



Official City Council Meeting Minutes

June 15, 2020

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**

- 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 Kathi Cook, Director of Community Development
- o Eric Graves, Senior Transportation Engineer/Planner
- o Shawn Mitchell, Budget & Procurement Manager
- o Matthew Thomas, Economic Development Manager

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 6/1/2020)

B. Financial Management Report: Month Ending April 30, 2020

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

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

V. PUBLIC HEARING

A. MP-20-01/V-20-05 The Providence Group/Notting Hill

- Senior Planner, Michael Woodman, came forward to present this item.
- This item was heard at the 6/4/2020 Planning Commission meeting. Staff recommended approval subject to 24 conditions. There were several public comments with concerns over traffic/safety on Thompson Street (street width, on-street parking, fast cars, speed bumps, stop sign, utility patches), density, no more variances on Thompson Street, size of garages/driveways, and entrance not aligned with Midwick. After discussion, Planning Commission recommended approval subject to the recommended conditions and accepting the applicant's requested change to Condition #11 (Planning Commission changes shown in RED). Vote 6-1
- Staff is recommending that Mayor and Council approve MP-20-01/V-20-05 The Providence Group at Notting Hill/Old Milton Holdings, subject to the following conditions:
 1. The site, consisting of approximately 3.27 acres, shall be developed substantially similar to plan prepared by Travis Pruitt & Associates, revised 3/10/2020, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. To the extent of any conflict between these conditions and prior Master Plan conditions, these conditions shall control.
 2. Old Milton Holdings Master Plan residential density shall be limited to no more than 6.78 du/acre.
 3. Building setbacks shall be 30' from existing right-of-way on Thompson St, 10' from existing right-of-way on Park St, 5' to the West and 10' to the South.
 4. Thompson Street and Park Street shall be improved as follows: 30' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planting area, 8' on-street parking (Thompson Street) and 10' travel lane (any right-of-way dedication should not impact building setback; building setbacks shall be measured from existing right-of-way), as approved by Staff. A landscaped tree island shall be required every 3 on-street parking spaces and at the end of parking. Park Street streetscape shall be modified to include the Alpha Loop. Final streetscape shall match the approved streetscape standards and include decorative pedestrian lighting and street furniture, as approved by Staff.
 5. Roadways with on-street parking shall incorporate curb extensions at intersections.

6. Open/green space shall be developed as depicted on the plan prepared by Travis Pruitt & Associates, revised 3/10/2020. Open space shall include a mix of trees, shrubs, and ground covers of varying heights, textures, and colors, as approved by Staff.
 7. 30' linear green along Thompson Street shall include decorative stone, brick or granite wall (with under ledge lighting) or columns with hedge between the linear green and townhomes. Linear green shall include landscape, hardscape, and seating as approved by Staff. Area shall not be fenced.
 8. Development shall not be gated.
 9. Architecture and materials shall be substantially similar to submitted renderings, except for modifications required to comply with these conditions and Downtown Consultant comments, with final approval by DRB. Units 21-48 shall have 4-sided architecture and materials (brick or stone). Units 1-20 shall have 3-sided architecture and materials (brick or stone). Sides of units visible from Thompson Street shall have the same level of architecture and materials as the front. 2
 10. HVAC equipment shall be screened from the public right-of-way.
 11. Developer shall construct 8' concrete, accessible Alpha Loop trail along Park Street, with final alignment/design/materials approved by Staff and construction completed prior to the first CO, **unless the delay in construction is outside the control of Developer, as determined by Staff.** Alpha Loop shall be placed within the public right-of-way or a permanent easement. Minimum 6' planting strip shall be provided between Park Street and the Alpha Loop. Alpha Loop shall include lighting (pedestrian and bollards), landscape and hardscape. Wayfinding signage shall be placed at a key location along the trail. Alpha Loop improvements, outside of required 6' concrete sidewalk, shall be eligible for impact fee credits, as approved by Staff.
 12. Decorative walls and/or landscaping shall be used to screen alleys and driveways from Thompson Street at Unit 42, as approved by Staff.
 13. Landscape strips along the south and west property lines shall include screening material and shall be expanded up to 10', where possible.
 14. All buildings shall have connectivity to the public sidewalk system.
 15. Pedestrian-scale lighting shall be provided throughout the development.
 16. Fencing visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
 17. As agreed, to by the developer, a minimum of 2 of the required trees shall be signature canopy trees, minimum 6" caliper at planting, and planted within the 30' linear park, as approved by Staff.
 18. Corner of Thompson and Park Street shall be heavily landscaped, including a corner sculpture or other original art such as a mosaic wall, as approved by Staff.
 19. Decorative paver apron shall be required at project entrance, as approved by Staff.
 20. Landscape, hardscape, fences, and walls shall compliment materials used within the Master Plan. A detailed landscape plan shall be required, subject to approval by Staff.
 21. Developer shall provide an easement to allow for future interparcel connectivity to the west.
 22. Streets less than 24' wide shall be marked "No Parking".
 23. As agreed, to by the developer, existing overhead utilities along Thompson Street shall be placed underground.
 24. No more than 10% of units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- The applicant, Kathy Zickert on behalf of The Providence Group, is requesting a master plan amendment to the Old Milton Holdings Master Plan and a variance to allow for the construction of 48 'For-Sale' townhome units on 3.27 acres designated as Phase II of the Old Milton Holdings Master Plan. The property is currently approved for 42 'For-Sale' condominium units. A variance is requested to allow

some of the townhomes to be front-loaded. The subject property is located at the southwest corner of Park Street and Thompson Street.

- Staff has reviewed the applicant's proposal and finds that it could generally support the request for master plan amendment and variance. The proposal would result in a use that is consistent with the Comprehensive Land Use Plan designation of the property and the proposal to allow six (6) additional units is 24 units less than the original Master Plan approval. If approved, conditions are recommended requiring a linear park along Thompson Street, signature canopy trees and the placement of overhead utilities underground.
- Approval of the variance should not cause substantial detriment to the public good. The subject property is shallow and long, which limits site layout. In addition, the front-loaded units are located behind the units fronting Thompson Street. This configuration would avoid the backside of units from being visible from Thompson Street.
- The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. In addition, the applicant met with adjacent property owners to discuss their concerns. According to the applicant's public participation report, there were concerns over traffic, number of units, size of units and orientation of buildings to Thompson Street. In response to the public comments, the applicant revised the site plan to increase townhome sizes from 18' wide to 20' and 24' wide, reduce the number of units from 54' to 48' and align townhome buildings to Thompson Street.
- The CZIM was held on February 12, 2020. At the meeting, the applicant displayed an earlier site plan depicting 54 townhome units in groupings along Thompson Street. There were concerns over traffic, size of units, number of units and layout. Generally speaking, the public thought that the townhomes should be comparable in price and size to the Foundry, Midwick and East of Main and townhome buildings should be oriented to Thompson Street similar to Midwick and the Foundry.
- The applicant, Kathy Zickert on behalf of The Providence Group, came forward to speak on behalf of the item.

Public Comment:

- Sanford Seidman, 12513 Wexcroft Lane, Alpharetta, GA, came forward in opposition of this item because Thompson Street has become a safety hazard for runners.
- ❖ Council Member Richard offered a motion to approve MP-20-01/V-20-05 The Providence Group at Notting Hill/Old Milton Holdings, subject to the following conditions:
 1. The site, consisting of approximately 3.27 acres, shall be developed substantially similar to plan prepared by Travis Pruitt & Associates, revised 3/10/2020, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. To the extent of any conflict between these conditions and prior Master Plan conditions, these conditions shall control.
 2. Old Milton Holdings Master Plan residential density shall be limited to no more than 6.78 du/acre.
 3. Building setbacks shall be 30' from existing right-of-way on Thompson St, 10' from existing right-of-way on Park St, 5' to the West and 10' to the South.

4. Thompson Street and Park Street shall be improved as follows: 30' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planting area, 8' on-street parking (Thompson Street) and 10' travel lane (any right-of-way dedication should not impact building setback; building setbacks shall be measured from existing right-of-way), as approved by Staff. A landscaped tree island shall be required every 3 on-street parking spaces and at the end of parking. Park Street streetscape shall be modified to include the Alpha Loop. Final streetscape shall match the approved streetscape standards and include decorative pedestrian lighting and street furniture, as approved by Staff.
5. Roadways with on-street parking shall incorporate curb extensions at intersections.
6. Open/green space shall be developed as depicted on the plan prepared by Travis Pruitt & Associates, revised 3/10/2020. Open space shall include a mix of trees, shrubs, and ground covers of varying heights, textures, and colors, as approved by Staff.
7. 30' linear green along Thompson Street shall include decorative stone, brick or granite wall (with under ledge lighting) or columns with hedge between the linear green and townhomes. Linear green shall include landscape, hardscape, and seating as approved by Staff. Area shall not be fenced.
8. Development shall not be gated.
9. Architecture and materials shall be substantially similar to submitted renderings, except for modifications required to comply with these conditions and Downtown Consultant comments, with final approval by DRB. Units 21-48 shall have 4-sided architecture and materials (brick or stone). Units 1-20 shall have 3-sided architecture and materials (brick or stone). Sides of units visible from Thompson Street shall have the same level of architecture and materials as the front. Gables, dormers cantilevers and other architectural elements that cannot support brick material may be cementitious siding.
10. HVAC equipment shall be screened from the public right-of-way.
11. Developer shall construct 8' concrete, accessible Alpha Loop trail along Park Street, with final alignment/design/materials approved by Staff and construction completed prior to the first CO, unless the delay in construction is outside the control of Developer, as determined by Staff. Alpha Loop shall be placed within the public right-of-way or a permanent easement. Minimum 6' planting strip shall be provided between Park Street and the Alpha Loop. Alpha Loop shall include lighting (pedestrian and bollards), landscape and hardscape. Wayfinding signage shall be placed at a key location along the trail. Alpha Loop improvements, outside of required 6' concrete sidewalk, shall be eligible for impact fee credits, as approved by Staff.
12. Decorative walls and/or landscaping shall be used to screen alleys and driveways from Thompson Street at Unit 42, as approved by Staff.
13. Landscape strips along the south and west property lines shall include screening material and shall be expanded up to 10', where possible.
14. All buildings shall have connectivity to the public sidewalk system.
15. Pedestrian-scale lighting shall be provided throughout the development.
16. Fencing visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
17. As agreed, to by the developer, a minimum of 2 of the required trees shall be signature canopy trees, minimum 6" caliper at planting, and planted within the 30' linear park, as approved by Staff.
18. Corner of Thompson and Park Street shall be heavily landscaped, including a corner sculpture or other original art such as a mosaic wall, as approved by Staff.
19. Decorative paver apron shall be required at project entrance, as approved by Staff.

20. Landscape, hardscape, fences, and walls shall compliment materials used within the Master Plan. A detailed landscape plan shall be required, subject to approval by Staff.
21. Developer shall provide an easement to allow for future interparcel connectivity to the west.
22. Streets less than 24' wide shall be marked "No Parking".
23. As agreed, to by the developer, existing overhead utilities along Thompson Street shall be placed underground.
24. No more than 10% of units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
25. If Staff determines that there is a need for a raised crosswalk/intersection across Thompson Street for traffic calming purposes, the developer will work with Staff to complete construction work and will receive impact fee credits for any installed crosswalks/intersection or similar road improvements that are for public use.
26. Garages shall be a minimum of 20 feet in depth and 19 feet wide.
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (7-0)

B. PH-20-06 Nathan Circle (380 Milton Avenue)/Change Previous Conditions of Zoning

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-20-06 380 Milton Avenue/Change to Previous Conditions of Zoning, subject to the following conditions (RED text below indicates a change from the previous condition):
 1. Zoning district for property shall be R-12 with no change to existing "low density" Land Use designation.
 2. Site shall be developed substantially as depicted on site plan dated 9/21/2015, **except Lot 2 shall be developed substantially as depicted on the submitted site plan and in compliance with the conditions below.**
 3. Applicant shall follow all the design elements of the Alpharetta Downtown Code. **Lot 2 home shall be substantially similar to the Delphi Cottage elevation or meet an architectural style in the Downtown Code, with final approval by DRB.**
 4. Maximum size of the homes shall be **3,300** square feet with 2 stories above grade along Milton Ave and 2nd story shall be under roof in order to complement existing homes.
 5. Front setback shall be **35'**.
 6. Both lots shall have access from a shared driveway off Nathan Circle. Corner lot (lot one; 14 Nathan Circle) shall grant a permanent excess easement to lot two (380 Milton Avenue) over the shared driveway.
 7. Both homes shall be side, or rear loaded.
 8. All elevations shall be a minimum 30% brick or stone, with final approval by Staff.
 9. Same level of architectural details on all 4 sides, with final approval by Staff.
 10. Homes shall have front porches a minimum of 50% of the front façade length and a minimum 6' in depth.
 11. No unfinished wood on decks or porches, with final approval by Staff.
 12. Street trees shall be planted along Milton Avenue and Nathan Circle abutting the right of way at one (1) tree per 25' of property line length, as approved by Staff.

13. Provide 5 feet R/W along Milton Ave for future bike/ped improvements.
 14. Provide a 10' no access easement along Milton Avenue. Driveway apron along Milton Avenue to be removed.
 15. Provide a 10-foot landscape and screen between property to the south.
 16. The applicant shall connect to the sewerage system.
- The applicant, Rob Forrest, is requesting changes to previous conditions of zoning related to two (2) residential lots in the Downtown. The property was rezoned in 2015 from R-15 (Dwelling, 'For-Sale', Residential – Min. 15,000 SF lot) to R-12 (Dwelling, 'For-Sale', Residential – Min. 12,000 SF lot) in order to subdivide a 0.65-acre platted lot into two (2) lots. The requested changes would reduce the front setback, allow access from Milton Avenue, and increase the maximum home size. The subject property is located at 380 Milton Avenue at the southwest corner of Milton Avenue and Nathan Circle.
 - Staff has reviewed the applicant's proposal and finds that it can generally support the requested change to previous conditions of zoning related to the front setback and maximum home size. The applicant's request to increase the maximum home size to 3,300 square feet is consistent with the three (3) homes recently constructed along Milton Avenue, which range in size from 2,852 to 3,827 square feet (heated space). In addition, the three (3) homes have a front setback of 35'. However, Staff does not support the applicant's request to allow a curb cut on Milton Avenue for Lot 2. The UDC requires a minimum 300' between curb cuts, of which a curb cut on Lot 2 would be approximately 185' from Nathan Circle and 100' from the curb cut to the West.
 - The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the neighbor to the West had concerns with the request.
 - The CZIM was held on May 13, 2020. There were public comments with questions about the lot/home sizes of the three (3) homes that were recently constructed along the north side of Milton Avenue and whether or not additional land would be added to Lot 2. The three (3) homes have 0.5-acre lot sizes and the applicant does not plan to add land area to Lot 2.
 - The applicant, Rob Forest, 12611 Itaska Walk, Milton, GA, came forward to speak on behalf of the item.

Public Comment:

- Simon Richardson, 1535 Squirrel Run, Alpharetta, GA, came forward in support of this it.
- James Rusty Cartmill, 390 Milton Avenue, Alpharetta, GA, came forward in opposition of this item.

❖ Council Member Richard offered a motion to approve PH-20-06 380 Milton Avenue/Change to Previous Conditions of Zoning, subject to the following conditions:

1. Zoning district for property shall be R-12 with no change to existing "low density" Land Use designation.
2. Site shall be developed substantially as depicted on site plan dated 9/21/2015, except Lot 2 shall be developed substantially as

depicted on the submitted site plan and in compliance with the conditions below.

3. Applicant shall follow all of the design elements of the Alpharetta Downtown Code. Lot 2 home shall be substantially similar to the Delphi Cottage elevation or meet an architectural style in the Downtown Code, with final approval by DRB.
4. Maximum size of the homes shall be 3,300 square feet with 2 stories above grade along Milton Ave and 2nd story shall be under roof in order to complement existing homes.
5. Front setback shall be 35'.
6. Both lots shall have access from a shared driveway off Nathan Circle. Corner lot (lot one; 14 Nathan Circle) shall grant a permanent excess easement to lot two (380 Milton Avenue) over the shared driveway.
7. Both homes shall be side, or rear loaded.
8. All elevations shall be a minimum 30% brick or stone, with final approval by Staff.
9. Same level of architectural details on all 4 sides, with final approval by Staff.
10. Homes shall have front porches a minimum of 50% of the front façade length and a minimum 6' in depth.
11. No unfinished wood on decks or porches, with final approval by Staff.
12. Street trees shall be planted along Milton Avenue and Nathan Circle abutting the right of way at one (1) tree per 25' of property line length, as approved by Staff.
13. Provide 5 feet R/W along Milton Ave for future bike/ped improvements.
14. Provide a 10' no access easement along Milton Avenue. Driveway apron along Milton Avenue to be removed.
15. Provide a 10-foot landscape and screen between property to the south.
16. The applicant shall connect to the sewerage system.
 - The motion received a second from Council Member Hipes
 - The motion was approved (4-3); Council Member Burnett, Mayor Pro Tem Mitchell and Council Member Binder voting in opposition

C. PH-20-04 Unified Development Code Text Amendments – Chickens (1st Reading)

- Director of Community Development, Kathi Cook, came forward to present this item.
- This item was heard at the 6/4/2020 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 7-0
- Staff has received several requests over the years requesting changes to the Unified Development Code (UDC) to permit chickens on property other than in the AG (Agriculture) zoning district. Currently, only AG zoned properties in the City allow chickens, subject to Fulton County Health Department regulations. Staff researched several jurisdictions and found the following regulations for chickens:

- Backyard Chicken Regulations in Other Jurisdictions:

City	Minimum Lot Size	Setbacks of Structures	Maximum # Allowed	Other Information
Roswell	0.33 acres (14,374 sf)	25'	6	
Milton	1.01 acres	25'	12/acre, max 36	
Johns Creek	any	100'	75	
Marietta	15,000 SF	20' from property lines, 10' from principal structure	4	Required to have fenced area for chickens, minimum 25 SF per chicken

- Staff contacted several Code Enforcement offices in other jurisdictions and found they had no significant complaints regarding chickens. Staff is recommending the UDC be amended to allow a maximum of six (6) chickens on a minimum one (1) acre lot, no roosters, and structures must maintain a minimum 25' setback.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- No Public Comment
- ❖ Council Member Richard offered a motion to approve PH-20-04 Unified Development Code Text Amendment and the UDC be amended to allow a maximum of six (6) chickens on a minimum one (1) acre lot, no roosters, and structures must maintain a minimum 25' setback
 - The motion received a second from Council Member Binder
 - The motion was approved (6-1); Council Member Burnett voting in opposition

D. PH-20-03 Unified Development Code and Code of Ordinances Text Amendments – Floodplain Management, Commercial Car Wash Recycling, Private Decentralized Waste Water Systems

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve amendments to the Unified Development Code as it relates to Floodplain Management and amendments to the Code of Ordinances as it relates to Commercial Car Wash Recycling and Private Decentralized Wastewater Systems.
- This item was heard at the 6/4/2020 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 7-0
- Consideration of text amendments to Unified Development Code (UDC), Subsection 3.4.1(E)(1) General – Basis for Establishing Areas of Special Flood Hazard. Proposed amendments include:

- From time to time, FEMA undertakes the task of updating its flood risk maps and studies to include new technology and better reflect the development of the area. Over the last year, FEMA has been working again to update maps in the county. This latest update does not include any changes to the floodplains inside city limits but does change the map and study dates. As a participant in the National Flood Insurance Program, Alpharetta is required to update our ordinance to reflect the date change. These date changes can be found in UDC Article III Section 3.4.1 E 1. One additional change is proposed for clarification of applicability. Since the Floodplain Ordinance applies to the entire city, the language in UDC Article III Section 3.4.1 C Applicability has been updated.
- Consideration of text amendments to the Code of Ordinances, Article VIII to add Commercial Car Wash Recycling regulations and Article IX to add Private Decentralized Wastewater Systems regulations.
- In 2001 the Georgia General Assembly created the Metropolitan North Georgia Water Planning District to develop comprehensive regional and watershed-specific water resource management plans to be implemented by local governments. In accordance with the June 2017 Water Resources Management Plan, Alpharetta is required to adopt policies, ordinances, and regulations that match the surrounding 15 counties and 93 municipalities that make up The District.
- Car Wash Recycle Water Ordinance: The Plan requires cities and counties to enforce recycling on at least 50% of water used by commercial conveyor car washes. The District has developed a model ordinance for local governments to adopt for this compliance. The ordinance presented here for adoption and approval is the model ordinance.
- Private Decentralized Wastewater System Ordinance: Private decentralized wastewater systems are defined as any privately owned wastewater collection, treatment, or disposal system that: (1) serves more than one residential lot or business, (2) has a daily flow in excess of 2,000 gallons, or (3) flows between more than one parcel or tract of land. In Alpharetta, these are regulated by Fulton County Wastewater (sewer system) or by Fulton County Department of Public Health (septic systems).
- Per the Plan, each local government is required to adopt a private wastewater system ordinance that either prohibits private decentralized wastewater treatment systems or provides technical specifications for these systems. Even though Fulton County regulates these systems and includes provisions in their ordinance for private decentralized wastewater systems (Fulton County Code of Ordinances Chapter 82, Article III, Division 3, Section 82-194), the Plan still requires Alpharetta to adopt our own ordinance. The attached ordinance spells out Fulton County's role in collection, maintenance, treatment, and operation of the sanitary sewer system; Fulton County's role in the regulation of all septic systems in the County; and prohibits use of private decentralized wastewater systems unless meeting the requirements of Fulton County.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- No Public Comment
- ❖ Council Member Merkel offered a motion to approve amendments to the Unified Development Code as it relates to Floodplain Management and amendments to the Code of Ordinances as it relates to Commercial Car Wash Recycling and Private Decentralized Wastewater Systems
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (7-0)

E. Public Hearing on the Fiscal Year 2021 Budget and Millage Rate Levy

- Director of Finance, Tom Harris, came forward to present this item.
- The purpose of this hearing is to obtain public comment on the Recommended Fiscal Year 2021 Budget.
- The FY 2021 Budget was distributed electronically to the City Council on April 30, 2020 and is available on the City's website as a downloadable pdf and available for filtering/analysis through the City's financial transparency site powered by OpenGov.
- The Finance Department presented an overview of the operating and capital budget at the May 4th, May 18th, and May 26th City Council meetings.
- Tonight, is the 2nd of 3 Public Hearings with the adoption schedule as follows:
- June 1, 2020: Public Hearing City Council Meeting Budget Ordinance (1st Reading) Millage Ordinance (1st Reading)
- June 15, 2020: Public Hearing
- June 22, 2020: Public Hearing City Council Meeting Budget Ordinance (2nd Reading) Millage Ordinance (2nd Reading)
- The budget document reflects the changes approved as part of the 1st reading. Additionally, a worksheet is attached that provides a summary of the 1st reading changes including a detail of the Maintenance & Operations line items changes.

Public Comment:

- Edward Kujawski, 151 Arrowwood Court, Alpharetta, GA, came forward to speak in opposition of budget cuts and asked Mayor and Council to give Public Safety and our first responders the same priority that they give us.
- Jonathan Hickel, 101 John Cristopher Drive, Alpharetta, GA, came forward to speak in opposition of Council rescinding the employees merit increase as well as the pay/compensation study results.

- DC Aiken, 425 Park Creek Way, Alpharetta, GA, came forward to urge Council not to include staff cuts in the budget cuts.

VI. OLD BUSINESS

A. Consideration of An Ordinance Providing for Regulations Governing Use of Skateboards within the Skateboard Restriction Zone (2nd Reading) (Sponsored By: Mayor Pro Tem Mitchell & Council Member Richard)

- City Attorney, Sam Thomas, came forward to present this item and reviewed the changes made since the first reading.
- The recommendation is for Mayor and Council to approve an ordinance providing for regulations governing the use of skateboards within the proposed Skateboard Restriction Zone.
- As Alpharetta becomes a more pedestrian oriented environment, the City has increasingly received complaints from residents and visitors regarding safety hazards posed by individuals using skateboards on public streets, sidewalks, public parking lots, and/or in public parking garages. There is considerable concern for the safety of the general public and for those using these devices due to the potential for collisions with pedestrians or motor vehicles.
- While the City has attempted to discourage such activity, especially in high-pedestrian and high-vehicular traffic areas, such efforts have garnered little cooperation or success. Lacking an established ordinance to enforce, law enforcement has not been able to further address the issue.
- The proposed ordinance states that no person shall operate skateboards upon a public alley way, sidewalk, public parking lot, public parking garage or elevated surface (including rails, ramps, and steps) within the Skateboard Restriction Zone, as shown on the attached map.
- The red-lined version of the ordinance has been presented to Council to reflect the changes made since the first reading.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- Several public comments were submitted via email and asked to be attached to the public record. Those emails have been attached to this document.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve an ordinance providing for regulations governing the use of skateboards within the proposed Skateboard Restriction Zone
 - The motion received a second from Council Member Richard
 - The motion was approved (4-3); Mayor Gilvin, Council Member Merkel and Council Member Hipes voting in opposition

VII. NEW BUSINESS

A. Safety Addition at Rucker and Charlotte

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve funds not to exceed \$125,000 to C.W. Matthews Contracting for the fabrication, delivery, and installation of corr-tenn guardrail along the frontage of the Seasons at Creekside Subdivision and authorize the Mayor to execute all necessary documents.
- Upon the direction of Mayor and Council earlier this year, Public Works has been working with design engineers on options regarding safety measures along the frontage of the Seasons at Creekside Subdivision. Multiple options were discussed and evaluated and based on timing, cost, and aesthetics. Based on these factors, the recommended approach is for a steel backed timber guardrail to be installed.
- Public Works worked with the design firm AECOM to develop the specific location of the guardrail. The goal is for the guardrail to be located within the City's right of way. Based on locating the guardrail in the location depicted on the attached exhibits and locations of existing utilities, it appears there is enough room to keep the guardrail within the existing right of way.
- Working with the design team there are two options for placement of the guardrail, along the property line of the subdivision or following the curvature of the sidewalk. Both locations meet design standards. The guardrail following the curvature of the sidewalk is more difficult to install due to traversing over multiple underground utilities. Cost of the guardrail installed in this alignment is \$1250,000. The linear guardrail option is easier to install and delineates the property line of the subdivision. The cost of this option is \$105,000. The curved approach is more expensive due to crossing exiting utilities as well as the complexity of the design compared to a linear guardrail.
- Based on conversations with the design team, it is recommended to install the curved guardrail. Though the curved guardrail is more expensive, this option provides the opportunity for additional landscape to be installed and maintained if the subdivision so desires. Thus, Public Works is recommending moving forward with the curved guardrail option. Both options will take approximately 6 weeks to complete, from design to fabrication, to construction.

Public Comment:

- President of the Condo Owners Association at the Seasons of Creekside, Diana McFall, 1185 Memories Drive, Alpharetta, GA, came forward to speak on behalf of the homeowners.
- Attorney Michael Daley, 12130 Seasons Trace, Alpharetta, GA, came forward to speak on behalf of seven homeowners and one resident at the Seasons of Creekside.
- Terry Snowden, 12070 Seasons Trace, Alpharetta, GA, came forward to speak in support of the curved guardrail with landscaping.
- Landscape Architect, Chris Sears, 12130 Seasons Trace, Alpharetta, GA, retained by the members of the Seasons of Creekside, came forward to speak on behalf of the item.

- ❖ Mayor Pro Tem Mitchell offered a motion to approve funds not to exceed \$125,000 to C.W. Matthews Contracting for the fabrication, delivery, and installation of corr-tenn curved guardrail along the frontage of the Seasons at Creekside Subdivision 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)

B. GA 400 Express Lanes Construction MOU with GDOT

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the MOU for construction associated with the GA 400 Express Lanes with the Georgia Department of Transportation, allocate no greater than \$4.84M for the cost associated with the bridge aesthetics, and authorize the Mayor to execute all necessary documents.
- The Georgia Department of Transportation (GDOT) has started their procurement process for construction of the GA Express Lanes (EL) project from the North Springs MARTA Station to north of McFarland Road. Over the past several months the City has been working with Kimley Horn on the aesthetic elements of the three Bridges over GA 400, Kimball Bridge, Webb Bridge, and Tradewinds. Additionally, the City and GDOT have been working together regarding the construction cost associated with the aesthetic treatments.
- The GA-400 EL project is a Design Build Finance Maintain (DBFM) project and GDOT's process for this type of project is for GDOT and the local Agency to execute a MOU acknowledging and agreeing to the basic scope of work and the associated cost between the local and GDOT. Regarding this specific project, GDOT and the City are agreeing the City will be funding the aesthetic elements of the three bridges as per the designs previously approved by Mayor and Council. Additionally, GDOT is agreeing to widen both Webb Bridge (WBR) and Kimball Bridge Road (KBR) bridges from 2 lanes to 4 lanes. The Tradewinds Bridge will have a lane in each direction as well as turning lanes as one approaches the entrance lanes to the Express Lanes. All three bridges will have sidewalks on both sides of the bridges. Outside of the funds the City will provide to GDOT for the aesthetic treatments of the bridges, the City is also agreeing to the maintenance responsibilities of landscape and maintenance of the aesthetic elements of the bridges.
- Once the MOU has been executed and the final design elements for the bridges included in the procurement documents for GDOT, the City and GDOT will start working on an Inter-Governmental Agreement (IGA). This agreement will provide detailed specifics regarding payment, schedule, etc... The IGA may also go into detail regarding construction phasing. For example, which bridge will be replaced first, both KBR and WBR bridges shall not be replaced at the same time.
- Public Works has been working with the City's Consultant, Kimley Horn, developing a construction cost estimate. The City's construction cost estimate of \$3.7M includes a 20% contingency. Comparing this cost to GDOT's cost estimate, there is a delta of \$1.14M. The difference primarily equates to the fact GDOT added a 20% cost escalation figure and a contingency of 30%. Though the construction costs estimate between the two agencies is similar in value, the added escalation figure and increase percentage in contingency is the difference.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the MOU for construction associated with the GA 400 Express Lanes with the Georgia Department of Transportation, allocate no greater than \$4.84M for the cost associated with the bridge aesthetics, and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously (7-0)

C. GA-400 Express Lanes Utility Coordination MOU with the GDOT

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the "Design Build Finance Maintain (DBFM) Memorandum of Understanding" with the GDOT and authorize the Mayor to execute all necessary documents.
- The conventional Georgia Department of Transportation (GDOT) project does not provide utility Memorandum of Understanding (MOUs), and the cost responsibility of relocating utilities is based on the Utility Owners prior rights. The GA-400 Express Lanes (EL) project is a Design Build Finance Maintain (DBFM) project and a MOU must be executed identifying who is responsible for utility relocation.
- The attached MOU is associated with the GA-400 EL project and specifically refers to utility relocation at conflict points such as Kimball Bridge Road, Webb Bridge Road, and Tradewinds Parkway. In order for the Developer to prepare their bid documents, the developer needs to know who is responsible for the design, construction, and materials for the cost of any utilities to be relocated. If any required utility relocation is included in the contract through a MOU with GDOT, the City would not have to pay for any of design, construction, and materials costs.
- Public Works recommends the responsibility to design, construct, and coordinate any City owned utilities (traffic signal fiber and stormwater) to be at the expense of the developer and not the City of Alpharetta. Refer to item 4b -option 2, of the attached MOU.
- Overall goal of the utility MOU is to speed up construction by allowing utility relocation to be included in the Developer's bid. The MOU allows potential bidders to determine what their responsibilities are as related to utility relocation design, construction, and material cost.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the "Design Build Finance Maintain (DBFM) Memorandum of Understanding" with the GDOT 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. Windward Parkway TSPLOST Improvements, ITB 20-016

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council award ITB 20-016 to Sol Construction, LLC for the construction of the Windward Parkway TSPLOST Improvements project in the amount of \$2,134,834.40 and authorize the Mayor to execute all necessary documents.
- The award of this bid is for the construction of the Windward Parkway TSPLOST Improvements project. Included within the scope of this project is both the Windward Parkway Eastbound Improvements and Windward Parkway Westbound Improvements.
- The Windward Parkway Eastbound Improvements will include the installation of a third travel lane from Westside Parkway to the southbound Georgia 400 on-ramp. All travel lanes will be 11' wide. A 4' bike lane and a 6' wide sidewalk will also be installed along the same stretch of Windward Parkway. The typical section will match that of the "Windward Parkway Triple Left-Turn Lane at Georgia 400 Interchange" project currently under construction on the opposite side of Windward Parkway.
- The Windward Parkway Westbound Improvements will include the installation of a third travel lane from North Point Parkway to the northbound Georgia 400 on-ramp. All travel lanes will be 11' wide. A 4' bike lane and a 6' wide sidewalk will also be installed along the same stretch of Windward Parkway. The typical section will match and tie to that of the "Windward Parkway Triple Left-Turn Lane at Georgia 400 Interchange" project currently under construction. Also included in the project scope is the lengthening of the existing dual left turn lanes from westbound Windward Parkway to southbound North Point Parkway by approximately 500 linear feet.
- Plans and specifications for this project were prepared by Tetra Tech's design team with program management oversight provided by Atkins. The project advertised for competitive bids during April and May 2020. Bids for the project were received on May 14, 2020 and the City received a total of ten bids from the following:
 1. Sol Construction, LLC \$2,134,834.40
 2. Vertical Earth, Inc. \$2,255,093.88
 3. Summit Construction & Development, LLC \$2,294,328.40
 4. CMEC, LLC \$2,488,128.24
 5. Excellere Construction, LLC \$2,589,000.00
 6. Precision 2000, Inc. \$2,647,959.58
 7. Ohmshiv Construction, LLC \$2,673,317.31
 8. CMES, LLC \$2,681,660.00
 9. BRTU Construction, LLC \$2,772,548.10
 10. Lewallen Construction Company, Inc. \$3,424,077.40
- The apparent low bidder, Sol Construction, LLC, is an experienced contractor which has worked on several projects with similar elements in Georgia for multiple governmental agencies including DeKalb County, the City of Cumming, and the City of Peachtree Corners. The contacted references stated that Sol Construction, LLC provided reliable work on time and within budget and would utilize their services again. Additionally, Sol Construction, LLC was awarded and completed the City's Fiscal Year 2017 Bond Sidewalks - Phase 4 project which included construction of sidewalks along Morris Road and North Point Parkway. Sol

Construction, LLC demonstrated an exceptional level of communication, performance, professionalism, and workmanship on said project.

- Staff met with representatives of Sol Construction, LLC on May 21, 2020 to review the scope of work and the City's expectations. Sol Construction, LLC assured Staff that they could complete the project for the bid amount and within the allocated time frame. Thus, staff determined Sol Construction, LLC to be the lowest responsive and responsible bidder.
- Once a contract with Sol Construction, LLC has been finalized and executed, construction may begin immediately. The anticipated completion date for the project is no more than 365 days from notice to proceed.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to award ITB 20-016 to Sol Construction, LLC. for the construction of the Windward Parkway TSPLOST Improvements project in an amount not to exceed \$2,134,834.40 and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously (7-0)

VIII. WORKSHOP

A. North Point Opportunity Zone Application

- Economic Development Manager, Matthew Thomas, came forward to present this item.
- The Opportunity Zone is Georgia's maximum job tax credit of \$3,500 per created job. Local governments undertaking redevelopment and revitalization efforts can apply.
- This workshop item seeks to share information on the steps necessary to apply for an Opportunity Zone for the North Point area revitalization, which portions of the corridor are eligible for the incentive and gather Council thoughts on how to best proceed.
- This item is presented for discussion and information purposes only. No formal action is requested at this time.

IX. PUBLIC COMMENT

- No Public Comment

X. REPORTS

- Council Member Richard announced that Community Development was approved the Transportation Improvement Fund Grant by the ARC.
- Council Member Merkel made a couple announcements about the new things going on around town.

- Mayor Pro Tem Mitchell congratulated Senator Brandon Breach.
- City Administrator, Bob Regus, came forward to present Mayor and Council with a brief overview of City operations.

XI. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 9:55 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Erin Cobb".

Erin Cobb, City Clerk