



City Council Meeting
September 23, 2019
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
 - John Robison, Director of Public Safety
 - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
 - Kathi Cook, Director of Community Development
 - Michael Woodman, Senior Planner
 - Tom Harris, Director of Finance
 - Kurt Kirby, Projects Manager

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Alcoholic Beverage License Application

PH-19-AB-21 Omni Ventures, LLC
d/b/a Godavari
865 N. Main Street #108
Alpharetta, GA 30009

Restaurant
Consumption on Premises
Beer, Wine, Sunday Sales

Owner: Omni Ventures, LLC.
Registered Agent: Prathivind Bejgum

B. Council Meeting Minutes (Meeting of 9/16/2019)

- ❖ 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)

V. PUBLIC HEARING

A. CU-19-04 DUI Lady/Colony Park

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff recommend Mayor and Council approve CU-19-04 DUI Lady/Colony Park, subject to the following conditions:
 1. 'School, Commercial' shall be added as a conditional use at 308 Maxwell Road Suite 500, limited to no more than 1,106 square feet.
 2. Conditional use approval shall be limited to the DUI Lady; no additional 'School, Commercial' businesses or subleasing shall be permitted within the approved space.
 3. ~~Hours of operation shall be Tuesday & Thursday 2:00 PM – 7:00 PM (office hours), Friday 5:00 PM – 9:30 PM (classes) and Saturday & Sunday 8:00 AM – 5:00 PM (classes). Business may have 1 additional class during daytime hours (8:00 AM – 5:00 PM) Monday through Friday. Office hours shall be Monday – Friday 10:00 AM – 7:00 PM. Class hours shall be Monday – Friday 5:00 PM – 10:00 PM and Saturday & Sunday 9:00 AM – 6:00 PM. Two weeks out of the month the business may hold classes Tuesday – Thursday 9:00 AM – 5:00 PM.~~
 4. Signage shall be limited to a wall sign no larger than three (3) square feet and located beside the front door. No additional signage shall be permitted. No lighting window trim.

- The applicant, Lynn Hayes, is requesting a conditional use permit to allow 'School, Commercial' for the DUI Lady. The business provides DUI classes and risk reduction education. The subject property is located at 308 Maxwell Road, Suite 500 in the Colony Park office park, which is generally located at the southeast corner of South Main Street and Maxwell Road.
- The submitted request, if approved, would permit the applicant to operate a 'School, Commercial' for the DUI Lady in a 1,106 square foot suite in the Colony Park office park. The applicant's business offers DUI classes and risk reduction education. The subject property is located at 308 Maxwell Road, Suite 500 in the Colony Park office park, which is generally located at the southeast corner of South Main Street and Maxwell Road.
- Colony Park is an office condominium park developed with 16, 2-story office buildings. The applicant's business is proposed in an office building at the rear of the property. The subject property is zoned O-I (Office-Institutional), which allows 'School, Commercial' with approval of a conditional use permit. Surrounding properties are zoned C-2 (General Commercial) to the north, west and south and R-12 (Dwelling, 'For-Sale', Residential) to the east. Alpha Park Subdivision is located to the east; Chevron, Reds Package Store, Seven Seas Cafe and Lamp & Shade City Lighting are located to the north; Elegant Auto Brokers to the west; and the former Comcast cable office is located to the south.
- The DUI Lady is a local business that has been in operation for approximately 11 years. The business previously operated at 217 South Main Street, which is currently vacant pending redevelopment. DUI Lady offers court-mandated Risk Reduction classes, as well as an under 21 Prevention program, family coaching and parent workshops. Hours of operation are Tuesday and Thursday 2:00 PM – 7:00 PM (office hours), Friday 5:00 PM – 9:30 PM (classes) and Saturday and Sunday 8:00 AM – 5:00 PM (classes). According to the applicant, the average class size is between 6 – 10 students and Ms. Hayes is the only employee for the business.
- Staff's analysis finds that the requested conditional use is not in conflict with the established conditional use standards and should have little impact on the area. The proposed use would be complimentary to surrounding uses and sufficient parking exists in the evenings and on the weekends when the applicant is conducting classes. If approved, conditions should be established that regulate and limit an expansion of services and limit signage.
- The report submitted by the applicant states that property owners were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on August 14, 2019. There were no public comments on the sign-in sheet.
- The applicant, Lynn Hayes, 217 South Main Street, Alpharetta, came forward to answer any questions from Mayor and Council.

Public Comment:

- No Public Comment

- ❖ Council Member Richard offered a motion to approve CU-19-04 DUI Lady/Colony Park, subject to the following conditions:

1. 'School, Commercial' shall be added as a conditional use at 308 Maxwell Road Suite 500, limited to no more than 1,106 square feet.
2. Conditional use approval shall be limited to the DUI Lady; no additional 'School, Commercial' businesses or subleasing shall be permitted within the approved space.
3. Office hours shall be Monday – Friday 10:00 AM – 7:00 PM. Class hours shall be Monday – Friday 5:00 PM – 10:00 PM and Saturday & Sunday 9:00 AM – 6:00 PM. Two weeks out of the month the business may hold classes Tuesday – Thursday 9:00 AM – 5:00 PM.
4. Signage shall be limited to a wall sign no larger than three (3) square feet and located beside the front door. No additional signage shall be permitted. No lighting window trim.
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

B. PH-19-08 Gardner House/133 Cumming Street

NOTE: This item has been deferred by the Applicant and will be neither heard nor discussed during this meeting. The item has been rescheduled to October 28, 2019.

C. PH-19-07 Unified Development Code Text Amendments – Smoke Shop and Tobacco Store (1st Reading) Sponsor: Council Member Burnett

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council approve amendments to the Unified Development Code as it relates to 'Smoke Shop and Tobacco Store'.
- Consideration of text amendments to Unified Development Code (UDC) Subsection 1.4 Definitions.
- Staff proposes to amend the definition of 'Smoke Shop and Tobacco Store' to address vape products, as well as distance requirements from certain uses. 'Smoke Shop and Tobacco Store' is permitted by right in the LI (Light Industrial) zoning district and as a conditional use in the C-1 (Neighborhood Commercial) and C-2 (General Commercial) zoning districts.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- No Public Comment

- ❖ Council Member Burnett offered a motion to approve PH-19-07 amendments to the Unified Development Code as it relates to 'Smoke Shop and Tobacco Store'.

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

VI. OLD BUSINESS

A. PH-19-21 Unified Development Code Text Amendments - Wireless Telecommunications Facilities (2nd Reading)

- City Attorney, Sam Thomas, came forward to present this item.
- Consideration of text amendments to Unified Development Code (UDC) Subsection 2.8.10, Wireless Telecommunications Facilities in Public Rights-of-Way. Staff proposes amendments to Subsection 2.8.10 of the Unified Development Code in order to come into compliance with Senate Bill 66 with respect to small cell facilities in the public right-of-way. The new Section 2.8.10 is similar to the Model Small Cell Ordinance recommended by Georgia Municipal Association (GMA).
- This item was heard at the September 5, 2019 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended to approve the item; vote (7-0).
- Since the first reading there has been one change made to the Ordinance. The following definition has been added to Exhibit "A":
 - *"GMA Pole" means any pole installed in City of Alpharetta rights-of-way, as dictated by O.C.G.A. Title 36, Chapter 66 supported by Georgia Municipal Association (GMA) lobbyists in cooperation with large telecom company lobbyists.*
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- No Public Comment
- ❖ Council Member Burnett offered a motion to approve the second reading of PH-19-21 Unified Development Code Text Amendments - Wireless Telecommunications Facilities
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

B. PH-19-22 Unified Development Code Text Amendments – Bed & Breakfast Definition (2nd Reading) Sponsor: Staff

- Senior Planner, Michael Woodman, came forward to present the item.
- Consideration of text amendments to Unified Development Code (UDC) Subsection 1.4 Definitions. Text amendments are proposed to the definition of 'Bed and Breakfast'. The current definition limits the use to no more than 15

guests. However, it is more appropriate and easier to regulate the number of guest rooms. In addition, the City's parking regulations are based on the number of guest rooms, not the number of guests.

- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- No Public Comment
- ❖ Council Member Richard offered a motion to approve the second reading of PH-19-22 Unified Development Code Text Amendments – Bed & Breakfast Definition
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously (7-0)

VII. NEW BUSINESS

A. Website Planning and Project Management Services (RFP 19-117)

- ❖ *This item has been deferred by Mayor and Council. It will be heard as a workshop item at the October 7, 2019 City Council Meeting.*

B. Wills Park Inclusive and Adaptive Playground Enhancements

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council Please award Playsouth Playground Creators a contract in an amount not to exceed \$98,240.00 to enhance the Wills Park Playground with adaptive and inclusive play components to the existing playground as well as authorizing the Mayor to execute all necessary documents.
- The Alpharetta Recreation, Parks and Cultural Services Department will be enhancing the playground at the Wills Park Recreation Center with components that will be inclusive for all users. The project is part of the Adaptive Playground and Equipment capital initiatives as well as the Northside Hospital Wellness Memorandum of Understanding (MOU).
- Wills Park was designated to be the feature park for this program. After an evaluation of the playgrounds in the park, it was determined that the Wills Park Recreation Center was the best location for the enhancements.
- BCI Burke Company is the equipment manufacturer for the existing equipment. For warranty and maintenance purposes, the department would like to use the same equipment. Playsouth Playground Creators is the exclusive supplier of this Burke Playground equipment for the state of Georgia.
- For these reasons, staff requests the approval of a contract with Playsouth Playground Creators in order to enhance the Wills Park Playground with adaptive and inclusive play components.

Public Comment:

- No Public Comment
- ❖ Council Member Binder offered a motion to approve a contract with Playsouth Playground Creators in an amount not to exceed \$98,240.00 to enhance the Wills Park Playground with adaptive and inclusive play components to the existing playground as well as authorizing the Mayor to execute all necessary documents
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (7-0)

C. RFP 20-105 Public Safety Vehicle Up-fitting

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends Mayor and Council Please award RFP 20-105 to Dana Safety Supply and Prologic ITS for Public Safety vehicle up-fitting and authorize the Mayor to execute all necessary documents.
- The Department of Public Safety annually up-fits new vehicles with emergency lights, sirens, radios, cages, etc. The City's current vehicle up-fitting contract will expire in October 2019. With this RFP, it is the City's intent to award a 5-year non-exclusive contract to the two vendor(s) that best met the requirements listed in the RFP.
- The Department of Public Safety and Finance Department worked together to prepare a Request for Proposal (RFP 20-105) and advertised for proposals on August 1, 2019 with a Response due date of August 29, 2019. The City received qualified proposals from the following two firms; Prologic ITS and Dana Safety Supply – which submitted two proposals that we identified as "A" and "B". The differentiation was due to bidding two different manufacture's equipment.
- The Evaluation Committee met September 11th to tabulate the overall scores. Each proposal was evaluated based on the following; Comparable Experience/Company Profile (47%), Project Team/Key Personnel (30%); Method of Providing Service (20%); and Alpharetta vendor preference (3%). The resulting scores for the proposals were as follows (ranking of "1" to "5" with "5" being the highest):

1. Dana Safety Supply "B"	4.27
2. Dana Safety Supply "A"	4.09
3. Prologic ITS	3.67

- The Department of Public Safety desires to enter into a contract with both Dana Safety Supply and Prologic ITS to ensure competitive pricing and alternative service and supply sources. The Department has worked with both vendors and is impressed with their service delivery and the quality of their products. Therefore, staff recommends award of RFP 20-105 to Dana Safety Supply and Prologic ITS.

Public Comment:

- No Public Comment

- ❖ Council Member Hipes offered a motion to award RFP 20-105 to Dana Safety Supply and Prologic ITS for Public Safety vehicle up-fitting and authorize the Mayor to execute all necessary documents.

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

D. RAPSTC Mold Remediation and HVAC Replacement

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends Mayor and Council approve \$280,757 from unallocated funds for mold remediation at the Roswell Alpharetta Public Safety Training Center (RAPSTC).
- On December 8, 2017, Alpharetta/Roswell experienced inclement weather that included snow. On December 11, 2017, staff found damage to the RAPSTC building that was later determined to be a catastrophic failure of the roof trusses deeming the structure inhabitable.
- After extensive negotiations and collaboration between the City of Alpharetta, the insurance company and the City of Roswell, a rebuild bid was awarded to Turner Construction. The rebuild analysis conducted by Turner Construction revealed active mold that needed remediation. The mold remediation firm concluded that the mold did not come from the roof or the roof event. The insurance policy excludes mold.
- The HVAC system was scheduled to be replaced within the next year and the decision was made to go forward with the replacement now, which will reduce the cost due to a new roof being constructed.
- The following costs are associated with mold remediation and HVAC replacement for the Roswell Alpharetta Public Safety Training Center (RAPSTC):

Turner – Mold Remediation Cost \$386,480
POH – Architectural Fees \$9,100
HVAC Replacement \$165,934
Total Cost = \$561,514

- The City of Roswell will be paying for 50% of the total cost which leaves the City of Alpharetta responsible for \$280,757.
- Staff is requesting approval of a change order for the mold remediation for the Roswell Alpharetta Public Safety Training Center (RAPSTC).

Public Comment:

- No Public Comment

- ❖ Council Member Hipes offered a motion to approve the RAPSTC Mold Remediation and HVAC Replacement in an amount not to exceed \$280,757 and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

E. Lobbyist Contract with Peachtree Government Relations

- City Administrator, Bob Regus, came forward to present this item.
- Earlier this month Mr. Regus sent Mayor and Council a proposal from Peachtree Government Relations (PGR) requesting the opportunity to provide lobbying services for the City beginning October 1st and going through the end of June 2020.
- PGR brings many years of governmental relations experience to us. Mr. Regus has personally known its President, Don Bolia since the mid 1990's and has known Don to be a responsible and prudent relationship builder who looks out for what is best for his clients.
- When we need approval for legislation that has been adopted, like increasing the homestead exemption, or increasing the hotel motel tax, we usually approach our local delegation and seldom have any issues. We certainly want to maintain those relationships and I would recommend we continue working our local legislation in that way. Having PGR on board can only help since they are at the Capitol day in and day out most every day of the year not just when the legislature is in session and can be an advocate for our local legislation to other members of the larger Fulton County delegation.
- Where PGR can really benefit us is giving us information on what is going on in committee meetings right now in September, when there is a better opportunity to have a committee understand our view on a matter. Far too often we only find out about legislation when it has been introduced and we are in a reactive position trying to influence legislation and we know how difficult that can be.
- To fund the contract Mr. Regus is working with our Economic Development Manager, Matthew Thomas, to identify savings in the Economic Development budget that can be reallocated.

Public Comment:

- No Public Comment
- ❖ Council Member Burnett offered a motion to approve the contract with Peachtree Government Relations to provide lobbying services for the City beginning October 1, 2019 and going through the end of June 2020 in an amount not to exceed \$3,000 a month for the term of nine months
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (7-0)

VIII. WORKSHOP

A. Homestead Exemption

Sponsor: Council Member Burnett

- City Administrator, Bob Regus, and Director of Finance, Tom Harris, came forward to present this workshop item.
- Council Member Burnett requested this workshop in order to follow up on the potential tax allocation district presented at the last City Council Meeting, if passed will involve potential projects along North Point Parkway. Additionally, highlighting the importance of monitoring our homestead exemption and tax revenues and what potential bonding capacity we would have should the TAD be approved.

IX. PUBLIC COMMENT

- Jerold Schulman, 1045 Essex Court, Alpharetta, came forward to address an issue of a blockage in a stream, as well as rat and snake infestation, effecting about 21 properties that border the stream that flows between Wellstone Drive and the Somerset Subdivision.

X. REPORTS

- Council Member Binder announced the dedication at the Northside Hospital Fitness Facility located in Wills Park at 2:30 pm on Wednesday, September 25, 2019.
- Mayor Gilvin presented a brief update on the proposed Georgia 400 Flex Lanes project and how it will impact the community.

XI. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Merkel offered a motion to adjourn to Executive Session
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was passed unanimously (7-0)
- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting to Executive Session at 7:35 P.M.

Respectfully submitted,



Erin Cobb, City Clerk