



Official City Council Meeting
September 24, 2018
Office of the City Clerk
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.

I. CALL TO ORDER

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

II. ROLL CALL

- Council Members
 - Mayor Jim Gilvin
 - Mayor Pro Tem Donald F. Mitchell
 - Jason Binder
 - Ben Burnett
 - John Hipes
 - Dan Merkel
 - Karen Richard
- Staff
 - Bob Regus, City Administrator
 - 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
 - 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. AWARDS – Georgia Municipal Association Award Presentation to Senator John Albers

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 09/17/2018)

B. Alcoholic Beverage License Applications PH-18-AB-50 Galeto

Steakhouse Alpharetta

d/b/a Galeto Brazilian Steakhouse
2355 Mansell Road
Alpharetta, GA 30022

Purpose: Consumption on Premises
Beer, Wine, Liquor Sunday Sales

Owner: Eli Nascimento Registered Agent:

Reg. Agent: Wilma A. Gilbertson

❖ Council Member Binder offered a motion to approve the Consent Agenda

- The motion received a second from Mayor Pro Tem Mitchell
- The motion was approved unanimously 7-0

V. PUBLIC HEARING

A. MP-17-06 / CLUP-17-07 / Z-17-20 / CU-17-18 / V-17-44: Greenstone Parkway 400, LLP

(NOTE: This item has been withdrawn at the request of the applicant and will not be considered)

B. Z-18-05 / E-18-07: Kairos Old Milton LLC / DT-LW

(NOTE: This item has been deferred at the request of the applicant and will be not considered at this meeting)

C. Z-18-08 / CU-18-07 / V-18-13 / E-18-06: The Porch Special Events Facility/Matilda's Outdoor Music Venue

- Director of Community Development, Kathi Cook, came forward to present this item.

- Staff recommends council approve Z-18-08/CU-18-07/V-18-13 The Porch Special Events Facility/Matilda's Outdoor Music Venue, subject to the following conditions:
 1. The site, consisting of approximately 2.22 acres, shall be zoned DT-MU.
 2. 'Amphitheater' and 'Recreation Facilities, Indoor & Outdoor' shall be added as a conditional use at 531 South Main Street and limited to a maximum capacity of 200 people at any one time.
 3. Conditional use approval shall be limited to Matilda's outdoor music venue; no additional 'Amphitheater' businesses or subleasing shall be permitted in the approved outdoor area depicted on the submitted plan.
 4. Conditional use approval shall be limited to The Porch; no additional 'Recreation Facilities, Indoor and Outdoor' businesses or subleasing shall be permitted within the approved space.
 5. Exterior modifications to existing buildings and new permanent structures, visible from South Main Street or Wills Park, shall require approval by DRB.
 6. Special events facility and outdoor music venue operations shall not overlap.
 7. Hours of operation for Matilda's music venue shall be limited to Friday & Saturday, 5:00 PM – 11:00 PM from April to November.
 8. The Porch special event facility shall cease operations no later than 11:00 PM.
 9. Building permits and sign permits shall be secured for all associated improvements on the property, except that portable restrooms and tents under 400 SF (with no cooking or heating) shall not require a permit.
 10. Property owner shall provide a dumpster within an enclosure prior to issuance of a Certificate of Occupancy for the barn.
 11. Parking attendant shall be provided for all special events associated with Matilda's and The Porch.
 12. Grass area around the existing parking lot may be used for parking, as depicted on the parking plan. There shall be no parking underneath trees.
 13. Property owner shall provide for the regular maintenance of grass areas used for parking. Thinning or bare areas shall be sodded within 14 days. If in the future the City finds the grass parking areas are not being maintained, all required parking shall be paved.
 14. There shall be no outside storage on the property. Equipment associated with the special event facility and outdoor music venue shall be removed from the property within 24 hours of completion of an event.
 15. Property owner shall install required parking lot screening shrubs and landscape strip along South Main Street, as approved by Staff. Wooded area, along South Main Street and near the barn, shall be supplemented with evergreens to provide an opaque screen, as approved by Staff. Landscaping shall be installed within 90 days from approval of the conditional use.
 16. An accessible route from the parking area to the venue shall be provided in compliance with 2010 ADA Standards/2012 NFPA-101.
- The applicants, John Morley and Mary Jane Potter, are requesting rezoning of a 2.22-acre property from C-1 (Neighborhood Commercial) to DT-MU (Downtown Mixed Use) and a conditional use to allow 'Amphitheater' for Matilda's outdoor music venue and 'Recreation

Facilities, Indoor and Outdoor’ for a special events facility at The Porch. A variance is requested to allow required parking on grass areas. The subject property is located at 531 South Main Street on the north side of South Main Street and east of Wills Road.

- The submitted request, if approved, would permit an ‘Amphitheater’ for Matilda’s outdoor music venue and ‘Recreation Facilities, Indoor and Outdoor’ for a special events facility at The Porch. Rezoning is requested for the 2.22-acre property from C-1 (Neighborhood Commercial) to DT-MU (Downtown Mixed Use) and conditional use permits to allow both uses. A variance is requested to allow grass parking. The subject property is located at 531 South Main Street on the north side of South Main Street and east of Wills Road.
- The property is located in the Downtown Overlay and is developed with a 3,456 square foot historic structure built in 1919 and known as the Earl Wood House. The structure is on the City’s List of Contributing Historic Structures and is an example of southern farmhouse architecture. The building is currently being used for The Porch, which is an antique and home décor business. A 2,200 (47’ x 47’) square foot barn is located to the east of the parking lot. There are 28 surface parking spaces on the property.
- The zoning of the property is C-1, which requires rezoning and conditional use approval to allow the proposed uses. Surrounding properties are zoned C-2 (General Commercial) to the east and south, SU (Special Use) to the north and C-1 to the west and south. Wills Park is located to the north, Waffle House to the west, Northfall Professional Park to the east and an undeveloped parcel, Public Storage and small retail building are located to the south.
- Unified Development Code (UDC) Section 1.4.2 defines ‘Amphitheater’ and ‘Outdoor Storage’ as follows:
- “Amphitheater. An outdoor area designed or intended for the projection of sound to be heard by a nearby audience.”
- “Recreation Facility. A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
- 1. Recreation Facilities, Indoor. Recreational uses conducted almost wholly indoors, including bowling alley, skating rink, shooting range, health club, etc.”
- The applicant is requesting a variance to allow parking on grass areas of the property. Unified Development Code (UDC) Subsection 2.5.5(B) requires off-street parking lots to be surfaced with concrete or asphalt. The applicant’s parking plan shows that 49 spaces can be accommodated in grass areas surrounding the existing parking lot, which brings the total number of parking spaces to 77 spaces. The UDC requires one (1) parking space for every four (4) seats, plus one (1) employee space for every ten (10) seats.
- The applicant proposes a maximum capacity of 200 persons; therefore, public assembly use would generate a need for 70 parking spaces. The outdoor music venue and special events facility will not operate on a regular schedule, with additional parking spaces only needed on certain occasions. The applicant also provided an agreement with the adjacent property owner to utilize that property, 501 South Main Street, for overflow parking. The adjacent property has 50 parking spaces and is developed with service retail and office uses that would not conflict with events at Matilda’s or The Porch.
- Matilda’s has been holding outdoor concerts since 2005, formerly conducting business on a site located approximately ¼-mile to the east at 377 South Main Street. Matilda’s recently received approval from the City of Milton to operate an outdoor music venue at a site in Milton. It is the intent of the applicant to alternate music events between the Milton and Alpharetta locations on Friday and Saturday evenings between the months of April to November. Concerts typically begin at 7:00 PM and end at 10:30 PM.
- Matilda’s is currently holding outdoor concerts at the subject property through a temporary use permit. A temporary stage is being used with seating on the lawn in front of the stage. The area

for the stage and lawn seating is approximately 108' x 112' and is located behind the existing barn on the east side of the property. A wooded area screens the outdoor music venue from South Main Street.

- The Porch was established in 2013 and is a home interiors design store featuring antiques, furniture, art, lighting and bedding. The business owner, Lynn Morley, would like to expand the business to include a special events facility for weddings, birthday parties and other special events. According to the applicant, the Earl Wood House, barn and outdoor areas of the site would be used for special events. The applicant acknowledges that the barn will require life safety improvements in order to be used as a place of assembly. The Porch currently operates on Tuesday – Saturday 10:00 AM – 5:00 PM. The special events facility will not operate at the same time as The Porch retail store or Matilda's music venue. The special events facility would be utilized mainly on the weekends and evenings, with operations ending by 11:00 PM.
- GDOT has a roadway project along South Main Street, which includes 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 driveways. The existing strip of land between the sidewalk and parking lot along South Main Street will remain, which provides planting area to accommodate required landscape strip and parking lot screening material.
- ITE trip generation rates are not provided for the proposed uses as they are considered special events. Arrivals are assumed to be 45 minutes before to 15 minutes after the event begins. The applicant estimates a 200-person maximum capacity at any one time for the proposed uses. Using the City's parking requirements, approximately 70 vehicles are anticipated for each event. Most events would likely occur outside of the typical peak traffic times.
- City Staff has reviewed the applicant's proposal and finds that it can generally support the request for rezoning, conditional use and variance, if conditions are approved requiring regular maintenance of grass parking areas. The request is not in conflict with the established conditional use criteria and the requested zoning is appropriate given the 'Mixed Use' future land use designation of the property.
- The proposed outdoor music venue and special events facility would complement other Downtown development and there are no residential uses in the area that could be impacted by noise. The combination of surface and grass parking would satisfy the City's parking requirements for all uses.
- Verizon Amphitheater received variance approval in 2007 to allow grass parking. In addition, the applicant has an agreement to utilize the adjacent property for overflow parking. If approved, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the businesses to no more than 200 persons at any one time.
- 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.
- City Staff received a letter from Northfall Office Condo Association, Inc., which is located to the east of the subject property. The property owner had concerns over noise, provision of sufficient on-site parking to support the proposed uses, and no overflow parking on the Northfall property without prior written authorization.
- Mary Jane Potter and John Morley came forward on behalf of the applicants and answered questions posed by Mayor and Council

Public Comment

- ❖ Council Member Richard offered a motion to approve the Z-18-08/CU-18-07/V-18-13 The Porch Special Events Facility/Matilda's Outdoor Music Venue subject to staff conditions with the

following changes:

- Condition #13 - Property owner shall provide for the regular maintenance of grass areas used for parking. Thinning or bare areas shall be stabilized within 14 days as approved by staff. If in the future the City finds the grass parking areas are not being maintained, all required parking shall be paved.
- Condition #14 - There shall be no outside storage on the property. Equipment associated with the special event facility and outdoor music venue, including chairs, tents, portable restrooms, signage and other equipment shall be removed from the property within 24 hours of completion of an event.
- The motion received a second from Council Member Merkel
- Council Member Hipes offered a friendly amendment to Condition #11 Parking attendant shall be provided for all events associated with Matilda's and The Porch for onsite parking. Parking attendant shall be provided offsite at Northfall if parking complaints are received.
- Accepted by Council Members Richard and Merkel
- Mayor Pro Tem Mitchell offered a friendly amendment to condition #11, if an agreement can be reached with the Northfalls complex for parking, as approved by staff, then parking attendants are not needed.
- Amendment was not accepted
- Council Member Binder offered a substitute motion to include all amendments as stated by Council Member Richard's original motion and to amend Condition #11 to read, "Staff, at the Director level, may require a parking attendant for all events if deemed necessary based on documented complaints and/or traffic issues."
- The motion was seconded by Council Member Mitchell
- The motion was approved unanimously 7-0

VI. NEW BUSINESS

A. Roof Replacement at Public Safety Headquarters (Phase 3)

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends council award a contract for the replacement of the remaining roof section at the Public Safety Headquarters main building to Garland/DBS, Inc. (under the competitively procured US Communities contract #14-5903) in the amount of \$115,235 and authorize the Mayor to execute all necessary documents.
- Due to the age of the previous ballasted EPDM roof system and consistent roof leak service calls at Public Safety Headquarters since 2013, a four-phased re-roofing plan was developed. Please reference the Public Safety Headquarters map for a visual guide.
- Phase 1 entailed the replacement of the roof at the Jail facility and was completed in 2016.
- Phase 2 entailed replacement of the roof at the main Public Safety Headquarters building and was completed in conjunction with the Headquarters Expansion project in 2018.
- Phase 3 is the source of this request and entails replacement of the remaining portions of the Public Safety Headquarters main building (e.g. E911, Garage).

- Phase 4 includes the detached Evidence Building and was included in the FY 2019 Budget as a restoration at a smaller financial impact (and smaller warrantied life at 10-years). After further review, restoration is not an ideal solution for this roof and full-replacement is recommended. Residual funding will be transferred to non-allocated and this project will be included in a future capital request.
- This request is for Phase 3 and entails replacement of the remaining portions of the Public Safety Headquarters (e.g. E911, Garage). A detailed scope-of-work has been attached hereto.
- This project is being awarded to Garland/DBS Inc. under the U.S. Communities program (cooperative purchasing alliance). US Communities is a nonprofit instrumentality of government that assists local and state government agencies in reducing the cost of purchased goods/services through pooling the purchasing power of public agencies nationwide. This is accomplished by competitively solicited contracts for quality products/services through lead public agencies (e.g. city, county, or state agencies that issue the underlying formal solicitations). Cobb County GA, as lead public agency, competitively solicited the Garland contract and made it available under the terms of the U.S. Communities program.
- Benefits of the Garland contract under U.S. Communities include: (a) pricing competitiveness; (b) turnkey single source accountability (Garland is both the manufacturer and managing contractor for roof product installations) that ensures warranty integrity; and (c) speedy implementation using pre-qualified contractors. The city contracts directly with Garland as the contractor on the project. Garland is the supplier of roofing materials (pricing established through US Communities competitively solicited contract pricing) and manages roofing subcontractors (local pricing through sealed quotes).
- Garland has solicited quotes from pre-qualified subcontractors and chosen Safe Shield, LLC as the low quote at \$115,235.
- The FY 2019 Budget included funding totaling \$140,000 for the Phase 3 scope (discussed above; \$100,000) and the Phase 4 scope (discussed above: \$40,000). Due to the escalation of labor rates, and the labor-intensity of roofing work, pricing has escalated above the 2019 Budget estimate for the Phase 3 scope. As discussed above, the Phase 4 scope will be changed from a restoration to a full-replacement. Completion of the Phase 3 scope will involve utilization of a portion of the funding originally set aside for Phase 4. Remaining funds will be moved to non-allocated. Phase 4 will be a component of a future funding request with the scope revised to reflect full-replacement.
- The City has used Garland for multiple roof repair/replacement projects including: replacement of the roof segments identified above at Public Safety Headquarters: roof restoration, wall restoration, shingle, and metal edge roof section repairs at multiple Parks and Recreation facilities (Crabapple Government Center, Wills Park Pool Concession, Alpharetta Community Center, Equestrian Center, Wills Park Recreation Center and Arts/Crafts Center, etc.); roof replacements for Fire Stations 1, 3, and 4: etc. and has found their work, products and responsiveness to be exceptional. Once a contract with Garland has been finalized and executed, completion will take no longer than 45 days from Notice-to-Proceed. This timeframe includes the ordering and delivery of all materials.

Public Comment

None

- ❖ Council Member Hipes offered a motion to award a contract for the replacement of the remaining roof section at the Public Safety Headquarters main building to Garland/DBS, Inc. in an amount not to exceed \$115,235.00 and authorize the Mayor to execute all necessary documents
- The motion received a second from Council Member Binder
- The motion was approved unanimously 7-0

A. Resolution - Intergovernmental Agreement with the City of Milton

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA TO AUTHORIZE THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF 911 EMERGENCY COMMUNICATION SERVICES AND GCIC INFORMATION SERVICES BETWEEN THE CITY OF ALPHARETTA, GEORGIA AND THE CITY OF MILTON, GEORGIA

- City Attorney, Sam Thomas, presented this item and read the Resolution aloud

Public Comment

None

- ❖ Council Member Hipes offered a motion to approve the Resolution to enter into an Intergovernmental Agreement with the City of Milton as read by the City Attorney
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously 7-0

VII. PUBLIC COMMENT

None

VIII. REPORTS

None

IX. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Binder offered a motion to approve the Executive Session
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously 7-0

Respectfully submitted,



Coty Thigpen, City Clerk