



City Council Meeting  
November 18, 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 (absent)
- Staff
  - Bob Regus, City Administrator
  - Sam Thomas, City Attorney
  - James Drinkard, Asst. City Administrator
  - Peter Sewczwicz, Director of Public Works
  - John Robison, Director of Public Safety
  - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
  - Kathi Cook, Director of Community Development
  - 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
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>336 SF</b>		<b>272.97 SF</b>

- 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