



City Council Meeting DECEMBER 2, 2019

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE TO THE FLAG**
- IV. PROCLAMATIONS & PRESENTATIONS**
 - A. Recreation, Parks & Cultural Services Agency of the Year Award**
 - B. Proclamation for Don Nahser**
- V. CONSENT AGENDA**
 - A. Council Meeting Minutes (Meeting of 11/18/2019)**
 - B. Alcoholic Beverage License Applications**
 - PH-19-AB-27 Peach Old Milton Enterprises LLC**
d/b/a Old Milton Beverage
4045 Old Milton Parkway
Alpharetta, GA 30005
 - Package Store**
Retail Package Sales
Beer, Wine, Liquor, Sunday Sales
 - Owner: Peach Old Milton Enterprises LLC**
Registered Agent: Michael Sard
- VI. NEW BUSINESS**
 - A. North Fulton CID MOU for Transportation Facility Improvements - Davis Drive Extension**
(Sponsored by Council Member Burnett)
 - B. Sale And Purchase Of Real Estate**
- VII. WORKSHOP**
 - A. Recreation, Parks & Cultural Services: Capital Improvements**
 - B. Park Rules Ordinance Update**
- VIII. PUBLIC COMMENT**
- IX. REPORTS**
- X. ADJOURNMENT TO EXECUTIVE SESSION**



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By:

Meeting Date: December 2, 2019

I. AGENDA ITEM TITLE: COUNCIL MEETING MINUTES (MEETING OF 11/18/2019)

II. RECOMMENDATION:

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

City Council Meeting draft minutes 11-18-2019



City Council Meeting
November 18, 2019
Office of the City Clerk
CITY HALL 2 PARK PLAZA
6:30 PM

This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by Council, but not quoted or paraphrased. This document includes limited presentation by Council and invited speakers in summary form. This is not an official record of the Alpharetta City Council Meeting proceedings. Official Minutes are recorded and available for review.

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 (absent)
- 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, Director of Public Safety
 - o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
 - o Kathi Cook, Director of Community Development
 - o Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS & PRESENTATIONS

A. Barbara S. Duffy Proclamation

B. Cambridge High School FFA Presentation

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 11/11/2019)

❖ Council Member Burnett offered a motion to approve the consent agenda

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

VI. PUBLIC HEARING

A. MP-19-08/CU-19-08 Sugarcoat Beauty/North Point Commons Spa Services

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff recommends Mayor and Council approve MP-19-08/CU-19-08 Sugarcoat Beauty/North Point Commons Spa Services, subject to the following conditions:
 1. 'Spa Services' shall be added as a conditional use at 970 North Point Drive, Suite 150, in Pod B of the North Point Commons Master Plan and limited to no more than 1,905 square feet.
 2. Conditional use approval shall be limited to Sugarcoat Beauty; no additional spa services businesses or subleasing shall be permitted within the approved space.
 3. Hours of operation shall be Monday 12:00 PM – 7:00 PM; Tuesday – Saturday 10:00 AM – 7:00 PM; and Sunday 12:00 PM – 6:00 PM.
 4. Services offered shall be limited to nail salon, full body waxing, eyelash extensions and facials. No other services, including massage, shall be permitted.
 5. Window signage and window lighting trim shall be prohibited.
- The applicant, Stream Realty, is requesting an amendment to North Point Commons Master Plan to add 'Spa Services' as a conditional use in Pod B. A conditional use is requested to allow Sugarcoat Beauty to operate in a 1,905 square foot suite within the Stone Walk at North Point shopping center. The business is essentially a nail salon with spa services, including full-body waxing, massage and facial services. The subject property is located at 970 North Point Drive, Suite 150, at the northwest corner of North Point Parkway and Georgia Lane.
- The submitted request, if approved, will allow Sugarcoat Beauty to operate in a 1,905 square foot suite within the Stone Walk at North Point shopping center. A master plan amendment is requested to add 'Spa Services' as a conditional use in North Point Commons Master Plan Pod B. The business is essentially a nail salon with spa services, including full-body waxing, massage and facial services. The

subject property is located at 970 North Point Drive, Suite 150, at the northwest corner of North Point Parkway and Georgia Lane.

- The property is zoned PSC (Planned Shopping Center) and subject to the North Point Commons Master Plan Pod B. Surrounding properties are also zoned PSC and subject to the North Point Commons Master Plan, including Shane Company and First Citizens Bank to the west, Best Buy to the north, Sweet Tomatoes to the east and Ashley Furniture to the south. The Comprehensive Land Use Plan designation of the property is 'Commercial', which allows the proposed use.
- The North Point Commons Master Plan was approved in 1998 (MP-97-07) for a 136-acre planned development allowing office, retail, restaurant and open space. Pod B was approved for Retail as the primary use; however, 'Spa Services' is not listed as a permitted or conditional use in Pod B. As shown in the table below, the North Point Commons Master Plan has been amended on several occasions.

File #	Project Name	Pod	Requested Change	Outcome	Date
MP-18-11	Tapout Fitness	B	Add 'Athletic Facilities/Fitness Studio'	Approved	1/14/2019
MP-14-03	Salon Lofts	B	Add 'nail salon' within the Salon Lofts space	Approved	6/16/2014
MP-13-03/CU-13-08	Bowling Alley	C	Allow Bowling Alley (Use reverted on 9/24/14)	Approved	9/23/2013
MP-12-02/Z-14-07/V-14-08	Rooms To Go	C	Allow retail use	Approved	6/16/2014
MP-07-04/CLUP-07-04/Z-07-06/V-07-09	Glenridge Northpoint	C	Allow office with restaurant and retail uses.	Approved	8/27/2007
MP-07-02	Commercial Redevelopment	B	Convert 2 restaurants to a 36,000 SF retail center	Approved	6/18/2007
MP-01-07	Palladian	A	Break up a 12,000 SF retail bldg	Approved	10/22/2001
MP-97-07	North Point Commons MP		Establish a 136-acre master plan w/4 pods allowing office, retail and restaurant uses	Approved	1/19/1998

- A master plan amendment was approved on June 18, 2007 to allow for the redevelopment of two (2) restaurants into a 36,000 square foot retail strip center. The property was developed in 2008 as a 1-story, 36,000 square foot retail strip center. 198 parking spaces are provided on the 4.3-acre site, of which the Unified Development Code (UDC) requires 183 parking spaces for a Retail Shopping Center less than 50,000 square feet.
- Full-body waxing, massage and facial services are categorized as 'Spa Services' use. Unified Development Code (UDC) Section 1.4.2 defines 'Spa Services' as, "A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, and hair removal/waxing, and may have the sale of associated retail products. Such business shall be located within a retail center, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business." The applicant's 1,905 square foot suite complies with the maximum size in the definition of 'Spa Services' and there are no comparable businesses within 2,000' of the applicant's proposed location. Salon Lofts, which is located within the same shopping center, received conditional use approval for a 'Nail Salon' in 2014. However, that approval was specific to a 'Nail Salon' and did not allow 'Spa Services'.
- The City's Code of Ordinances, Section 12-172 establishes a minimum distance requirement of 300' for spa establishments from State Route 9, State Route 120, churches, schools, public parks, day care facilities and residences. The Stone Walk at North Point shopping center is not located on a State Route and is not located

within 300' of a church, school, public park, day care facility or residence.

- Sugarcoat Beauty has been in business since 2005 with five (5) locations in the Atlanta metro area, including Buckhead, Chastain, Virginia Highlands, Vinings, and Midtown. The business provides the following services: manicures and pedicures, skincare/facial, massage, full-body waxing, and eyelash extensions. Hours of operation are proposed to be Monday 12:00 PM – 7:00 PM; Tuesday – Saturday 10:00 AM – 7:00 PM and Sunday 12:00 PM – 6:00 PM. The applicant anticipates up to ten (10) employees at the proposed location.
- Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment and conditional use. The request is compatible with properties in the vicinity, which are also designated 'Commercial' and developed with commercial uses. The applicant's proposal complies with the definition of 'Spa Services' and meets the minimum distance requirements in the Code of Ordinances related to Massage and Spa Establishments. The use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated in retail corridors and shopping centers.
- 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.
- The CZIM was held on October 9, 2019. There were no comments on the sign-in sheet.
- Managing Director of Stream Atlanta, Jack Arnold, came forward to speak on behalf of the property owner.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve MP-19-08/CU-19-08 Sugarcoat Beauty/North Point Commons Spa Services, subject to the following conditions:
1. 'Spa Services' shall be added as a conditional use at 970 North Point Drive, Suite 150, in Pod B of the North Point Commons Master Plan and limited to no more than 1,905 square feet.
 2. Conditional use approval shall be limited to Sugarcoat Beauty; no additional spa services businesses or subleasing shall be permitted within the approved space.
 3. Hours of operation shall be Monday 12:00 PM – 7:00 PM; Tuesday – Saturday 10:00 AM – 7:00 PM; and Sunday 12:00 PM – 6:00 PM.
 4. Services offered shall be limited to nail salon, full body waxing, eyelash extensions and facials. No other services shall be permitted.
 5. Window signage and window lighting trim shall be prohibited.

- The motion received a second from Council Member Burnett
- The motion was approved (5-1); Council Member Hipes voting in opposition.

B. E-19-06 Studio Movie Grill Sign Exception

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends that Mayor and Council approve E-19-06 Studio Movie Grill Sign Exception, subject to the following conditions:
 1. Wall sign location, size, type, color, and illumination shall be limited to submitted plans, with final approval by Staff.
 2. Wall sign on the rear of building shall be painted and shall not exceed 78 square feet in sign area. Illumination shall be approved by Staff.
 3. No additional wall signs shall be permitted for the applicant's building.
- The applicant, NAI Sign Services on behalf of Studio Movie Grill, is requesting consideration of a sign exception to allow sign area to be aggregated and spread over the building. Two (2) wall signs are proposed on the front elevation facing North Point Parkway, one (1) blade sign on the elevation facing Mansell Road and one (1) wall sign on the rear elevation facing the Big Creek Greenway. The Unified Development Code (UDC) allows one (1) wall sign per road frontage for each building and a wall sign on the rear of the building facing open space. The subject property is located at 7660 North Point Parkway at the northeast corner of North Point Parkway and Mansell Road and in the building formerly occupied by AMC Theater.
- The submitted request, if approved, would allow two (2) wall signs on the front elevation of the Studio Movie Grill building facing North Point Parkway and a larger wall sign on the rear of the building facing the Big Creek Greenway. The Unified Development Code (UDC) allows one (1) wall sign per road frontage for each building and a wall sign on the rear of the building facing open space. The applicant is requesting to aggregate allowable wall sign area and distribute over four (4) proposed wall signs on the front, side and rear of the building. The subject property is located at 7660 North Point Parkway at the northeast corner of North Point Parkway and Mansell Road and in the building formerly occupied by AMC Theater.
- The subject property is zoned PSC (Planned Shopping Center) and is developed with a 51,130 square foot movie theater building. Surrounding properties are also zoned PSC and located within the North Point Overlay. Barnes and Noble/Starbucks are located to the north, Chili's Grill & Bar to the west, Buffalo Wind Wings to the south and the Big Creek Greenway to the east.
- UDC Section 2.6.12 (B)(9)(F) Signs Permitted for Cinema Complexes states that, "One (1) wall sign, which may include changeable copy board, or canopy sign shall be permitted for a cinema complex; provided, 2 however, if theaters are contained within separate buildings then one such sign shall be permitted for each building. Signage for each building shall be treated as a separate sign. The aggregate area of wall signs or canopy signs for a cinema complex shall not exceed 1 sq. ft. for each linear foot of building frontage." In addition, the North

Point Overlay allows one (1) wall sign, not to exceed 24 square feet, located on the rear of the building, since the property backs up to open space (Big Creek Greenway). Staff is currently proposing a UDC text amendment to this regulation to increase the allowable sign area of a rear facing wall sign to 50% of the allowable sign area of the wall sign on the front elevation. If the text amendment is approved, the applicant would be permitted a rear facing wall sign up to 78 square feet. It is recommended that the rear-facing sign be limited to no more than 78 square feet.

- The applicant proposes two (2) wall signs on the front elevation of the building facing North Point Parkway. The building has 340' of frontage facing North Point Parkway and 166' of frontage facing Mansell Road. Each elevation is permitted a 156 square foot wall sign, since the UDC restricts the maximum wall sign area to no larger than 156 square feet. Including the rear-facing wall sign allowance, a total of 336 square feet of sign area is permitted for three (3) wall signs on the applicant's building.
- The applicant proposes two (2) wall signs on the front elevation with a total sign area of 137.65 square feet. One (1) sign is LED back-lit and the other is LED face-lit and back-lit. A 37.67 square foot blade (perpendicular) sign is proposed to face Mansell Road and includes halo-lit lettering. A 97.65 square foot painted wall sign is proposed on the rear of the building facing the Big Creek Greenway. As shown in the table below, the applicant is requesting a total of four (4) wall signs with a total sign area of 272.97 square feet, which is 63.03 square feet, or 19%, less in total sign area than what is permitted by the Sign Code.

Elevation	# Allowed	# Requested	Allowed Area	Sign	Requested Sign Area
West (North Point Pkwy)	1	2	156 SF		97.65 SF (Studio Movie Grill) + 40 SF (Eat Drink Movies) = 137.65 SF
South (Mansell Rd)	1	1	156 SF		37.67 SF (Blade Sign)
East (Big Creek Greenway)	1	1	24 SF		97.65 SF
North	0	0	0		0
TOTAL	3	4	336 SF		272.97 SF

- Staff has reviewed the application and is in general agreement with the requested sign exception. The criteria have been met and the applicant's request should not impact surrounding properties. The applicant is permitted a total of three (3) wall signs with a sign area of 336 square feet, of which the applicant proposes 272.97 square feet of sign area over four (4) wall signs on the front, side and rear building elevations. Three (3) smaller wall signs on the front and side elevations would be more aesthetically pleasing than two (2), large 156 square foot wall signs on the same elevations. If approved, a condition is recommended limiting the size of the rear wall sign to no greater than 78 square feet.
- 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.
- The CZIM was held on October 8, 2019. There were no public comments on the sign-in sheet.

- The owner of NAI Sign Services, Rebecca Talafous, came forward to speak on behalf of the applicant.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to table E-19-06 Studio Movie Grill Sign Exception
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (6-0)

VII. NEW BUSINESS

A. FY 2020 Sidewalk Repair and Replacement

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve funding in the amount of \$450,850.00 to DAF Concrete, Inc. for the FY 2020 Sidewalk Repair and Replacement project contract and authorize the Mayor to execute all necessary documents.
- The City maintains over 200 miles of public sidewalk. Concrete sidewalk is vulnerable to cracking, uplift, and crumbling due to weather changes, tree roots, vehicular traffic, and general wear and tear. These failures can result in trip hazards and unsightly conditions for pedestrians.
- In the past decade, the city has made efforts to incorporate pedestrian friendly designs throughout the downtown overlay district. The city has also focused on providing safe access for pedestrians to parks. A natural next step in these plans is to repair and replace broken sidewalk and install new handicap ramps where needed. This project focuses along both the north and south side of Old Milton Parkway in front of Will's Park, along the south side of Milton Avenue from Wills Road to the stream, and along the east side of Haynes Bridge Road between Georgia Lane and the Greenway access parking lot.
- This project will include demolition, haul off, and disposal of those panels of sidewalk that are unsafe due to cracking and uplift. The project will also include the installation of new sidewalk panels (reinforced sections near Wills Park) and updated handicap ramps. These improvements will cover approximately 8,800 linear feet of sidewalk.
- The City prepared specifications and details for the sidewalk repairs and advertised for competitive bids September 26, 2019. Bids for the project were received October 24, 2019. The City received a total of five bids:

DAF Concrete, Inc	\$450,850.00
Autaco Development LLC	\$652,900.00
Sol Construction, LLC	\$732,384.50
Multiplex, LLC	\$738,950.00
Summit Construction	\$754,999.00

- The apparent low bidder, DAF Concrete, Inc., is an experienced contractor and has worked on numerous projects with similar scopes of work in Georgia for several agencies including Gwinnett County, Forsyth County, and City of Brookhaven. The contacted references stated that DAF Concrete, Inc. provided reliable work on time and within budget and would use their services again.
- Staff met with representatives of DAF Concrete, Inc. to review the scope of work and the City's expectations. DAF Concrete, Inc. assured staff that they could complete the project for the bid amount and within the allocated time frames. Thus, Staff determined DAF Concrete, Inc. to be the lowest responsive and responsible bidder. Once a contract with DAF Concrete, Inc. has been finalized and executed, construction may begin immediately. The anticipated completion date for work is no more than 60 days from notice to proceed

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve funding in an amount not to exceed \$450,850.00 to DAF Concrete, Inc. for the FY 2020 Sidewalk Repair and Replacement project contract and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously (6-0)

B. FY 2020 Annual Tree Planting and Landscape Improvements (Rucker Road Corridor)

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council approve the Rucker Road Roundabouts and Other Landscape Improvements proposal from Ruppert Landscape (dated 11/8/2019) under the City's On-Call Landscape Installation contract (#17-103B) in the amount of \$560,895.89 and authorize the Mayor to execute all necessary documents.
- The Rucker Road Roundabouts and Other Landscape Improvements proposal from Ruppert Landscape is for the installation of soil, trees, shrubs, and groundcovers at the two new roundabouts located at Rucker Rd & Dennis Dr/Fairfax Dr and Rucker Rd & Charlotte Dr. Watering per City specifications is also included.
- The proposal also includes installation of trees, shrubs, groundcovers, and

hardscape elements as needed for reestablishing the frontage areas of Northfield subdivision and several other communities impacted by the roadway improvements.

- The Department of Public Works prepared landscape plans, including specifications requiring that plant materials must comply with American National Standards Institute (ANSI) Z60.1, which details minimum standards of plant material. Specifications also include a two-year warranty and watering through plant establishment periods. ANSI standards and well-defined watering requirements help ensure a high-quality landscape product for Alpharetta residents and visitors. In order to minimize maintenance costs over the long term, no turf areas are proposed within the roundabout landscape designs.
- The proposal was provided in accordance with the City's On-Call Landscape Installation Contract with Ruppert Landscape (#17-103B; RFP 17-103).
- The City's Urban Forestry Program Manager will act as the City's project manager throughout all phases of the project, including installation, watering and warranty period. The project is projected to be completed by spring of 2020.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the Rucker Road roundabouts and other landscape improvements proposal from Ruppert Landscape (dated 11/8/2019) under the City's On-Call Landscape Installation contract (#17-103B) in an amount not to exceed \$560,895.89 and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously (6-0)

C. Ring Access Agreement

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends Mayor and Council's approval to sign an agreement with the doorbell-camera company Ring.
- The doorbell-camera company Ring has forged video-sharing partnerships with more than 400 police forces across the United States, granting them potential access to homeowners' camera footage and a powerful role in what the company calls the nation's "new neighborhood watch."
- The partnerships let police request the video recorded by homeowners' cameras within a specific time and area, helping officers see footage from the company's millions of Internet-connected cameras installed nationwide, the company said. Officers don't receive ongoing or live-video access, and homeowners can decline the requests, which Ring sends via email thanking them for "making your neighborhood a safer place."

- Residents must give prior approval to allow their doorbell video to be included in the agreement.

Public Comment:

- No Public Comment
- ❖ Council Member Hipes offered a motion to adopt an agreement with the doorbell-camera company Ring as presented by Staff
 - The motion received a second from Council Member Merkel
 - Council Member Binder offered a friendly amendment for legal add a term to the agreement stating that this is voluntary to the residents per incident
 - Council Member Hipes and Council Member Merkel accepted the friendly amendment
 - The motion was approved unanimously (6-0)

VIII. PUBLIC COMMENT

- No Public Comment

IX. REPORTS

- Mayor Gilvin and City Administrator, Bob Regus, attended the Fulton County Mayor's Meeting with the Fulton County Commissioners and had the opportunity to discuss transportation issues. Many of the Mayor's on the Southside of the County are not excited about any of the transportation options that were discussed and do not feel that the transit plan that has been presented to them is equitable. Therefore, currently, it does not look like there are any potential options for extending TSPLOST or transportation funding. We will continue to work on this on a regular basis, but at this time the BRT option for North or South Fulton does not have a funding source in order to complete those projects.

X. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 7:42 PM

Respectfully submitted,



Erin Cobb, City Clerk



City Council Meeting STAFF REPORT

Submitting Department: Administration

Submitted By:

Sponsored By:

Meeting Date: December 2, 2019

I. AGENDA ITEM TITLE: ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

PH-19-AB-27 PEACH OLD MILTON ENTERPRISES LLC
D/B/A OLD MILTON BEVERAGE
4045 OLD MILTON PARKWAY
ALPHARETTA, GA 30005

PACKAGE STORE
RETAIL PACKAGE SALES
BEER, WINE, LIQUOR, SUNDAY SALES

OWNER: PEACH OLD MILTON ENTERPRISES LLC
REGISTERED AGENT: MICHAEL SARD

II. RECOMMENDATION:

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:



City Council Meeting STAFF REPORT

Submitting Department: Administration
Submitted By: Bob Regus
Sponsored By: Council Member Burnett
Meeting Date: December 2, 2019

I. AGENDA ITEM TITLE: NORTH FULTON CID MOU FOR TRANSPORTATION FACILITY IMPROVEMENTS
- DAVIS DRIVE EXTENSION (SPONSORED BY COUNCIL MEMBER BURNETT)

II. RECOMMENDATION:

Staff is recommending approval of a Memorandum of Understanding (MOU) between the City of Alpharetta and the North Fulton Community Improvement District for transportation facility improvements (Davis Drive Extension).

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

MEMORANDUM OF UNDERSTANDING WITH NFCID FOR TRANSPORTATION FACILITY
IMPROVEMENTS - DAVIS DRIVE EXTENSION

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF ALPHARETTA AND THE
NORTH FULTON COMMUNITY IMPROVEMENT DISTRICT
FOR TRANSPORTATION FACILITY IMPROVEMENTS
(DAVIS DRIVE EXTENSION)

This Memorandum of Understanding (the "MOU") is made and entered into this _____ day of _____, 2019 (the "Effective Date"), by and between the CITY OF ALPHARETTA, GEORGIA, a municipal corporation acting by and through its Mayor and Council (the "CITY"), and the NORTH FULTON COMMUNITY IMPROVEMENT DISTRICT, an entity created under the laws of the State of Georgia, which district includes portions of the geographical boundaries of the City, the City of Roswell, and the City of Milton (the "CID").

WHEREAS, the CID has caused, at its expense, plans to be prepared for the extension of Davis Drive (hereinafter referred to as the "Project"), which plans delineate, among other things, the property interests necessary to be acquired for the construction of the extension; and

WHEREAS, the Project is within the geographical boundaries of the City and the Project shall benefit both the City and the CID; and

WHEREAS, the City is willing to assist the CID in connection with the acquisition of property interests necessary for the Project; provided, however, that the CID shall be solely responsible for all costs associated with the Project (excluding any third-party funding that may be available to the CID from sources other than the City);

WHEREAS, the City and the CID wish to contract with one another "for joint services, for the provision of services, or for the joint or separate use of facilities or equipment...." Ga. Constitution Article IX, § III, ¶ I (a).

NOW THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the City and the CID hereby agree each with the other as follows:

1. The City, while not responsible for any of the costs of the Project (including preliminary engineering, right-of-way acquisition, construction and utility relocation), shall assist the CID in connection with right-of-way acquisition (including

fee simple rights-of-way and temporary and permanent easements). Assistance may include interaction with property owners by the City Right-of-Way Coordinator, closings of acquisitions, and condemnations, if required and approved by the City.

2. The CID shall advance funds to the City as and when necessary to close the acquisition of easements and rights-of-way for the Project as well as funds to be paid into court for condemnations. In addition, the CID shall be responsible for settlement amounts approved by the CID and the City and for final judgments, including excess verdicts. The CID shall also be responsible for other costs associated with condemnations, including appraisal costs, expert and other witness fees, and reasonable attorneys' fees.

3. The parties acknowledge that the City has no obligation to fund any costs of the Project and that nothing in this MOU shall be construed or interpreted to imply or require future funding of any kind by the City.

4. This MOU is made and entered into in Fulton County, Georgia, and shall be governed and construed under the laws of the State of Georgia. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

[SIGNATURE PAGE TO
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF ALPHARETTA AND THE
NORTH FULTON COMMUNITY IMPROVEMENT DISTRICT
FOR TRANSPORTATION FACILITY IMPROVEMENTS
(DAVIS DRIVE EXTENSION)]

IN WITNESS WHEREOF, the CITY and the CID have caused this
MOU to be executed under seal by their duly authorized
representatives.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

Attest: _____ Date: _____

Erin Cobb, City Clerk

Recommended:

Pete Sewczwicz, Director of
Engineering & Public Works

Approved as to form and
legal sufficiency:

C. Sam Thomas, City Attorney

NORTH FULTON COMMUNITY
IMPROVEMENT DISTRICT

By: _____

Date: _____

3509014



City Council Meeting STAFF REPORT

Submitting Department: Administration

Submitted By:

Sponsored By:

Meeting Date: December 2, 2019

I. AGENDA ITEM TITLE: SALE AND PURCHASE OF REAL ESTATE

II. RECOMMENDATION:

Staff requests approval of the attached option agreement and authorization of the Mayor to execute all necessary documents.

III. REPORT IN BRIEF:

Please reference the attached memorandum from the City Administrator.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Memorandum From City Administrator, Option Agreement



2 PARK PLAZA
ALPHARETTA, GA 30009
PHONE: 678.297.6000
WWW.ALPHARETTA.GA.US

To: Mayor and City Council
From: Bob Regus
Subject: Sale and Purchase of Real Estate

Mayor and Council,

Back in October in executive session you approved the purchase of 1.8 acres from the Fulton County Board of Education in the amount of \$75,000. On October 21st you confirmed the approval in a public meeting.

The purpose of the purchase was to then sell the 1.8 acres to Courtenay Partners, LLC, for \$75,000. The 1.8 acres would give Courtenay Partners, LLC, the ability to access Rock Mill Road for access to North Point Parkway from their property at the corner of North Point Parkway and Kimball Bridge Road.

In addition, as the City prepares for the Kimball Bridge Road Bond Project we need two small pieces of right of way and two parcels of temporary construction easement from Courtenay Partners, LLC. A brief description of the two parcels is attached. The total of what we need to purchase from them is \$35,302.

As Mr. Thomas prepares the closing documents Courtenay Partners, LLC, has requested we bundle the transactions together and they will pay us the difference of \$75,000 minus \$35,302, or \$39,698.

Staff does not see a problem with netting the transaction and recommends approval.

Please let me know if you have any questions.

Thanks,

A handwritten signature in blue ink that reads "Bob Regus".

MAYOR
JIM GILVIN

MAYOR PRO TEM
DONALD F. MITCHELL

COUNCIL MEMBERS
JASON BINDER
BEN BURNETT
JOHN HIPES
DAN MERKEL
KAREN RICHARD

CITY ADMINISTRATOR
ROBERT J. REGUS

GEORGIA, FULTON COUNTY

**OPTION AGREEMENT FOR THE
SALE AND PURCHASE OF REAL PROPERTY**

THIS AGREEMENT is made and entered into by and between COURTENAY PARTNERS, LLC, whose mailing address is 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530 (the "Seller") and THE CITY OF ALPHARETTA, GEORGIA, whose mailing address is 2 Park Plaza, Alpharetta, Georgia 30009 (the "Purchaser").

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency which are hereby acknowledged, Seller does hereby grant and convey to Purchaser an exclusive and irrevocable option to purchase upon the following terms and conditions that certain tract or parcel of land (including fee simple right-of-way, permanent and temporary easements) located in Land Lot 850 of the 1st District, 2nd Section of Fulton County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereby by reference (the "Property").

1. **Purchase Price.** The purchase price for the Property is Thirty One Thousand Eight Hundred Fifty Dollars (\$31,850.00).

2. **Term of Option.** The term of the option commences on the date of this Agreement and terminates ninety (90) days from the Agreement date.

3. The purchase price is in full payment for the following rights conveyed:

2,780.69 Square feet of Right-of-Way

0 Square feet of Permanent Easement

21,167.01 Square feet of Temporary Construction Easement

4. **Special Provisions.** Special Provisions, if any, are as follows:

5. **Additional Standard Terms.** Additional standard terms and conditions are attached hereto as Exhibit "B" and incorporated herein by reference.

SIGNATURES ON FOLLOWING PAGE

WITNESS hands and seals this ____ day of _____, 20__.

SELLER:

COURTENAY PARTNERS, LLC

By: _____

Printed Name: _____

By: _____

Printed Name: _____

Sworn to and subscribed
before me this ____ day
of _____, 20__.

Notary Public

CITY:

THE CITY OF ALPHARETTA, GEORGIA

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

C. Sam Thomas, City Attorney
2200553

By: _____
Jim Gilvin, Mayor

GEORGIA, FULTON COUNTY

**OPTION AGREEMENT FOR THE
SALE AND PURCHASE OF REAL PROPERTY**

THIS AGREEMENT is made and entered into by and between COURTENAY PARTNERS, LLC, whose mailing address is 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530 (the "Seller") and THE CITY OF ALPHARETTA, GEORGIA, whose mailing address is 2 Park Plaza, Alpharetta, Georgia 30009 (the "Purchaser").

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency which are hereby acknowledged, Seller does hereby grant and convey to Purchaser an exclusive and irrevocable option to purchase upon the following terms and conditions that certain tract or parcel of land (including fee simple right-of-way, permanent and temporary easements) located in Land Lot 807 of the 1st District, 2nd Section of Fulton County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereby by reference (the "Property").

1. **Purchase Price.** The purchase price for the Property is Three Thousand Four Hundred Fifty-Two Dollars (\$3,452.00).

2. **Term of Option.** The term of the option commences on the date of this Agreement and terminates ninety (90) days from the Agreement date.

3. The purchase price is in full payment for the following rights conveyed:

239.03 Square feet of Right-of-Way

0 Square feet of Permanent Easement

2,893.74 Square feet of Temporary Construction Easement

4. **Special Provisions.** Special Provisions, if any, are as follows:

5. **Additional Standard Terms.** Additional standard terms and conditions are attached hereto as Exhibit "B" and incorporated herein by reference.

SIGNATURES ON FOLLOWING PAGE

WITNESS hands and seals this ____ day of _____, 20 ____.

SELLER:

COURTENAY PARTNERS, LLC

By: _____

Printed Name: _____

By: _____

Printed Name: _____

Sworn to and subscribed
before me this ____ day
of _____, 20 ____.

Notary Public

CITY:

THE CITY OF ALPHARETTA, GEORGIA

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

C. Sam Thomas, City Attorney
2200553

By: _____
Jim Gilvin, Mayor



City Council Meeting STAFF REPORT

Submitting Department: Recreation and Parks

Submitted By: Morgan Rodgers

Sponsored By:

Meeting Date: December 2, 2019

I. AGENDA ITEM TITLE: RECREATION, PARKS & CULTURAL SERVICES: CAPITAL IMPROVEMENTS

II. RECOMMENDATION:

This item is presented for discussion purposes only. No other action is requested.

III. REPORT IN BRIEF:

Staff will present for discussion a list of capital improvement items designed to provide the highest quality programs and services to the citizens of Alpharetta.

IV. ALTERNATIVES:

V. ATTACHMENTS:

General Overview for Upcoming Projects

General overview for upcoming projects

Tier #1

- Wills Park Equestrian Center Master Plan build out
 - New & renovated show rings
 - New parking lot
 - New barns
- Park Restroom initiative
 - New restroom at Haynes Bridge Park Trailhead
 - New restroom at Marconi Park Trailhead
 - Replace restroom at Wacky World with larger
 - Replace restroom at North Park Softball Quad
- Parks along Alpha Loop

Tier #2

- Continue new Park Development
 - Old Rucker Park Design/Program/build
 - Milton Avenue Park
 - Kimball/Waters Park
 - Mayfield Park (with City of Milton)
- Develop Farmhouse Heritage Park master plan
- Purchase new parkland

Tier #3

- Boardwalk replacement with helical piers
 - Wood light pole / LED replacement initiative
 - 29 fields/15 tennis/ pickleball
- Wills Park Master Plan build out
 - Waggy World renovation
 - New Gateway entrances
 - Roswell Road/Old Milton
 - Wills Road/Old Milton
 - Disc Golf renovation
- Athletic field reallocation
 - New turf at North Park #2
 - Turf lower fields at Webb Bridge
 - Athletic field update



City Council Meeting STAFF REPORT

Submitting Department: Recreation and Parks
Submitted By: Morgan Rodgers
Sponsored By:
Meeting Date: December 2, 2019

I. AGENDA ITEM TITLE: PARK RULES ORDINANCE UPDATE

II. RECOMMENDATION:

Staff seeks input and requests permission to work with the City Attorney to draft appropriate language to codify the updated rules in preparation for final consideration and adoption by City Council.

III. REPORT IN BRIEF:

Currently, the City Ordinance that deals with Park Rules is outdated. The City has added many parks, facilities, and services; however, the Park Rules Ordinance does not reflect the changes and additions that have been made to park system.

The Recreation Commission utilized several of its monthly workshop meetings to review the current City Ordinance and to develop a new set of Park Rules that are in keeping with the current status of our City.

The Recreation Commission approved unanimously at its November 12, 2019 meeting to recommend for adoption by City Council the attached Park Rules.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Park Rules - final draft, 5.13.91 - Ord. #286 Parks Rules and Regulations0001 (002)

Park Rules

Alcohol is not allowed except in designated event venues during city sponsored events

Tobacco/smoking/vaping/illegal drugs are not allowed

Motorized vehicles on roadways only

- No motorized vehicles on trails
- Bikes are allowed on roadways and the Greenway, maximum 15 mph
- No motorized scooters, skateboards, E-bikes, or hover boards

No littering, vandalism or removal of city property allowed

Park hours are from dawn to dusk, unless posted by the City

All pets must be on-leash, under physical control at all times, except at designed off-leash areas

- No pets or animals are allowed on athletic fields
- Pet waste must be picked up and disposed of properly

Golf or archery are not allowed

Cutting of trees or shrubs is prohibited

- Do not attach anything to trees or structures
- Removal or damage to plants or structures is prohibited

All organized programs and activities must be approved by the City

- Groups of 25 or more require a permit
- When using an athletic field, a group of 10 or more require a permit

Cooking fires and charcoal are allowed in pavilion grills only

The following are prohibited except by permit issued by the City:

- Hunting, camping, tents and open fires
- Fireworks or explosives
- Soliciting, vending, peddling, selling
- Amplified music or PA systems
- Overnight parking
- Drones, unmanned aerial vehicles, rockets, model aircraft
- Inflatables, petting zoos

AN ORDINANCE TO ESTABLISH
RULES AND REGULATIONS FOR PARKS
OWNED AND OPERATED BY THE
CITY OF ALPHARETTA, GEORGIA

The Council of the City of Alpharetta hereby ordains:

Section I - Park Rules

- A. There shall be a set of rules and regulations developed to set standards of conduct in the parks and recreational facilities owned or operated by the City of Alpharetta. These rules shall be designed to assure the safety and enjoyment of park participants.
- B. The rules of the Alpharetta parks are attached and made part of this ordinance by reference.

Section II - Enforcement

- A. All law enforcement officers of the City and officials and officers of the City are authorized, empowered, and directed to enforce compliance with this ordinance.
- B. Nothing in this ordinance shall prevent the enforcement of City and County ordinances and regulations or State Statutes or Code in any park or recreation facility owned or operated by the City of Alpharetta.
- C. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25.00 nor more than \$500.00, or confined in the City jail for a period not to exceed 45 days, or both, or to labor under City supervision on the streets, sidewalks, parks or other public works for a period not to exceed 45 days.

Section III - Public Notification

- A. The Recreation Director shall reproduce the rules in a format suitable for public distribution. Such copies of the park rules shall be available to the public at all City recreation buildings and other City locations, as deemed necessary by the Recreation Director.
- B. The Public Works Director shall have the rules reproduced on all weather signs and shall post said signs in the City's parks. Location of such signs shall be determined by Recreation Director and shall be placed in plain public view.

Section IV - Miscellaneous

- A. Severability. The provisions of this ordinance are severable, and if any provision or section is determined to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in full force and effect.
- B. Inclusion in Code. The provisions of this ordinance shall be included in the official Code of the City of Alpharetta.
- C. Repealer. All ordinance and parts of ordinances in conflict with this ordinance are hereby repealed.
- D. Effective Date. This ordinance shall become effective immediately upon its adoption.

Adopted this 13th day of May, 1991.

Mayor

Jimmy Phillips

Council Member

Quaker Beach

Council Member

Billy Suter

Council Member

Council Member

Earl Mitchell

Council Member

Sand B Johnson

Council Member

Attest:

Lucy Ramwater
City Clerk

CITY OF ALPHARETTA
PARK RULES

No alcoholic beverages

No noise disturbances, as defined by local ordinance (including excess P.A. volume, car radios, etc.)

No motorized vehicles except on roadways

No littering

Speed limit 15 mph

Park closes at 10:00 p.m. except for scheduled events

Pets must be on leash except in connection with events approved by Recreation Director

Trails for walking and jogging only

All activities to be coordinated through the Recreation Department

No fire arms

No hunting

No camping except by permit issued by Recreation Director

Vandalism will be prosecuted

No fires except by permit issued by Recreation Director

No soliciting except with prior written approval of the Recreation Director