



City Council Meeting  
November 5, 2018  
Office of the City Clerk  
ALPHARETTA CITY HALL  
COUNCIL CHAMBERS  
2 PARK PLAZA

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I. CALL TO ORDER

A. *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
  - Wes McCall, Deputy Director of Public Safety
  - Morgan Rodgers, Director of Recreation and Parks
  - Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS AND PRESENTATIONS

A. Native American History Month Proclamation

B. Veteran's Day Proclamation

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 10/15/2018 & 10/22/2018)

B. Alcoholic Beverage License Applications

PH-18-AB-54 YKIM 21, LLC

d/b/a Burger 21  
2500 Old Milton Pkwy Ste. 100  
Alpharetta, GA 30009

Purpose: Consumption on Premises  
Beer, Wine, Sunday Sales

Owner: Paul Kim  
Reg. Agent: Steve Tong-gun Hahn

C. Financial Management Report: Month Ending September 30, 2018

❖ Mayor Pro Tem Mitchell offered a motion to approve the Consent Agenda

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

VI. PUBLIC HEARING

A. PH-18-05 Unified Development Code Text Amendments/Fire Pit & Clearing and Grading Regulations (1st reading)

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff recommends Mayor and Council approve the text amendments to Unified Development Code, Section 3.2 as it relates to clearing and grading activities and Section 4.4 as it relates to adding recreational fire pit regulations. Consideration of amendments to Unified Development Code (UDC) Section 3.2 Tree Conservation, Landscape, and Buffer Requirements and Section 4.4 Development Permitting and Construction.
- Staff proposes to add recreational fire pit definition and regulations to UDC Section 4.4, Development Permitting and Construction. UDC text amendments are proposed in response to questions and complaints received from residents with concerns over smoke intrusion and safety. The UDC does not currently regulate recreational fire pits. Staff proposes

regulations that would limit the size and location of a recreational fire pit.

- Staff proposes to add a definition for 'Mass Grading' and regulations to UDC Section 3.2 addressing clearing and grading activities associated with land development.
- City Attorney read the Ordinance title into the record

#### **Public Comment**

None

❖ Council Member Richard offered a motion to approve PH-18-05 Unified Development Code Text Amendments/Fire Pit & Clearing and Grading Regulations and the Ordinance as read by City Attorney

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

#### **B. PH-18-05 Unified Development Code Text Amendments – Wireless Telecommunications Facilities**

- Assistant City Attorney, Scott Hastey came forward to present this item
- Consideration of text amendments to Unified Development Code (UDC) Section 2.8 Wireless Telecommunications Facilities as it relates to small cell technology in the public right-of-way. The proposed text amendments are necessary to comply with changing State and Federal regulations, as well as to provide additional options for siting small cell technology in the public right-of-way.
- The item was removed from the table and heard by the Planning Commission at its November 1, 2018 meeting. Three (3) people representing the wireless telecommunications industry spoke on the item identifying possible conflicting language in the ordinance, as well as asking for greater flexibility in aesthetic standards. After discussion, the Planning Commission recommended approval of the item. Vote (6-0-1 abstained)
- City Attorney read the Ordinance title into the record

#### **Public Comment**

- Don Barbour, came forward to speak on this item on behalf of AT&T
- Ellen Smith, came forward to speak on this item on behalf of Parker Poe (counsel for Crown Castle)
- Brandon Nelson, came forward to speak on this item on behalf of Zayo
- Renee Shepherd, came forward to speak on this item on behalf of Verizon

- ❖ Council Member Burnett offered a motion to approve PH-18-05 Unified Development Code Text Amendments – Wireless Telecommunications Facilities and Ordinance as read by the City Attorney
  - The motion received a second from Council Member Richard
  - The motion was approved unanimously 7-0

## VII. NEW BUSINESS

### A. Ordinance - Fire Pits (1st reading)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 20, ARTICLE I, SECTION 20-8 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA, TO ADD AN EXCEPTION TO THE PROHIBITIONS ON OUTSIDE BURNING; TO ADD STANDARDS FOR RECREATIONAL FIRE PITS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

- City Attorney, Sam Thomas, provided an overview of this item and read the title into the record

#### Public Comment

- John Courtnee, 120 Woodfield Ln, Alpharetta, GA came forward to speak on this item
- ❖ Council Member Richard offered a motion to approve the Fire Pit Ordinance amendments as read by the City Attorney
  - The motion received a second from Council Member Binder
  - The motion was approved unanimously 7-0

### B. Bethany Road Roundabouts, ITB 19-004

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council award ITB 19-004 to CMES, Inc. for the construction of the Bethany Road Roundabouts project in the amount of \$3,225,687.00; approve the Intragovernmental Agreement with Fulton County for the construction of watermain improvements within the project limits; approve Atkins North America, Inc.'s proposal for construction management, engineering, and inspections services in the amount of \$298,130.25; and, authorize the Mayor to execute all necessary documents.
- The award of this bid is for the construction of the Bethany Road Roundabouts project.
- Construction of a roundabout at the intersection of Bethany Road and Mid Broadwell Road (TSPLOST); Construction of a roundabout at the intersection of Bethany Road and Mayfield Road (TSPLOST); and, Construction of a 6'-wide sidewalk along the south side of Mayfield Road from Bethany Road to Chantilly Drive.

- Plans and specifications for this project were prepared by Tetra Tech's design team with program management oversight provided by Atkins. During the utility coordination process, Fulton County Public Works identified a need to upgrade the existing waterline system within the project limits.
- The County provided the design which was incorporated into the design and bid documents. Additionally, an Intragovernmental Agreement has been prepared for the construction of the watermain improvements and will fully reimburse the City for said work.
- The project advertised for competitive bids during August and September 2018. Bids for the project were received on September 27, 2018 and the City received a total of six bids from the following:

CMES, Inc.	\$3,225,687.00
Vertical Earth Inc.	\$3,325,826.18
Bartow Paving Company, Inc.	\$3,453,064.73
C. W. Matthews Contracting Co., Inc.	\$3,627,377.69
Baldwin Paving Company, Inc.	\$3,795,380.81
Precision 2000, Inc.	\$3,814,948.53

- The apparent low bidder, CMES Inc. is an experienced contractor which has worked on several projects with similar elements in Georgia for multiple governmental agencies including City of Roswell, Forsyth County, Henry County, and the Georgia Department of Transportation.
- Staff from Atkins met with representatives of CMES Inc. on October 25, 2018 to review the scope of work and the City's expectations. CMES Inc. assured Atkins that they could complete the project for the bid amount and within the allocated time frame. Based upon Atkins' recommendation, staff determined CMES Inc. to be the lowest responsive and responsible bidder.
- Once a contract with CMES Inc. has been finalized and executed, construction may begin immediately. The anticipated completion date for work is no more than 300 days from notice to proceed.
- On November 14, 2016, Atkins North America, Inc. was awarded a contract for providing the City with assistance on larger scale bond and TSPLOST projects in the form of project management, right-of-way acquisitions, construction management, and construction inspection services. At Staff's direction, Atkins has prepared a proposal for providing construction project management, inspection, and engineering services for the Bethany Road Roundabouts project. Their scope includes:
  - Providing an experienced project manager to provide oversight and coordinate activities of Atkins, City Staff, and CMES, Inc.; Providing experienced inspectors to monitor and document the day to day construction activities; and,
  - Assigning a dedicated engineer to maintain document control, assist in shop drawing and submittal review, and assist with site or design challenges.

- Atkins has proposed Mr. Obie Brannon to serve as project manager. Mr. Brannon

serves as Atkins' project manager on the Rucker Road Corridor project where his team provides a similar scope of services. Additionally, Mr. Brannon has been involved in the management of projects constructed by CMES, Inc. for other government agencies. Thus, Mr. Brannon is familiar with both the City's expectations and procedures and with CMES, Inc. personnel and capabilities.

- The proposed fee for these services is \$298,130.25 which is based on an estimated number of hours to be worked over a 12 month time frame.
- The original allocated budget for Bethany Road at Mid Broadwell Road was \$1,280,000.00. To date \$131,170.00 was encumbered for design and \$31,384.00 was encumbered for project management. With this award, an additional \$857,874.00 will be encumbered for construction and \$104,345.59 will be encumbered for construction management. Right of way costs are expected to total \$89,000.00. This brings the total project cost to \$1,214,223.59, leaving an allocated balance of \$65,776.41.
- The original allocated budget for Bethany Road at Mayfield Road was \$1,280,000.00. To date \$137,620.00 was encumbered for design and \$31,385.00 was encumbered for project management. With this award, an additional \$1,613,034.00 will be encumbered for construction and \$193,784.66 will be encumbered for construction management. Right of way costs are expected to total \$136,000.00. This brings the total project cost to \$2,112,273.66, leaving an allocated shortfall of \$832,273.66.
- The Bethany Road at Mayfield Road project scope overlaps with a portion of the Mayfield Road Bond Sidewalk scope which is estimated at \$403,154.00 for construction and right-of-way. Applying these Bond funds reduces the allocated shortfall to \$429,119.66.

#### Public Comment

None

- ❖ Mayor Pro Tem Mitchell offered a motion to approve the ITB 19-004 for the construction of the Bethany Road Roundabouts project in an amount not to exceed \$3,523,817.25
  - The motion received a second from Council Member Merkel
  - The motion was approved unanimously 7-0

#### C. Northside Hospital Sponsorship

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council approve the sponsorship with Northside Hospital as outlined in the Memorandum of Understanding.
- Northside Hospital has proposed a three year sponsorship program focusing on the Health and Wellness aspects of the parks and programs. Northside would provide the City of Alpharetta \$50,000.00 per year for three years. In return, the City would enhance/develop facilities at Wills Park Wacky World Playground, at Wills Park Trail

Head and at the Alpharetta Greenway Trail Head, and fund free quarterly fitness programs throughout the City of Alpharetta during the three year program.

- Signs would be installed at each of the three facilities during the first year. Appropriate signage will be placed at the site of the sponsored programs and through appropriate social media.

#### **Public Comment**

None

❖ Council Member Binder offered a motion to approve the sponsorship with Northside Hospital as outlined in the Memorandum of Understanding.

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

#### **D. MOU with the City of Johns Creek for certain Recreation Programs**

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council approval of the MOU with the City of Johns Creek as presented.
- In 2017, Alpharetta and Johns Creek continued the MOU establishing a program to waive non-resident fees for selected youth recreational sports programs: Youth Softball, Youth Baseball, and Youth Lacrosse. This MOU will expire before the Spring 2019 season and needs to be renewed. This MOU allows citizens from both cities to choose where they would like to participate in the above programs, without concern for city limit restrictions.
- All participating Athletic Associations (Alpharetta Youth Softball Association, Newtown Recreation and Ocee Park Athletic Associations are in favor of continuing the MOU. Alpharetta Staff have meet with Johns Creek staff and the renewing of the MOU is being done concurrently in both cities. The Alpharetta Recreation Commission voted unanimously at their October 9, 2018 meeting to approve the renewal of the MOU

#### **Public Comment**

None

❖ Council Member Binder offered a motion to approve the MOU with the City of Johns Creek as presented.

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

## E. Renewal of Lease and Management Agreement with the YMCA

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council approve of the updated Lease and Management Agreement with the YMCA
- The City of Alpharetta and the Ed Isakson YMCA entered into a Lease and Management Agreement in March, 2007 to lease certain City property to the YMCA, allow for public access to the Greenway and provide program activity by the City.
- The City and the YMCA wish to amend and modify the Agreement to allow the two entities to work collaboratively to serve the residents of Alpharetta, to fulfill unmet needs, to provide scholarships to those residents otherwise unable to participate and to enhance the range and quality of programs and services in the community. The City Attorney has reviewed the document and has approved the form of the document. The Recreation Commission approved the renewal at their September Meeting.

### Public Comment

None

- ❖ Council Member Binder offered a motion to approve the updated Lease and Management Agreement with the YMCA and authorize the Mayor to execute all necessary documents
  - The motion received a second from Council Member Hipes
  - The motion was approved unanimously 7-0

## VIII. WORKSHOP

### A. Academy Street / Webb Bridge Road Corridor

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- On October 10th and 11th, city staff hosted community conversations to present concepts for the Academy Street / Webb Bridge Road corridor and receive input from the public. The October 10th meeting focused on Webb Bridge Road from North Point Parkway to Webb Bridge Way. The October 11th meeting focused on Academy Street from Haynes Bridge Road to Westside Parkway.
- Based on the feedback from attendees, the following elements have been incorporated into the typical sections for the roadway:
- Bike lanes have been moved adjacent to the travel lanes. This is the preferred location expressed by Bike Alpharetta. Staff is working with Bike Alpharetta to acquire formal documentation as such.
- Trees will be provided between the roadway and sidewalks where space permits. In some areas this will be achieved through the use of tree grates which will extend slightly into the sidewalk area.
- Along the Alpha Loop alignment portion of the project, a minimum of 8' wide clear

area will be provided for the sidewalk/trail.

#### **Public Comment**

- Jason Guest, 4185 Big Creek Overlook, Alpharetta, GA came forward to speak on this item
- Melissa Bondurant, owner of Webb bridge Animal Hospital, came forward to speak on this item

#### **B. Use and Rental of City Facilities by Outside Groups**

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council provide direction to ensure proper use of the public facilities and spaces, and remaining with the values of the City of Alpharetta and without infringing on anyone's constitutional rights.
- The City has received several request from outside groups to use public spaces for various events, such Easter Egg Hunt by churches, political rallies by candidates and fund raising activities in general. Staff request direction to ensure proper use of the public facilities and spaces, and remaining with the values of the City of Alpharetta and without infringing on anyone's constitutional rights.

#### **Public Comment**

None

#### **IX. PUBLIC COMMENT**

None

#### **X. REPORTS**

- Council Member Binder made a few announcements on behalf of Recreation and Parks:
  - City is in beginning stages of developing an Equestrian Center Master Plan and the 1<sup>st</sup> public input meeting will be Tuesday, November 6<sup>th</sup> at 6pm at City Hall
  - On this Wednesday, November 7<sup>th</sup>, the City will have the 1<sup>st</sup> harvest from our garden at the new Park at Old Rucker from 9-10am
- Mayor Pro Tem Mitchell reminded everyone to go vote tomorrow
- Council Member Burnett announced that the City will be moving forward to raise the minimum wage for City employees to \$16 an hour
- Assistant City Administrator, James Drinkard made the following announcements regarding upcoming meetings:
  - There will be a series of 2 meetings regarding the Haynes Bridge Corridor – 1<sup>st</sup> on November 13<sup>th</sup> at 6pm at Haynes Bridge Middle School and the 2<sup>nd</sup> meeting to be on November 14<sup>th</sup> at 6pm at Park Place, 3125 Old Alabama Road.

- Also on November 14<sup>th</sup>, the City will host its monthly Community Zoning Information Meeting at 6pm where a total of 9 applicants will be present to discuss upcoming applications

## XI. ADJOURNMENT

- ❖ Council Member Richard offered a motion to adjourn into Executive Session
- The motion received a second from Council Member Merkel
- Motion was approved unanimously 7-0

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