



Official City Council Meeting Minutes

January 6, 2020

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

- 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

• Staff

- o Bob Regus, City Administrator
- o Sam Thomas, City Attorney
- o James Drinkard, Asst. City Administrator
- o Erin Cobb, City Clerk
- o Peter Sewczwicz, Director of Public Works
- o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Tom Harris, Director of Finance
- o John Robison, Director of Public Safety
- o Cris Randall, Director of Human Resources
- o Michael Woodman, Senior Planner
- o Kurt Kirby, Recreation, Parks, & Cultural Services Projects Manager

III. PLEDGE TO THE FLAG

- Swearing-in Ceremony for Mayor Gilvin, Council Member Binder, Council Member Hipes and Council Member Merkel.

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 12/16/2019)

B. Alcoholic Beverage License Applications:

PH-19-AB-31 Mongkut, LLC
d/b/a/ Thai Squared
5530 Windward Pkwy Suite 140A
Alpharetta, GA 30004

Restaurant
Consumption on Premises
Beer & Wine

Owner: Mongkut LLC
Registered Agent: Jirarut Lewis

PH-19-AB-32 TOG Kona Macadamia, LLC
d/b/a Kona Grill
5100 Avalon Blvd.
Alpharetta, GA 30009

Restaurant
Consumption on Premises
Liquor, Beer, Wine & Sunday Sales

Owner: TOG Kona Macadamia, LLC
Registered Agent: Michael Sard

❖ 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. PH-20-01 Koza/1720 Old Milton Parkway Change to Conditions of Zoning

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-20-01 Koza/1720 Old Milton Parkway Change to Previous Conditions of Zoning, subject to the following conditions (RED text below indicates a change from the previous 2016 conditions):

1. The property shall have an "AG" zoning classification and a "Park/Recreation/Open Space" land use designation. Property shall be restricted to residential use and volleyball courts only as depicted on site plan dated December 2, 2015.
 2. The conditional use to allow existing volleyball court shall be approved but shall cease when the property is sold, leased or transferred.
 3. Additional landscaping shall be installed on the south, east and westside of the property to completely screen the volleyball courts, bathrooms, and other structures from Old Milton Parkway and neighboring properties. A planting plan shall be submitted to the City for Staff approval.
 4. Applicant shall post a sign in the parking area stating, "No parking is permitted in the Wills Park parking lot".
 5. Volleyball courts can only be used from 9:00 am to 9:30 pm.
 6. No expansion of the volleyball court facility or use shall be permitted.
 7. Photometric plan shall be provided to the City for review and approval. Spillover light shall not exceed one-half (0.5) of one foot-candle when measured six feet above grade at the residential property line. Lights shall be turned off when volleyball courts are not in use.
 8. ADA compliant restrooms shall be installed on the site close to the house location and screening to be approved by staff.
 9. Undisturbed 5' buffer on all sides of the property. A 50' undisturbed buffer shall be required adjacent to North. Existing front setback shall remain.
 10. Gravel or a crusher run product shall be used for the parking area. Site plan shall be submitted to Staff for review and approval and shall not extend beyond garage structure.
 11. Yearly renewal of business license shall be dependent upon review of the business impact to the site and surrounding residences. The impact of the use shall be reviewed and considered. If complaints are received from surrounding residents or if a parking shortage or traffic problem can be demonstrated by the City, then the business license for athletic facility shall not be renewed at this location. Applicant shall have 60 days to stop use in the event that the business license is denied.
 12. The sale and consumption of alcohol shall be prohibited as it relates to the commercial volleyball court operation.
 13. Additional evergreen landscape screening materials shall be required to screen the volleyball courts from Old Milton Parkway as approved by Staff.
- The applicant, Jim Koza, is requesting changes to previous conditions of zoning related to a single-family lot with commercial volleyball courts. The property was rezoned in 2016 from R-15 (Dwelling, 'For-Sale', Residential – Min. 15,000 SF lot) to AG (Agriculture) to allow two (2) commercial volleyball courts on a residential property. The requested changes would extend the hours of operation of the volleyball courts from 9:00 PM to 9:30 PM and clarify the condition prohibiting the provision of alcohol on the subject property so there is no prohibition for private/non-business-related events. The subject property is located at 1720 Old Milton Parkway east of Wills Road and across the street from the tennis courts at Wills Park.

- The submitted request, if approved, would allow for changes to previous conditions of zoning related to a single-family lot with commercial beach volleyball courts. The property was rezoned in 2016 from R-15 to AG to allow two (2) commercial beach volleyball courts on a residential property. The requested changes would extend the hours of operation of the volleyball courts from 9:00 PM to 9:30 PM and clarify the condition prohibiting the provision of alcohol on the subject property as it relates to the commercial use. The subject property is located at 1720 Old Milton Parkway east of Wills Road and across the street from the tennis courts at Wills Park.
- The property was approved for a comprehensive land use plan amendment, rezoning, conditional use and variances on January 25, 2016. The approved variances included an allowance for a gravel parking lot, reduction of the 50' undisturbed buffer and reduction of the minimum lot size in the AG zoning district. The applicant proposes the following changes to previous conditions of zoning related to file #CLUP-15-15/Z-15-16/CU-15-14/V-15-26 Koza/Volleyball Courts (Strike through = Delete, Underline = Add):

5. Volleyball courts can only be used from 9:00 am to ~~9:00~~ 9:30 pm.
~~12. No alcohol shall be permitted/provided as part of this request.~~

- The applicant's letter of intent states that the proposed extension to the hours of operation is to address a safety issue. Currently, users of the volleyball courts utilize the American Legion parking lot for overflow parking. According to the applicant, there are two (2) sessions with no break in between. Extending the hours of operation would allow the applicant to build-in a 30-minute break between the two (2) sessions allowing the first session users to leave the property before the next session arrives. The proposed change would likely prevent users from parking at the American Legion and having to walk to the applicant's property during the evening hours. The applicant also requests that the consumption of alcohol be permitted on the property for private noncommercial events. According to the applicant, alcohol would not be sold, but brought to the property and consumed by adults using the volleyball courts during private noncommercial events.
- Staff has reviewed the applicant's proposal and finds that it can generally support the request to change previous conditions of zoning related to hours of operation. However, Staff does not support the request to allow for the provision of alcohol as it relates to the commercial volleyball courts and clarified with applicant that the request was only for non-business-related events. The site is completely surrounded by single-family residential lots and Wills Park. If approved, it is recommended that the sale and consumption of alcohol be prohibited as it relates to the 3 commercial volleyball courts. The consumption of alcohol associated with the residence on the property is not regulated by zoning.

- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that two (2) neighbors reached out in support of the applicant's request.
- The CZIM was held on December 11, 2019. There were several public comments in support of the requested changes.
- The applicant, Jim Koza, 1720 Old Milton Pkwy, Alpharetta, came forward to speak on behalf of the application.

Public Comment:

- Clifford Martin, 700 Anna Lane, Alpharetta, came forward to speak on his concerns regarding the lack of control of the alcohol consumption on the commercial facility.
- ❖ Council Member Richard offered a motion to approve PH-20-01 Koza/1720 Old Milton Parkway Change to Previous Conditions of Zoning, subject to the following conditions:
1. The property shall have an "AG" zoning classification and a "Park/Recreation/Open Space" land use designation. Property shall be restricted to residential use and volleyball courts only as depicted on site plan dated December 2, 2015.
 2. The conditional use to allow existing volleyball court shall be approved but shall cease when the property is sold, leased or transferred.
 3. Additional landscaping shall be installed on the south, east and westside of the property to completely screen the volleyball courts, bathrooms, and other structures from Old Milton Parkway and neighboring properties. A planting plan shall be submitted to the City for Staff approval.
 4. Applicant shall post a sign in the parking area stating, "No parking is permitted in the Wills Park parking lot".
 5. Volleyball courts can only be used from 9:00 am to 9:00 pm.
 6. No expansion of the volleyball court facility or use shall be permitted.
 7. Photometric plan shall be provided to the City for review and approval. Spillover light shall not exceed one-half (0.5) of one foot-candle when measured six feet above grade at the residential property line. Lights shall be turned off when volleyball courts are not in use.
 8. ADA compliant restrooms shall be installed on the site close to the house location and screening to be approved by staff.
 9. Undisturbed 5' buffer on all sides of the property. A 50' undisturbed buffer shall be required adjacent to North. Existing front setback shall remain.
 10. Gravel or a crusher run product shall be used for the parking area. Site plan shall be submitted to Staff for review and approval and shall not extend beyond garage structure.
 11. Yearly renewal of business license shall be dependent upon review of the business impact to the site and surrounding residences. The impact of the use shall be reviewed and considered. If complaints are received from surrounding residents or if a parking shortage or traffic problem can be demonstrated by the City, then the business license for athletic facility shall not be renewed at this location. Applicant shall have 60 days to stop use in the event that the business license is denied.

12. The sale of alcohol is prohibited on the property. Casual/social consumption of alcohol on the property is permitted under the same conditions as other residential property in the city except that consumption is prohibited in relation to the operation of the commercial volleyball courts.
13. Additional evergreen landscape screening materials shall be required to screen the volleyball courts from Old Milton Parkway as approved by Staff.

- The motion received a second from Council Member Binder
- Council Member Merkel offered a substitute motion to deny
- The motion to deny received a second from Council Member Burnett
- The motion to deny was approved (6-1); Mayor Pro Tem Mitchell voting in opposition

VI. NEW BUSINESS

A. Public Safety Fleet Replacement

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends approval for the Department of Public Safety to purchase three (3) vehicles at a total cost of \$108,270:

One (1) Ford F-250 pickup truck from Alan Vigil Ford, available on state contract (99999-SPD-ES40199373- 002), in an amount totaling \$41,347.

One (1) Ford Police Interceptor (Explorer) from Wade Ford, available on state contract (ES-RFR-40199-409), in an amount totaling \$34,378.

One (1) Dodge Durango from Troncalli Automotive Group, Inc. in an amount totaling \$32,545 representing the lowest of three (3) solicited quotes.

Approval to expend to \$31,925 for estimated costs associated with purchasing and installing necessary emergency equipment for the vehicles.
- As approved in the FY 2020 budget, the Department of Public Safety seeks approval to purchase one (1) replacement F-250 for the Fire Battalion Chief. The vehicle to be replaced is a 2011 Chevrolet Tahoe with over 120K miles. The F-250 will provide numerous benefits compared to the current Tahoe including separating fire duty-gear and potential contaminants from the interior space during transport (e.g. said gear will be transported in the truck bed). This vehicle is recommended to be sourced through Alan Vigil Ford under State Contract (99999-SPD-ES40199373-002).
- The other vehicles are being replaced due to total-loss insurance claims. Specifically, one patrol vehicle and one administrative vehicle. These vehicles are being purchased through our Risk Management Fund with the costs being partially offset through insurance proceeds from the at-fault drivers. The patrol vehicle (Ford Explorer Interceptor) is recommended to be sourced through Wade Ford under State Contract (ES-RFR- 40199-409). The Administrative Vehicle (Dodge Durango) is recommended to be sourced through Troncalli Automotive Group, Inc. as the lowest of three quotes with the results as follows:

- o Troncalli Auto Group, Inc: \$32,545
- o Akins Ford/Dodge/Jeep/Chrysler: \$33,884
- o Ginn Chrysler/Jeep/Dodge: \$33,045
- Approval is also requested to expend up to \$31,925 for estimated costs associated with purchasing and installing necessary emergency equipment for the vehicles (e.g. lightbars, computer stands, radios, weapon racks, prisoner transport systems, graphics, etc.). The City will utilize its on-call contractor for these services (Dana Safety Supply).
- Funding for this initiative is requested from existing appropriations within the Department's Capital Fleet Replacement account as well as the Risk Management Fund (insurance claims).

Public Comment:

- No Public Comment
- ❖ Council Member Hipes offered a motion to approve the purchase of three (3) vehicles at a total cost not to exceed \$108,270
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

B. On Call Park Design Services for Mid Broadwell Park Development

- Director of Recreation, Parks and Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is recommending that Mayor and Council approve an on-call design services contract for Pond & Company to provide design and construction documents for development of Mid-Broadwell Park in an amount not to exceed \$66,295.00 and authorize the Mayor to execute all necessary documents.
- In September 2019 City Council approved a conceptual master plan for Mid-Broadwell Park, a future neighborhood park to be located at 1480 and 1490 Mid-Broadwell Road. Staff then requested that our on-call design firm, Pond & Company, develop final designs and construction documents based on the approved conceptual plan. Pond & Company has submitted a proposal to complete the design engagement at a cost of \$66,295.
- Pond & Company provided similar services for the development of the Windward Community Park, which is currently under construction. As the construction of this park is reaching completion, staff wishes to launch the development of Mid-Broadwell Park with the intent of construction being completed by the Fall of 2020.

Public Comment:

- No Public Comment

- ❖ Council Member Binder offered a motion to approve an on-call design services contract for Pond & Company to provide design and construction documents for development of Mid-Broadwell Park in an amount not to exceed \$66,295 and authorize the Mayor to execute all necessary documents

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

VII. WORKSHOP

A. Draft for Proposed Cultural Arts Commission

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is seeking direction from City Council on the next step in the process of establishing an Alpharetta Cultural Arts Commission.
- This workshop is slated to review a proposal for a Cultural Arts Commission in the City of Alpharetta. The purpose of this Commission is to help arts and culture grow and thrive in the City of Alpharetta. Along with supporting art and cultural initiatives throughout the year, the Cultural Arts Commission would advise the City Council on art acquisition, promote strategic arts planning, and support local Art Leader Groups in Alpharetta.
- The proposed duties of the Cultural Arts Commission would be as follows:
 - o Reviews, recommends and approves the acquisition of all works of art by the City, either purchase, gift or otherwise. Reviews and make recommendations as needed for pieces to be acquired and their proposed locations.
 - o Reviews and encourages programs for the cultural enrichment of the City.
 - o Reviews and recommends guidelines for art and culture contract programs that support community art and culture programming projects and may make annual funding recommendations to the City Council.
 - o Proposes methods to encourage private initiative in arts and culture.
 - o May advise City Council regarding the participation in or sponsoring by the city of artistic performances, programs or other cultural endeavors.
 - o May advise City Council on the preservation and care of all cultural landmarks owned by the city and on the design and location of city-owned or other statuary and works of art.
 - o Support and strengthen existing local organizations in the arts and culture fields.
 - o Increases public understanding, appreciation and enjoyment of cultural activities and all forms of art and culture.
 - o Advises and assists with the development of an Art & Culture Master Plan for the City.
 - o Actively seek out and develop donations, offers of service and grants to further its and the city's projects and activities.

- This proposal has been reviewed by the Alpharetta Recreation Commission and was passed unanimously at their September 10, 2019 meeting. In addition, this proposal has been reviewed by Arts Alpharetta and was passed by a vote of 4 to 2 in favor of support.
- The next step would be to work with Legal and develop language for a City Ordinance establishing the Cultural Arts Commission and bring the document back to City Council for the approval process.

Public Comment:

- No Public Comment

VIII. PUBLIC COMMENT

- Amy Snowden, 12070 Seasons Trace, Alpharetta, came forward to address safety issues on Rucker Road due to the Rucker Road/Charlotte Drive roundabout.
- Terry Snowden, 12070 Seasons Trace, Alpharetta, came forward to address safety issues on Rucker Road due to the Rucker Road/Charlotte Drive roundabout.
- Diana McFall, 1185 Memories Drive, Alpharetta, and Lynn Thomas, 1135 Memories Drive, Alpharetta, came forward on behalf of the Seasons at Creekside HOA, to address safety concerns of the Rucker Road/Charlotte Drive roundabout and possible safety enhancements in order to protect all homes along the south side of Rucker Road.
- Clifford Martin, 700 Anna Lane, Alpharetta, came forward to address safety, water, and speeding issues on Rucker Road.

IX. REPORTS

- Mayor Pro Tem Mitchell asked the Director of Public Works, Pete Sewczwicz, to come forward and address the public comments regarding Rucker Road.
- Mayor Gilvin asked the Director of Public Safety, John Robison, to come forward and address the speeding issue on Rucker Road.
- Council Member Merkel recognized that it has been about one-year since City Clerk, Erin Cobb's, first City Council Meeting and thanked her for a great year.
- Council Member Binder announced that he would like to move forward with resolution to be voted on at the January 21st Council Meeting regarding an increase of a \$30,000 homestead exemption.

X. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 8:34 PM

Respectfully submitted,



Erin Cobb, City Clerk