



OFFICIAL MINUTES OF
COUNCIL MEETING ON
DECEMBER 5, 2016

CITY HALL- 2 PARK PLAZA
6:30 P.M.

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 and on line at the City web site.

I. CALL TO ORDER

❖ *Mayor Belle Isle called the meeting to order at 6:30 p.m.*

II. ROLL CALL

- Council Members
 - David Belle Isle (Mayor)
 - Chris Owens (Mayor Pro Tem)
 - Jason Binder
 - Jim Gilvin
 - Mike Kennedy
 - Dan Merkel
 - Donald Mitchell
- Staff
 - Bob Regus, City Administrator
 - Kathi Cook, Director of Community Development
 - James Drinkard, Asst. City Administrator
 - Mike Perry, Director of Recreation and Parks
 - Lisa Gurganus, Deputy Director of Recreation and Parks
 - Gary George, Director of Public Safety
 - Tom Harris, Director of Finance
 - Coty Thigpen, City Clerk
 - Sam Thomas, City Attorney

III. PLEDGE TO THE FLAG

IV. PERSONNEL

A. Consideration Of New Director Of Public Safety

- City Administrator, Bob Regus, introduced the sole finalist for the Director of Public Safety, John Robison
- ❖ Mayor Belle Isle offered a motion to appoint John Robison as the Director of Public Safety
- The motion received a second from Council Member Gilvin
- The motion was approved 7-0
- Council took a brief recess to hold a short reception welcoming the new Director of Public Safety and then resumed the meeting at 6:53 p.m.

V. BOARD AND COMMISSION APPOINTMENTS

A. Recreation Commission: Kevin Johnson

- Mayor Belle Isle administered the Swearing-In for Council Member Gilvin's Recreation Commission Appointment Kevin Johnson

VI. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 11-14-2016)

B. Alcoholic Beverage License Applications

C. Financial Management Report: Month Ending October 31, 2016

- ❖ Council Member Kennedy offered a motion to approve the Consent Agenda
- The motion received a second from Council Member Mitchell
- The motion was approved 7-0

VII. OLD BUSINESS

A. PH-16-08 Unified Development Code - Text Amendments (2nd Reading)

Consideration of text amendments to the Unified Development Code including Spa Services, North Point Activity Center Guidelines, as well as other amendments.

- This item was heard at the July 13, 2016 Planning Commission meeting. There were no comments from the public for or against the request. After discussion, the Planning Commission voted unanimously to recommend approval of the amendments to the Unified Development Code
- Staff is asking for consideration of changes to the Unified Development Code (UDC)

in order to amend Section 1.4.2 definitions of 'Beauty Shop', 'Nail Salon', and 'Spa Services', remove Section 2.7.7 Massage Therapy, edit Section 2.2 to add 'Dwelling, Group' and 'Dwelling, 'For-Rent' as separate uses, add 'Equestrian Center' as a conditional use in the RE, R, R-22, and R-15 zoning districts, edit 2.3.1(D)(1) to allow retaining walls under 4' in building setbacks, delete Section 2.3.7 Conditional uses, and edits to Section 3.7 North Point Activity Center Guidelines.

- This being a 2nd reading, no public comment was taken

❖ Council Member Kennedy offered a motion to approve the Ordinance

- The motion received a second from Council Member Owens
- The motion was approved 6-1; Gilvin voting no

B. PH-16-12 Tree and Landscape Ordinance Amendments (2nd Reading)

- This item was deferred at the request of staff and will be heard at a later date

VIII. NEW BUSINESS

A. City Center: Consideration of Master Declaration Agreement (Resolution)

- City Attorney, Sam Thomas, outlined the details of the Agreement as it is being presented and read the correlating Resolution aloud

Public Comment

None

❖ Council Member Owens offered a motion to approve the Resolution as read by the City Attorney

- The motion received a second from Council Member Kennedy
- The motion was approved 6-1; Binder voting no

B. Downtown Sculpture Project: Recommendation To Commission Sculptures

- Assistant City Administrator, James Drinkard, came forward to present this item
- Staff is requesting authorization of the expenditure of an amount not to exceed \$137,900 to execute the 2016 Downtown Sculpture Project; to enter into agreements with Gregory Johnson (\$22,500.00), Yaoundé Odeleye (\$20,000.00), Sirlin Arts (\$30,400.00), Dillon Forge (\$32,000.00), and Outdoor Art (\$20,000.00) to create, produce, and install the specified original sculptures; and to authorize the Mayor to execute all necessary agreements.
- As part of the FY2016 Capital Budget, City Council designated \$75,000.00 for the purpose of purchasing and installing works of original sculpture art within Downtown

Alpharetta. A second allocation of \$75,000.00 was added in FY2017 to bring the total capital budget for the Downtown Sculpture Project to \$150,000.00.

- In April of this year the City of Alpharetta issued RFQ-16-1008 for the 2016 Downtown Sculpture Project: Instruments of Inspiration. The RFQ sought to create an open competition for artists or artist teams to create original sculptures of musical instruments or an artist's interpretation of a musical instrument for installation at several outdoor locations within Downtown Alpharetta. The goal of this project is to communicate and encourage the spirit of the emerging music scene that is energizing the community's downtown core while creating opportunities for citizens and visitors to physically interact with original works of visual art in a meaningful and fun way. The effort will make art and music accessible for the community to enjoy.
- The City received numerous responses from interested artists representing 23 unique sculptures.
- Committee members evaluated each art work based upon its creativity, quality, elements of design / purpose, encouragement of public interaction, and response to site / context. Sculptures were also considered within the context of one another to achieve a well-curated collection. Based upon these criteria the committee has selected a total of five sculptures for recommendation to City Council.
- The recommended sculptures and their recommended locations are generally described in the attachments associated with this agenda item. It is noted, however, that the pieces selected range from the traditional to the modern and cover a broad range of musical forms.

Public Comment

None

- ❖ Council Member Mitchell offered a motion to approve the Downtown Sculpture Project recommendation to commission sculptures.
 - The motion received a second from Council Member Kennedy
 - The motion was approved 7-0

C. Fiscal Year 2017 T-SPLOST Budget Amendment (1st Reading)

- Director of Finance, Tom Harris, came forward to present this item
- The purpose of the Fiscal Year (FY) 2017 Metropolitan County Transportation Special Purpose Local Option Sales Tax ("T-SPLOST") Budget Amendment is to amend the base budget as adopted by City Council for the T-SPLOST activity forecasted to occur during fiscal year 2017.
- Initiatives are discussed in detail within the Fiscal Year 2017 T-SPLOST Budget Amendment document

Public Comment

None

- ❖ Council Member Mitchell offered a motion to adopt the Ordinance of the Mayor and Council of the City of Alpharetta, Georgia to adopt a FY2017 T-SPLOST Budget for the City of Alpharetta in the amount not to exceed \$3,000,000
 - The motion received a second from Council Member Owens
 - The motion was approved 7-0

D. Wills Park Batting Pavilion, ITB 17-001

- Director of Recreation and Parks Mike Perry came forward to present this item on behalf of staff
- Staff is seeking Council approval for the following:
 - (1) Award ITB 17-001 for the Wills Park Batting Pavilion project to Riley Contracting Inc. in an amount totaling \$262,893.00 and authorize the Mayor to execute all necessary documents; and
 - (2) Authorize an MOU with the Alpharetta Youth Baseball Association for a contribution totaling \$115,000.00 to the City of Alpharetta to defray costs of the Wills Park Batting Pavilion project.
- The FY 2017 Capital Budget includes funding for construction of a batting pavilion at Wills Park. The batting pavilion will approximate 7,000 square feet in size and be located near fields 1-4. The pavilion will house five (5) large batting cages, one (1) pitching lane, and one (1) soft toss area. The pavilion will be on a concrete slab with a roof, but no walls, and enclosed with black vinyl link fencing and lighted for nighttime usage.
- The Recreation and Parks Department (the "Parks Department"), in partnership with the Alpharetta Youth Baseball Association ("AYBA"), worked collaboratively with Design Works (Architect) to design the Wills Park Batting Pavilion and provide construction specifications for an Invitation-to-Bid ("ITB").
- The Public Works, Parks, and Finance Departments prepared an ITB for construction of the Wills Park Batting Pavilion and advertised in September and October 2016. Bids were received on October 13, 2016.
- The apparent low bidder, Riley Contracting LLC has experience in constructing metal pre-fab buildings (Forsyth County, City of Tyrone, etc.) and their baseball experts, Better Baseball, has extensive experience in batting pavilion setup and equipping. Contacted references complimented Riley Contracting Inc. for their workmanship and indicated they would work with them again in the future. If given an opportunity.
- Staff met with representatives from Riley Contracting Inc. and Better Baseball on October 26, 2016, to review the scope of work and the City's expectations. Riley Contracting Inc. assured staff that they could complete the project for the bid amount and within the

allotted time frame (late Spring/early Summer). Thus, Staff has determined Riley Contracting to be the lowest responsive and responsible bidder.

- Subsequent to the Bid opening, staff worked with the apparent low bidder to provide a quote for multiple upgrades to the base bid specifications including: (#1) painting of the roof and gutters (hunter green) which will blend into the park surroundings better and reduce glare (+\$7,850); and (#2) upgrading the batting pavilion netting (within each batting tunnel and along the perimeter) including having a uniformed hemming along the bottom (as opposed to bunching on the ground which accumulates debris such as leaves and is generally less visually appealing) that is accomplished through additional cabling and weights (+\$16,350). The above upgrades to the base bid specifications bring the total bid to \$262,893.
- Staff believes the value added with the above upgrades is a worthy investment in both functionality and aesthetics. AYBA has committed to funding \$115,000 with the City funding the remaining \$147,893 (\$128,992 is available in the Wills Park Batting Pavilion project account with the remaining \$18,901 coming through a reallocation of available funding in the Athletic Scoreboards Replacement account – no boards are scheduled for replacement this fiscal year). AYBA will also be equipping the batting pavilion.

Public Comment
None

- ❖ Council Member Binder offered a motion (1) Award ITB 17-001 for the Wills Park Batting Pavilion project to Riley Contracting Inc. in an amount not to exceed \$262,893.00 and authorize the Mayor to execute all necessary documents; and (2) Authorize an MOU with the Alpharetta Youth Baseball Association for a contribution totaling \$115,000.00 to the City of Alpharetta to defray costs of the Wills Park Batting Pavilion project.
- The motion received a second from Council Member Gilvin
- The motion was approved 7-0

E. Dangerous Driving Education Program

- Director of Public Safety, Gary George, came forward to present this item on behalf of staff
- Staff seeks authorization and approval to operate the Department of Public Safety's Dangerous Driving Program and to fully fund such program through the charging of a fee of \$75 per participant to be levied by the Alpharetta Municipal Court for the specific purpose of funding the program The Department of Public Safety's Dangerous Driving Program was started by the Community Services Unit as an educational outreach program to the local high schools. Through the efforts of the Traffic Enforcement Unit, City Court, and City Solicitor, the class morphed into a driver's safety class for under 21-year-old traffic violators. In lieu of attending a private class

as a part of sentencing for traffic offenses, the under 21 offenders are given the option of attending the Dangerous Driving Course provided by the police department.

- The Dangerous Driving course has many benefits over a traditional private course. In addition to providing hands-on driver's training directly overseen by police officers, the course keeps the young adults together as a group, rather than interspersed with adults of all ages. This creates a more effective learning environment for the young adults, and provides direct benefits to the citizens of Alpharetta.
- The response of both the young adults and their parents is overwhelmingly positive. The court likes the program because it gives them a more positive way of addressing the traffic offenses of young adults. The Department of Public Safety would like to continue the program, but believes that the City needs to collect a fee to recover the cost of administering the program. The program is currently put on once a month for the court, and as needed for the high school students. The time spent planning and executing the program takes officers away from their normal duties. There is currently no dedicated budget for the program and no funding to maintain the donated equipment.
- All parties directly involved have agreed in principal to a plan that will allow us to continue the program while enabling us to recover operating expenses and pay overtime to the officers who run the course. The Finance and Public Safety Departments worked together to identify estimated costs and allocate over forecasted attendance to arrive at a defensible cost-recovery fee of \$75 per student. Assuming a roster of 25 students per class, offered 12 times a year, annual program costs total \$22,500. It is currently anticipated that this initiative will be part of the Mid-Year Budget to reflect program operations for the remainder of FY 2017.

Public Comment

- ❖ Council Member Gilvin offered a motion to authorize and approve the operation of the Department of Public Safety's Dangerous Driving Program and to fully fund such program through the charging of a fee of \$75 per participant to be levied by the Alpharetta Municipal Court for the specific purpose of funding the program The Department of Public Safety's Dangerous Driving Program
 - The motion received a second from Council Member Merkel
 - The motion was approved 7-0
- F. Fire Engine Acquisitions: Replacement Of Fire Engines #8476/#8477 And Fire Ladder Truck #8414 (Resolution)
- Director of Public Safety, Gary George, came forward to present this item on behalf of staff

- Staff requests that Council approve the acquisition of two (2) replacement fire engines and one (1) fire aerial ladder truck (Pierce) through Ten-8 Fire and Safety Equipment of Georgia at a cost of \$2,330,524.54.
- Staff also requests that Council adopt a Resolution authorizing the Mayor to execute all associated documents with Banc of America Public Capital Corporation for the purposes of funding the fire engines/ladder truck acquisitions.
- This request is for the purchase of the following:
 - Two (2) new Pierce Fire Engines (a.k.a. Fire Pumpers) to replace the existing Pierce Fire Engines #8476 and #8477, both of which were acquired in 2007 (via a lease-financing which was paid off this year). Fire Engine #8476 has over 91,000 miles and Fire Engine #8477 has over 79,000 miles. These Fire Engines have reached the Public Safety Department's targeted service life (10-years) and will be placed in the reserve fleet. The City will surplus the two remaining HME Fire Engines (#0714 and #0713) which are currently in the reserve fleet.
 - One (1) new Pierce Fire Ladder Truck (a.k.a. Fire Aerial Truck) to replace the existing Pierce Fire Ladder Truck #8414 which was acquired in 2007 (via a lease-financing which was paid off this year). Fire Ladder Truck #8414 has over 51,000 miles and will be placed in the reserve fleet. The City will surplus the 2001 HME Ladder Truck #11 which is currently in the reserve fleet.
- The requested Pierce Fire Engines/Ladder-Truck have been designed to ensure compatibility with new development in Alpharetta. The new engine is shorter and narrower to aid in navigating roundabouts as well as the unique needs of Avalon and City Center (e.g. streets with on-street parking).
- The City of Alpharetta has 8 fire apparatus including 6 fire engines/pumpers, 1 fire ladder truck, and 1 air/light truck in active duty. The Finance and Public Safety Departments have developed a funding plan to ensure all fire apparatus are built into the annual operating budget under 10-year capital lease programs (except Ladder Trucks which will be extended to 13-years due to lower usage rates) that (A) ensure highly functional equipment to aid the Department in meeting its service needs to our citizens and to (B) eliminate periodic impacts to the capital budget.
- The Fire Engines/Ladder Truck being replaced from active duty were acquired in 2007 and funded through a 10-year capital lease with the last payment occurring on 11/1/2016. The capital lease financing for the replacement Fire Engines/Ladder Truck is set forth below with the first payment occurring on 11/1/2017 and will be built into the base operating budget for FY 2018.
- Assembly and construction will take a minimum of 12-months with delivery estimated in late 2017/early 2018.

Fire Engine/Ladder Replacements

- Pierce is the City's approved single source provider of fire engines/trucks. Pricing for the Pierce Fire Engines/Ladder-Truck quoted herein is in accordance with the competitively bid contract (RFP No. 1420) awarded to Pierce by the National Purchasing Partners (NPP). RFP 1420 became effective August 13, 2015 and is valid until August 12, 2017 (with an option for three additional 1-year renewals). Under the Procurement Code, the City is authorized to piggy-back off of competitively procured contracts provided through other governmental entities. Ten-8 and Pierce representatives have stated that the pricing under this contract is the most competitive and forms the basis of what would be provided to the City under a standalone bid scenario.
- Pierce Fire Engine Acquisition Costs (two vehicles and equipment; less allocable pre-payment discount): \$1,153,627.31
- Pierce Fire Ladder Truck Acquisition Cost (one vehicle and equipment; less allocable pre-payment discount): \$1,176,897.23

Capital Lease Program

- As mentioned above, the Public Safety Department's targeted service life for Fire Engines stands at 10-years while the targeted service life for the Fire Ladder Truck is being increased to 13-years to reflect lower usage rates (i.e. "wear and tear") for this apparatus. The varied service lives require separate capital lease financing quotes:

Pierce Fire Engines (Qty: 2)

- The Finance Department solicited quotes for the fire engine financing from seven financial institutions and obtained the following results: Banc of America (2.075%); SunTrust (2.140%); JP Morgan (2.250%); BB&T (2.540%); PNC (3.047%); Wells Fargo (no quote); State Bank & Trust (no response). Banc of America provided the most competitive interest rate and is the recommended partner for this transaction. Transaction terms include:
 - Loan amount: \$1,153,627.31
 - 10-year term;
 - 2.075% fixed interest rate;
 - no closing costs; and
 - \$128,577.06 annual payment.

Pierce Fire Ladder Truck (Qty: 1)

The Finance Department solicited quotes for the fire ladder truck financing from seven financial institutions and obtained the following results: Banc of America (2.250%); SunTrust (2.270%); BB&T (2.730%); PNC (3.359%); JP Morgan (max 10-year term); Wells Fargo (no quote); State Bank & Trust (no response). Banc of America provided the most competitive interest rate and is the recommended partner for this transaction. Transaction terms include:

- Loan amount: \$1,176,897.23
 - 13-year term;
 - 2.250% fixed interest rate;
 - no closing costs; and
- \$105,107.00 annual payment.

- The Public Safety Department has appropriations totaling \$212,670 programmed within its FY 2017 base operating budget to fund the annual lease payment (final year of the lease-financing for the fire engines/ladder truck acquired in 2007). The new annual lease payment will total \$233,546.81 (starting in FY 2018). The annual lease payment increase of \$21,014.06 (new payment of \$233,684.06 less the existing appropriation of \$212,670) will be programmed into the FY 2018 base operating budget.

- City Attorney, Sam Thomas, read the Resolution aloud

Public Comment

- John Hipes, 12295 Dancliff Trace, Alpharetta, GA, came forward to speak on this item

- ❖ Council Member Gilvin offered a motion to approve the acquisition of two (2) replacement fire engines and one (1) fire aerial ladder truck (Pierce) through Ten-8 Fire and Safety Equipment of Georgia at a cost not to exceed \$2,330,524.54 and adopt a Resolution as read by the City Attorney authorizing the Mayor to execute all associated documents with Banc of America Public Capital Corporation for the purposes of funding the fire engines/ladder truck acquisitions.
 - The motion received a second from Council Member Owens
 - The motion was approved 7-0

IX. PUBLIC COMMENT - None

X. REPORTS

- Council Member Gilvin commended the Public Safety Department and Battalion Chief Carl Hall on the recent recognition by the International Academy of Emergency Dispatch as an "Emergency Dispatch Center of Excellence". The City of Alpharetta is 1 of only 11 centers in the world to obtain this designation.

- Mayor Belle Isle commented on the success of the Alpharetta Tree lighting event this past Saturday.

XI. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Kennedy offered a motion to adjourn into Executive Session
 - The motion received a second from Council Member Mitchell

- The motion was approved 7-0
- The meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Coty Thigpen". The signature is written in a cursive, flowing style.

Coty Thigpen, City Clerk