THE CITY OF
ALPHARETTA
GEORGIA

OFFICIAL MINUTES OF COUNCIL MEETING ON

May 15, 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.

I. CALL TO ORDER

Mayor Belle Isle called the meeting to order at 6:32 p.m.

II. ROLL CALL

- Council Members
  - Mayor David Belle Isle
  - Chris Owens (Mayor Pro Tem)
  - Jason Binder
  - Jim Gilvin
  - Mike Kennedy
  - Dan Merkel
  - Donald Mitchell

- Staff
  - Bob Regus, City Administrator
  - Coty Thigpen, City Clerk
  - Sam Thomas, City Attorney
  - James Drinkard, Asst. City Administrator

- Kathi Cook
- Shawn Mitchell
- John Robison, Director of Public Safety
- Pete Sewczwicz, Director of Public Works
- Peter Tokar, Director of Economic Development
- Randy Bundy, Director of Information Technology
- Morgan Rodgers, Director of Recreation, Parks, and Cultural Affairs

III. PLEDGE TO THE FLAG

❖ Troop 69 was in attendance and led the Pledge

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 04/24/2017 and 5/1/2017)

❖ *Council Member Kennedy offered a motion to approve the Consent Agenda*

- *The motion received a second from Council Member Mitchell*
- *The motion was approved 5-0*

V. PUBLIC HEARING

A. PH-17-14 City Center/Building Height (Council Only)

❖ *Council Member Owens joined the meeting*

- Director of Community Development, Kathi Cook, came forward to present the item on behalf of staff
- Cheri Morris came forward on behalf of the applicant

❖ *Council Member Gilvin joined the meeting*

- Staff recommends approval of PH-17-14 City Center/Building Height subject to the following conditions:

1. The minimum height of the building on Parcel 1B shall be 23' and the minimum height of the building on Parcel 3B shall be 21'.
2. Parcel 1A building shall be a 2-story replica of the Old Milton County City Hall Building, as depicted on Exhibit A.

3. All previous conditions of zoning related to the subject property shall remain in effect, except as modified in the conditions above.

- The applicant, Cheri Morris, requests a change to previous conditions of zoning on the 25-acre City Center property approved as a mixed-use development. The requested change would allow for a reduction in the minimum height of two restaurant buildings along South Main Street. The subject property is located at the southeast corner of South Main Street and Academy Street.

- The submitted request, if approved, will allow for changes to previous conditions of zoning related to the City Center mixed-use development. Original conditions of zoning on the City Center property required a minimum building height of 24' for buildings facing Main Street, except for the Jones House and buildings along the town green. The proposed change includes reducing the building height of a 1-story, 3,000 square foot restaurant building on Parcel 1B from 24' to 23' – 3 5/8" and a 1-story, 3,520 square foot restaurant building on Parcel 3B from 24' to 21' – 4".

- The subject property was approved on October 26, 2015 for a rezoning to MU (Mixed Use) to allow 40 'For-Sale' townhome units on 5.85 acres with a density of 6.83 dwelling units per acre. The approved number of units and density will remain the same. The applicant proposes the following changes to the previous conditions of zoning related to file CLUP-15-04/Z-15-06/V-15-07 Thompson Street Investments:

11. On buildings facing Main Street, façade shall be a minimum 24 feet high, with the exception of the renovated Jones House, Parcel 1B, Parcel 3B and any buildings along the town green.

- The developer's previous renderings of City Center depicted a rooftop dining area on the building on Parcel 1D/E. However, the applicant may not construct the rooftop dining area, but instead would construct other outside seating options.

- City Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request to change previous conditions of zoning. The proposed reduction in building heights are minimal and should have little to no impact on the overall quality of the City Center project. However, the corner 'Old Milton County City Hall' building previously proposed as a 2-story building should remain.

- 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.

Public Comment
None

❖ *Council Member Kennedy offered a motion to approve PH-17-14 City Center/Building Height application subject to the 3 conditions*

- *The motion received a second from Council Member Mitchell*
- *The motion was approved 7-0*

B. V-17-12 Wade Shows, Inc./North Point Mall (Council Only)

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

- Staff recommends approval of V-17-12 North Point Mall/Wade Shows, Inc. variance subject to the following conditions:

  1. Variance shall be granted to Wade Shows, Inc. and shall not be transferrable.
  2. Variance shall be permitted for 16 days each year, subject to review and approval of a temporary use permit.

- The applicant, Wade Shows, Inc., is requesting consideration of a variance from Unified Development Code (UDC) Subsection 2.3.2 (A) to increase the time period for a temporary use from four (4) days to 16 days. The applicant proposes to have a carnival within the surface parking lot between Sears and JCPenney at North Point Mall. The subject property is located at 1000 North Point Circle.

- The applicant, Wade Shows, Inc., is requesting a variance to increase the time period for a temporary use from four (4) days to 16 days to allow for a carnival in the surface parking lot between Sears and JCPenney at North Point Mall. The subject property is located at 1000 North Point Circle.

- North Point Mall and the surrounding area is zoned PSC (Planned Shopping Center). The area is commercial and there are no residential uses in the immediate vicinity. The applicant provided a site plan depicting the carnival within a 75,000 square foot area in the existing surface parking lot between Sears and JCPenney. Parking for the carnival will be accommodated in the parking lots surrounding the North Point Mall.

- Unified Development Code (UDC) Subsection 2.3.2 (A) allows a carnival, circus or fair for a period not to exceed four (4) days, subject to providing adequate parking, addressing safety concerns and limiting impacts to surrounding properties. The applicant requests extending the time period to 16 days, which includes three (3) days of set-up, two (2) days of tear down and eleven (11) days of operation.

- The proposed event is scheduled to take place June 1-11, with set-up and safety inspections to occur May 29-June 1. The carnival anticipates hours of operation from 5-11 PM during weekdays and 1-11PM on weekends. According to the applicant, the carnival will not include animals, amplified noise, road closures, tents or alcoholic beverages. There will be 18-20 rides, games, food and restroom facilities.

- Staff has reviewed the application and is in general agreement with the requested variance. Adequate parking is available at this location to support both the carnival attraction and existing businesses. In addition, the carnival is appropriately located in a commercial area, minimizing

impacts to surrounding properties. The State Fire Marshal is responsible for all safety inspections. If approval is considered, conditions are recommended limiting the temporary use to Wade Shows, Inc. and limited the time period to 16 days annually, subject to review and approval of a temporary use permit each year.

- The applicant notified adjacent property owners of the variance request and intent for the property. The citizen participation report states that no comments were received.

- Applicant came forward to answer questions from Council

Public Comment

- Nick Nicolosi, Manager of North Point Mall, came forward to speak on this item

❖ *Council Member Kennedy offered a motion to approve V-17-12 Wade Shows, Inc./North Point Mall subject to the 2 conditions, with a change to condition #2 to read, "variance shall be permitted for June 2017 and may be renewed annually subject to approval by staff."*

- *The motion received a second from Council Member Owens with a friendly amendment that the variance be permitted for 2017*
- *Kennedy accepted and added that the variance shall be permitted for up to 16 days in 2017.*
- *The motion was approved 6-1; Binder voting no*

C. V-17-14 The Hotel at Avalon/Sign Variance (Council Only)

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff

- Staff recommends approval of V-17-14 The Hotel at Avalon/Sign Variance, subject to the following conditions:

1. Wall sign location, size, type and color shall be limited to submitted plans.
2. No additional wall signs shall be permitted, except for signage associated with the two (2) restaurant tenants.

- The applicant, Jim Stormont, is requesting consideration of a sign variance to allow two (2) wall signs on the south elevation of The Hotel at Avalon building. The Unified Development Code (UDC) allows one (1) wall sign per elevation front and the applicant's request to have two (2) on one (1) elevation would exceed this regulation. The subject property is located at 9000 Avalon Boulevard.

- The applicant, Jim Stormont, is requesting a sign variance to allow two (2) of the permitted wall signs on the south elevation of The Hotel at Avalon within Phase 2 of Avalon. The Unified Development Code (UDC) allows one (1) wall sign per road frontage and one (1) wall sign per elevation. The property is located at 9000 Avalon Boulevard.

- Because Avalon is a mixed-use development, Staff interprets the wall signage allowance to be a combination of sign regulations associated with signs permitted in Industrial and Office Parks, as well as signs permitted in Free-Standing Commercial Establishments not located within a Shopping Center. Therefore, the following two (2) regulations would apply in this situation:

- UDC Section 2.6.12 (C)(2) Industrial and Office Parks, Wall Signs states that, "Buildings of two (2) stories or greater may have a wall sign located at the top of the building. The maximum area of such sign shall not exceed 20 sq. ft. per floor or story above road grade, not to exceed 240 sq. ft. Wall signs shall not be internally illuminated."

- UDC Section 2.6.12 (E)(2) Free-Standing Commercial Establishments not located within a Shopping Center, Wall Signs states that, "One (1) wall sign per road frontage for each tenant space no greater than one square foot (1 sq. ft.) of area per one linear foot (1 ln. ft.) of tenant frontage; provided, however, no more than 2 wall signs shall be allowed for a tenant space.

- Therefore, staff has determined that the hotel building is permitted three (3) wall signs and the conference center building is permitted three (3) wall signs for a total of six (6) wall signs. One (1) wall sign is permitted for each of the three (3) road frontages (Old Milton Parkway, Westside Parkway and Avalon Boulevard) and for each building. The applicant proposes a total of five (5) wall signs with two (2) wall signs on the south elevation of the hotel building. The proposed signage will consist of one (1) sign with the text 'The Hotel at Avalon' at a size of 240 square feet and the second sign is the Hotel logo with a size of 143 square feet. Both signs will be backlit.

- As shown in the table below, five (5) sign variance requests have been considered within the Avalon development, of which three (3) were approved and two (2) were denied.

Sign Variance Requests - Avalon

Project	File Number	Variance Request	Result
Crate & Barrel/Avalon	V-14-13	Increase the size of 2 perpendicular signs from 8 SF to 22 SF.	Approved
Whole Foods/Avalon	V-14-15	Allow 1 additional wall sign on walkway façade between parking deck and mixed use building.	Denied
Regal Cinema/Avalon	V-14-16	Allow 1 additional wall sign interior to the site and increase to the maximum size.	Approved
Branch & Barrel	V-15-29	Allow a gas light pole with signage attached, allow more than 1 perpendicular sign and allow a 5th tenant space sign.	Approved

Chick-fil-a/Avalon	CU-15-07/PH-15-11/V-15-19	Increase the number of permitted wall signs from 3 to 4.	Denied (Sign Variance only)

- Staff has reviewed the application and is in general agreement with the requested sign variance. The criteria for a sign variance have been met and the applicant's request will not impact surrounding properties. In addition, the applicant is permitted a total of six (6) wall signs, of which they are only proposing five (5) wall signs. Conditions are recommended limiting the size and type of signs permitted, as well as restricting additional wall signs on the building.

- 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.

- Jim Stormont came forward on behalf of the applicant

Public Comment
None

- *Council Member Kennedy offered a motion to approve V-17-14 The Hotel at Avalon/Sign Variance subject to the 2 staff conditions*
  - *The motion received a second from Council Member Merkel*
  - *The motion was approved 7-0*

VI. OLD BUSINESS

A. MP-16-13/Z-16-11/CU-16-19/V-16-26: TPA/Fuqua Development / Peridot
This item was tabled by City Council on Monday, April 17, 2017. It will need to be removed from the table in order to be considered.
Consideration of a request to amend the Peridot (A.K.A. MetLife) Master Plan and previous conditions of zoning to allow 320 'For-Rent' residential units, 167 'For-Sale' Attached units, 55,500 square feet of retail/restaurant use, 664,400 square feet of office use, and a 200-room hotel. A rezoning is requested on 15.51 acres from O-I (Office-Institutional) to MU (Mixed- Use) and a conditional use is requested to allow 'Dwelling, 'For-Rent' and 'Bank, Savings and Loan' uses. A variance is requested to allow first floor 'For-Rent' dwellings on three building sides and to allow first floor 'For-Rent' dwellings on a Storefront Street. The property is located on the west side of Haynes Bridge Road south of Lakeview Parkway and is legally described as Land Lots 744, 745, 752, and 753, 1st District, 2nd Section, Fulton County, Georgia.

❖ *This item remained on the table and was not discussed*

B. Amendment to the Alcohol Ordinance **(2nd reading)**
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 3 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO DELETE, MODIFY AND ADD PROVISIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES; TO PROVIDE EXCEPTIONS APPLICABLE TO ART STUDIOS, ART GALLERIES AND COOKING CLASSES FROM CERTAIN REGULATIONS GOVERNING ON-PREMISES CONSUMPTION; TO DELETE, MODIFY AND ADD PROVISIONS GOVERNING ANCILLARY WINE TASTING LICENSES; TO DELETE, MODIFY AND ADD PROVISIONS GOVERNING BREWERIES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

- City Clerk, Coty Thigpen, came forward to present the item on behalf of staff
- There have been 2 changes to the Ordinance amendment since the 1st reading:
  1. language regarding distilleries has been removed
  2. wine shop section has been edited to increase maximum floor space for tastings/classes from 10% to 20%.

❖ *Council Member Owens offered a motion to approve the Ordinance as read into the record by City attorney and presented by City Clerk*

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

VII. NEW BUSINESS

A. Haynes Bridge Road Capacity Improvements - Intergovernmental Agreement with City of Johns Creek

- Director of Public Works, Pete Sewczwicz, came forward to present this item
- Staff recommends approval of the "Intergovernmental Agreement Regarding the Design, Engineering, and Right of Way Acquisition for a Portion of Haynes Bridge Road" with the City of Johns Creek and authorize the Mayor to execute all necessary documents.
- Included in the TSPLOST project list was the widening of Haynes Bridge Road from a two lane section to a four lane section between Mansell Road and Old Alabama Road. The project scope will also include: an 8' sidewalk to the Greenway, tree lined streets, landscaped medians, and left turn lanes where appropriate. This project is a joint undertaking between the City of Alpharetta and City of Johns Creek.

- Under this Intergovernmental Agreement (IGA), the City of Johns Creek will manage the design, engineering, and right-of-acquisition for the project. Design costs and third-party costs associated with right-of-way acquisition (right-of-way plans, appraisals, negotiations, deed preparation, etc.) will be split 50/50 between the cities. At a minimum, there will be monthly project coordination meetings between the cities throughout the project duration.
- Once the IGA is executed by both cities, representatives from Alpharetta and Johns Creek will work with the design team to finalize the project scope and obtain a proposal from the firm. The design proposal will be brought forward at a future council meeting for award.

Public Comment
None

❖ *Council Member Owens offered a motion to approve Intergovernmental Agreement Regarding the Design, Engineering, and Right of Way Acquisition for a Portion of Haynes Bridge Road" with the City of Johns Creek and authorize the Mayor to execute all necessary documents*

- *The motion received a second from Council Member Gilvin*
- *The motion was approved 7-0*

B. City Hall/Brooke Street Park Shrub Replacement

- City Administrator, Bob Regus, came forward to present this item on behalf of staff

- Staff recommends approval of a landscape services agreement with Ed Castro Landscape (our on-call landscape maintenance vendor for City Center) in an amount not to exceed $30,837.14 for shrub replacement around City Hall and Brooke Street Park; and authorize the Mayor to execute all necessary documents.

- In February, the City of Alpharetta awarded the City Center landscape maintenance contract to Ed Castro Landscape ("ECL"). ECL will be responsible for maintaining the area around City Hall and Brooke Street Park for the next five years.

- Since summer 2016, staff has reached out numerous times to the contractor responsible for the initial installation of the plant material at City Hall and Brooke Street Park to

replace the dead shrubs that are covered by the original warranty. We have been unsuccessful in getting this work done by the original contractor. The dead vegetation has become an eyesore. With no response from the original contractor, staff obtained a quote for replacement of the dead shrubs from our new landscape maintenance vendor ECL.

- ECL provided a quote of $30,837.14. Staff reviewed the quote with ECL to ensure the plant material is consistent with the plant material that is thriving on-site. Although the original contractor is responsible to abide by the terms of the warranty and replace the dead shrubs, the City cannot continue to wait for a response to adhere to the terms of the warranty. We missed the spring planting season but do not want to miss the next planting season.

- Staff recommends moving forward with ECL's planting plan now so as not to miss the next planting and growing season. City leaders will continue to pursue cost recovery from the original contractor as long as it is economically feasible to do so.

Public Comment

- Don Nahser, 305 Karen Dr, Alpharetta, GA, came forward to speak on this item

❖ *Council Member Owens offered a motion to approve a landscape services agreement with Ed Castro Landscape in an amount not to exceed $30,837.14 for shrub replacement around City Hall and Brooke Street Park; and authorize the City Administrator to use his judgment with advisement from Ed Castro regarding timing of said installation; authorize the Mayor to execute all necessary documents. Approved with the understanding that the City will continue discussions with Choate Construction regarding honoring the original warranty for the products and seeking reimbursement for this expense.*

- *The motion received a second from Council Member Gilvin*
- *The motion was approved 7-0*

C. Additional Design work for Alpharetta Arts Center

- Director of Public Works, Pete Sewczwicz, came forward to present this item on behalf of staff

- Staff recommends approval Change Order #3 in the amount of $5,250.00 to Houser Walker Architecture for additional design cost associated with the Alpharetta Arts Center and authorize the Mayor to execute all necessary documents.

- On July 11, 2016, City Council awarded Houser Walker Architecture the contract for the design of the Alpharetta Arts Center project. The project will renovate the old Fulton County library building at the corner of Mayfield Road and Canton Street. The scope includes exterior renovations, walk paths, decking, entrances and interior renovations in the form of multiuse art studios, a media studio and a black box theater. In Houser Walker's proposal two items were excluded, Audio Visual and IT; this was due to not knowing what the scopes entailed. A change order in the amount of $15,600.00 for Audio Visual was executed on November, 18, 2016 and a change order in the amount of $11,900.00 for IT components was executed on February 20, 2016.

- Change order #3 is associated with designing additional IT components. Specifically, horizontal and vertical riser cabling, telecommunication room layout, raceways, outlets and connectivity and documentation of network/telecom standards.

- The total cost of Change Order #3 is $5,250.00. Thus the contract amount will increase from $242,700 to $247,950.00

Public Comment
None

❖ *Council Member Owens offered a motion to table this item pending the evaluation committee's assessment of the plans and have Council revisit this item at a later date*

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

D. Change Order: Contract For Public Relations Professional Services

- Assistant City Administrator, James Drinkard, came forward to present this item

- Staff requests approval for a change order in the amount of $25,000 to the existing contract with Media Frenzy Global to provide for additional public relations services beyond that included in the original contract.

- As part of efforts to elevate the City's public relations and engagement efforts, a community affinity campaign, #AlpharettaProud, was developed to highlight positive facts and happenings. Using funds in the amount of $25,000 provided by the Alpharetta Development Authority, the campaign was launched during the week of May 1 so as to capture and leverage the large audience provided by the Taste of Alpharetta.

- #AlpharettaProud will leverage social media and other elements to promote positive aspects of the community and turn a spotlight on key facts and recognitions. More importantly, the campaign invites residents and visitors to tell us the things about our community that make them AlpharettaProud. The comments and video clips collected will, in turn, be used to spread the #AlpharettaProud message.

- While the launch of the campaign was fully funded by the Alpharetta Development Authority, the work is performed by Media Frenzy Global on behalf of the City of Alpharetta and leverages our existing relationship. Therefore, it is appropriate and necessary that the campaign be added to the scope of work of the existing contract between the City and Media Frenzy Global.

- The existing contract is valued at $100,000. Staff is requesting that the contract be changed to reflect the addition of the #AlpharettaProud Campaign launch and the additional expense of $25,000.

Public Comment
None

❖ *Council Member Kennedy offered a motion to approve a change order in the amount of $25,000 to the existing contract with Media Frenzy Global to provide for additional public relations services beyond that included in the original contract*

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

VIII. WORKSHOP

A. Downtown Shuttle Service

- Council Member Merkel and Owens requested that staff evaluate the potential of having a downtown shuttle service to help alleviate traffic concerns posed by City Center construction

- Assistant City Administrator James Drinkard presented some options for Council to consider at a later date if they so choose

B. Discussion of Rental Study By Ken Bleakly, Bleakly Advisory Group

- Director of Community Development, Kathi Cook, came forward to introduce this item
- Ken Bleakly came forward to present the findings of the rental study and field questions posed by Mayor and Council

C. Presentation and Discussion of the Recommended Fiscal Year 2018 Budget

- Budget Manager Shawn Mitchell and City Administrator Bob Regus came forward to

present elements of the FY18 budget included an overview of capital items

IX. PUBLIC COMMENT

- Ted Anderson came forward on behalf of Stoneridge HOA to discuss their preference to not be included in an upcoming sidewalk project

X. REPORTS

- Council Member Owens mentioned that the American Legion now has a new fire pit and benches thanks to his son's Eagle Scout project

XI. ADJOURNMENT TO EXECUTIVE SESSION

- *Council Member Kennedy offered a motion to adjourn to Executive Session*
  - *The motion received a second from Council Member Owens*
  - *The motion was approved 7-0*

Respectfully Submitted,

Coty Thigpen, City Clerk