levy as read by the City Attorney
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously 7-0

B. Ordinance - Referendum (Special) Election (2nd reading)

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALLING OF A REFERENDUM (SPECIAL) ELECTION TO BE HELD IN CONJUNCTION WITH THE STATE-WIDE GENERAL ELECTION ON NOVEMBER 6, 2018, TO DETERMINE WHETHER THE CITY OF ALPHARETTA MAY PERMIT THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK ON SUNDAYS BETWEEN 11:00 A.M. AND 12:30 P.M.; TO PROVIDE FOR AND RATIFY THE PUBLICATION AND NOTICE OF THE ELECTION; TO ESTABLISH A VOTER REGISTRATION CUT-OFF DATE; AND FOR OTHER PURPOSES

- City Attorney, Sam Thomas, read the Ordinance title into the record constituting a second reading

Public Comment

- Daniel McAlonon, 1995 Willshire Glen, Alpharetta, GA came forward to speak on this item
- ❖ Council Member Merkel offered a motion to approve the Ordinance – Referendum (Special) Election as read by the City Attorney
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously 7-0

c. Ordinance - Calling for a Referendum (Special) Election (2nd reading)

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALLING OF A REFERENDUM (SPECIAL) ELECTION TO BE HELD IN CONJUNCTION WITH THE STATE-WIDE GENERAL ELECTION ON NOVEMBER 6, 2018, TO DETERMINE THE APPROVAL OR REJECTION OF A NEW LOCAL HOMESTEAD EXEMPTION FROM CITY OF ALPHARETTA AD VALOREM TAXES; TO PROVIDE FOR THE PUBLICATION AND NOTICE OF THE ELECTION; TO ESTABLISH A VOTER REGISTRATION CUT-OFF DATE; AND FOR OTHER PURPOSES

- City Attorney, Sam Thomas, read the Ordinance title into the record constituting a second reading

Public Comment

- Ruth Ann Tatum, 250 Pebble Trail, Alpharetta, GA came forward to speak on this item
 - ❖ Council Member Merkel offered a motion to approve the Ordinance calling for a Referendum (Special) Election as read by the City Attorney
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously 7-0

VI. NEW BUSINESS

A. Liberty Hall: Consideration Of Amendments To Parking Agreement

- City Attorney, Sam Thomas, explained that item is a request to amend a parking agreement between the City and Liberty Hall that was approved and executed in March 2017.
- Applicant seeks to amend the agreement provision that provided that they have the right to designate 10 spaces for the exclusive use of the developer to 30 spaces to exclusive use by developer
- According to the applicant, the request is to correct the above-referenced Parking Agreement, specifically the last sentence Article 3, Section f, which contemplates that the Developer shall have the right to designate up to 10 spaces in the leased property for exclusive use of the developer or its designee. The number of spaces should have been 30 spaces as agreed upon in discussions with the city.

Public Comment

None

- ❖ Council Member Binder offered a motion to table this item until the 1st meeting in August
 - The motion received a second from Council Member Richard
 - The motion was approved 4-3; Burnett, Mitchell, and Hipes voting no

B. Joint Defense Agreement - Tax Refund Class Action Suits

- City Attorney, Sam Thomas, explained that this item pertains to the class action lawsuits requesting ad valorem tax refunds referenced in the memo he previously sent to Mayor and Council. The Fulton Cities and the County have common interests in defending these cases, which have now been consolidated. The JDA will allow us to preserve the attorney-client privilege and attorney work product doctrine as to all communications or information which the defense attorneys have exchanged or will exchange in the common defense. It will also reduce duplication of costs. Most of the parties have already approved.

Public Comment

None

❖ Council Member Hipes offered a motion to adopt the agenda item as presented by City Attorney for the Joint Defense Agreement

- The motion received a second from Council Member Binder
- The motion was approved unanimously 7-0

C. Land Exchange : Parcels on Roswell and Marietta Streets owned by Bur-Rog, Inc. and the City of Alpharetta

- City Administrator, Bob Regus, came forward to present this item on behalf of staff
- This item is to request the confirmation of Council's approval in executive session on July 16, 2018 of the land swap with conditions of approximately three thousand square feet of property with Jamey Rogers representing Bur- Rog, INC, as presented in the attached letter and diagram from Mr. Rogers on July 9, 2018.

1. The following C2 uses shall be prohibited on the parcel:

- a. Hotel/ Boutique Hotel/ Extended Stay Hotel
- b. Auto Sales and Leasing
- c. Automotive Parts
- d. Automotive Service
- e. Builders Equipment/ Material
- f. Car Wash
- g. Convenience Center with or without gas pumps
- h. Restaurant with Drive Through
- i. Service Station, Automotive

2. The property owner shall install a sculpture and decorative brick wall at the corner of Roswell Street and Old Milton Parkway similar to the other completed corners prior to the first certificate of occupancy.

3. The property owner shall clean up the City's parcel by removing underbrush in preparation for public use. Additional park improvements by the property owner can be considered by Council in exchange for impact fee credits upon review of park improvement proposal.

Public Comment

None

❖ Council Member Richard offered a motion to approve the land exchange parcels on Roswell and Marietta Streets owned by Bur-Rog, Inc and the City of Alpharetta

- The motion received a second from Council Member Merkel
- The motion was approved unanimously 7-0

D. Option Agreement for the Sale and Purchase of Real Property - New Prospect Elementary School (Parcel 6)

- City Attorney, Sam Thomas, explained that this item is the Option Agreement for the right of way and easements the City needs from the School Board (New Prospect Elementary) for the Kimball Bridge project. The price is the data book value established by the City's appraiser. The City Attorney negotiated the form of the easement with the School Board Attorney. The School Board has formally approved. Typically we do not require formal council approval for a project that has been previously approved and funded, and is within appraised value. An exception is County transactions.

Public Comment

- ❖ Mayor Pro Tem Mitchell offered a motion to approve the option agreement for the sale and purchase of real property at the New Prospect Elementary parcel as read by the City Attorney
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously 7-0

VII. WORKSHOP

A. Milton Avenue Streetscape Improvements

- Director of Community Development, Kathi Cook, came forward to introduce consultants Kevin McCarthy and David Floyd from Site Solutions to present the concept plan for Milton Avenue Streetscape Improvements

VIII. PUBLIC COMMENT

- Ruth Ann Tatum 250 Pebble Trail, Alpharetta, GA, thanked Council for fixing the technology problems previously associated with recording and streaming the Council Meetings

IX. REPORTS

- Council Member Binder explained that as part of process for the Wills Park Master Plan, a survey came out with 3 conceptual plans for discussion. From the 3 plans, we will create overall final concepts for Wills Park.
- Council Member Merkel recognized Director of Economic Development Peter Tokar at his last meeting with the City and thanked him for his service to the City
- Council Member Burnett announced he will approach IT to develop a process for how we do surveys to solicit public input

- Mayor Pro Tem Mitchell reminded everyone to vote in the General Primary run-off tomorrow.
- Council Member Hipes encouraged all to attend and invite friends to the City's Old Soldier's Day Parade on August 4th

X. ADJOURNMENT

❖ *Mayor Gilvin adjourned the meeting at 8:18 p.m.*

Respectfully submitted,

A handwritten signature in black ink that reads "Coty Thigpen". The signature is written in a cursive, flowing style.

Coty Thigpen, City Clerk