

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
December 17, 2015

Call to Order

The Mayor and City Council of Fayetteville met in regular session on December 17, 2015 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Greg Clifton called the meeting to order, followed by Opening Prayer and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Mickey Edwards, Edward Johnson, Paul Oddo, Scott Stacy, and James Williams. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

Johnson moved to approve the agenda as presented. Williams seconded the motion. Motion carried unanimously.

Stacy moved to approve the minutes of the Regular City Council Meeting of December 3, 2015. Williams seconded the motion. Motion carried unanimously.

Recognitions and Presentations:

Alan Jones, Fire Chief recognized Firehouse Subs in Fayetteville for their community involvement and eagerness to give back in the form of a grant to the City Fire Department.

Scott Pitts, Police Chief gave a presentation on the newly acquired body cameras for the Police Department.

Public Hearings:

Mayor Clifton called Consider Alcohol License for Publix Supermarket #0579 located at 108 Pavilion Parkway for Damian L. Pearson.

Anne Barksdale, City Clerk stated this was a change in licensee and all paperwork had been approved.

There were no public comments.

Oddo moved to approve Alcohol License for Publix Supermarket #0579 located at 108 Pavilion Parkway for Damian L. Pearson. Stacy seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Alcohol License for Target Store T-0778 located at 107 Pavilion Parkway for Eric Bowman.

Anne Barksdale, City Clerk stated this was a change in licensee and all paperwork had been approved.

There were no public comments.

Williams moved to approve Alcohol License for Target Store T-0778 located at 107 Pavilion Parkway for Eric Bowman. Oddo seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Alcohol License for Walgreens #06371 located at 880 Glynn Street South for Alfred Mantuano, III.

Anne Barksdale, City Clerk stated this was a change in licensee and all paperwork had been approved.

There were no public comments.

Johnson moved to approve Alcohol License for Walgreens #06371 located at 880 Glynn Street South for Alfred Mantuano, III. Edwards seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-25-15 – FY 2015 Budget Review – Public Hearing and 2nd Reading.

Mike Bush, Director of Finance and Administrative Services stated we have prepared a power point presentation that will examine all budgets adopted for 2015, showing the original budget, current budget, budget amendments for the year-end adjustments, and a final budget. Along with the budgets will be the actual expenses spent during the year and a variance between what the final budget is and what the actual revenues and expenditures were for 2015.

Fund	Current Budget	Amended Budget
General Fund	11,259,436	11,068,225
Confiscated Asset Fund	45,000	45,500
Hotel / Motel Fund	225,000	246,500
Vehicle Excise Tax Fund	121,000	152,000
Capital Projects Fund	1,465,654	1,465,654
Impact Fee Fund	247,045	247,045
SPLOST Fund	1,423,507	2,281,007
Water & Sewer Fund	5,958,689	5,958,689

Solid Waste Fund	640,685	662,473
Downtown Development Fund	536,535	567,535
Mainstreet Fund	555,620	655,381
Cemetery Perpetual Fund	8,500	17,1400

I have attached an ordinance to amend the Fiscal Year 2015 Budgets to comply with Federal and State Regulations.

Williams moved to approve #0-25-15 – FY 2015 Budget Review – Public Hearing and 2nd Reading. Johnson seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-26-15 – Rezone Request from Caddis Healthcare (Chris Grider) – 23.7 Acres Total (parcel #0522041A 8.89 acres) Currently Zoned C-3 (Highway Commercial) and (parcel #0522041 14.81 acres) Currently Zoned R-40 (Single Family Residential) to MO (Medical Office) – 936 West Lanier Ave. – 2nd Reading.

Brian Wismer, Director of Community Development stated Caddis Healthcare is requesting to rezone 23.7 acres (parcels 0522041 & 0522041A) located at 936 W. Lanier Avenue. The subject property is currently zoned C-3 (Highway Commercial) in the front, and R-40 (Single Family Residential) in the back. The applicant is seeking MO (Medical Office) zoning for the entire property to allow for the development of a senior living facility. Ingress and egress to the property will be via the existing curb cut located on Highway 54 / West Lanier Avenue.

He added, the proposed Senior Living Development will continue to add to the types of available housing, offering specific housing and assistance needed for seniors. The City of Fayetteville has been a proponent of the Atlanta Regional Commission’s *Lifelong Communities* concept which encourages the availability of housing choices for all stages of life.

The concept plan submitted with this zoning application is for reference of proposed uses only, and although Staff has done a preliminary review of the proposed layout and elevations, the plan has not been reviewed for compliance with all City codes. If approved for rezoning, development plans will be reviewed separately by the Planning & Zoning Commission at a later date.

Mr. Wismer concluded it is beneficial for the City to have this underutilized property developed in a way that is consistent with the Comprehensive Plan, while providing a needed service to the seniors of Fayetteville. Due to these reasons, Staff supports an approval for the rezoning request as submitted.

Public Comment was made by Al Hovey-King reminding Council to refer to the “building of influence” as a stipulation for zoning. He also was concerned about building an 8’ wall as a buffer

for current residents and he referred to the code section concerning tree protection plan and erosion control.

Public Comment also made by Marty Crittendon of Sharon Dr. asking to put up a wall for current residents before any further development happens in order to buffer the noise from the developers. He also asked about the clear-cutting of the property in which Brian Wismer answered it had to be done (buffer violated) for development, however the developer has agreed to a fence and replanting more trees than are there now.

Stacy moved to approve #0-26-15 – Rezone Request from Caddis Healthcare (Chris Grider) – 23.7 Acres Total (parcel #0522041A 8.89 acres) Currently Zoned C-3 (Highway Commercial) and (parcel #0522041 14.81 acres) Currently Zoned R-40 (Single Family Residential) to MO (Medical Office) – 936 West Lanier Ave., with stipulation to come back before Council after P&Z review for final development plan approval. Williams seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-27-15 – Rezone Request from Mark Wurster to Rezone 19.048 Acres from C-3 (Highway Commercial) to M-1 (Light Manufacturing) – Promenade Parkway Parcel #0538088 — 2nd Reading.

Brian Wismer, Director of Community Development stated the applicant is requesting to rezone 19.048 acres of undeveloped property located on Promenade Parkway across from the Pavilion. The subject property is currently zoned C-3 (Highway Commercial) and the applicant is seeking M-1 (Light Manufacturing) zoning to allow for the future development of an industrial park. The applicant owns Kenwood Business Park located in the county, and proposes similar buildings with brick fronts and metal sides for the commercial/ industrial/business park. The property would ultimately be subdivided into 18 parcels and replatted. Ingress and egress to the property will be via the existing road (Promenade Parkway).

He said although the applicant is requesting a rezoning which differs from the original use planned for this property (industrial vs. retail/commercial), the minimal highway visibility and lack of interest in commercial development for this property suggest an industrial zoning classification could be more appropriate for this parcel.

The City has established precedent in granting a rezoning which differs from the original use intended when those planned development patterns and market conditions changed, or in this case, never came to fruition.

Mr. Wismer concluded, due to these reasons and the limited use of the property as currently zoned, Staff supports an approval for the rezoning request as submitted, with the condition that the 100' buffer be implemented along the property line adjacent to residentially zoned lots.

Johnson moved to approve #0-27-15 – Rezone Request from Mark Wurster to Rezone 19.048 Acres from C-3 (Highway Commercial) to M-1 (Light Manufacturing) – Promenade Parkway Parcel

#0538088 with the condition of addition of a 100' buffer against the residential area. Edwards seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-28-15 – Social Hosting Ordinance – 2nd Reading.

Ray Gibson, City Manager stated over the last number of years AVPRIDE and the local Family Partnership Collaborative, Fayette FACTOR, have been working to help address the issue of underage drinking within Fayette County. During their research they arrived at the following conclusions:

- *Students in Fayette County significantly exceed the state averages for drinking in the last 30 days and binge drinking.*
- *School is not a preferred place to drink alcohol. Thus the penalties for being caught are high enough to deter use during school hours.*
- *Adults are more disapproving of minor aged students using tobacco than they are of minor students using alcohol.*
- *The availability and ease of access to alcohol is very widespread in Fayette County.*
- *Much of the drinking that takes place among minors happens on the weekends in their homes or in the homes of their friends.*
- *Education about ATOD ends after health class in the 9th grade.*
- *There is a major spike in alcohol use between 8th and 10th grade.*
- *Fayette 12th graders rank #27 in the state of GA for alcohol abuse, meaning that high school seniors in 132 counties in GA drink less than Fayette County High school seniors.*
- *AVPRIDE and our local collaborative came up with a number of contributing factors that we believe feeds into the above data about Fayette County minors.*

Based on their findings, Fayette FACTOR moved forward in addressing alcohol abuse amongst minors by adding it to their Annual Plan. This action item was aimed at accomplishing the following three things:

1. *Develop an Underage Drinking Prevention Plan as a component of the initiative SAVE (Substance Abuse and Violence Education) and*
2. *start a youth coalition to help address the problems above; and*
3. *Establish and implement Youth Service Learning Projects to engage youth in the community.*

He added, as part of this work plan AVPRIDE and Fayette FACTOR, in strong collaboration with community leaders, including the Fayetteville Police Department, crafted a draft Social Host Ordinance. The Ordinance has since been adopted by Fayette County and Peachtree City. City staff has reviewed the Social Host Ordinance and are requesting the approval of the Mayor and Council.

There was a Public Comment by Becky Smith, Mike Mumper, and Dawn Oparah thanking the Council for their interest in the community on behalf of AVPRIDE.

Stacy moved to approve #0-28-15 – Social Hosting Ordinance. Oddo seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider R-37-15 – TAD Agreement Highway Corridor – 2nd Reading.

Brian Wismer, Director of Community Development stated the City does not have full support from the other entities (Fayette County) and at this time we should keep the original TAD as is and not move forward with the new TAD Agreement.

Ray Gibson, City Manager added we should re-engage Ken Bleakly (Bleakly Advisory Group) for work on the current TAD.

There was Public Comment by Larry Dell, who stated as he understood the current referendum it referred only to using TAD for “blighted” or “depressed” areas and this TAD agreement would not fit that description.

Stacy moved to deny TAD Agreement R-37-15, but keep original/current TAD as is. Johnson seconded the motion. Motion carried unanimously.

New Business:

Mayor Clifton called Consider Construction Bid Award for the S.R. 92 at Hood Avenue Realignment Project.

Chris Hindman, Director of Public Services stated we received three bids for the construction of the S.R. 92 at Hood Avenue Realignment Project on July 16th 2015. The attached letter from Jason Walls of ISE tabulates the bids. The low bidder is Southeastern Site Development in the amount of \$4,352,760.18.

Through the 2004 Special Purpose Local Option Sales Tax (SPLOST) there is \$7.8 million in Fayette County share and \$645,000 in City of Fayetteville share dedicated to the project. The City will use an additional \$1,155,000 in City Fund balance to fully fund the estimated cost increases incurred to the project. This brings the total estimated cost to complete the project \$9.6 million.

He added, the purpose of the project is to interconnect Hood Avenue and Highway 92 North and to extend the road access across Highway 85 to Kathi Avenue and Jeff Davis Drive North. The new road system will also include an extension to Church Street. This will greatly improve traffic circulation and safety in the Highway 85 North area.

Staff recommends the award of the State Route 92 at Hood Avenue Realignment Project to Southeastern Site Development Partners in the amount of \$4,352,760.18, and that the mayor is authorized to sign the contract documents.

Williams moved to award bid for State Route 92 at Hood Avenue Realignment Project to Southeastern Site Development Partners in the amount of \$4,352,760.18, and that the mayor is authorized to sign the contract documents. Edwards seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Bid Award for Financial Software Package.

Mike Bush, Director of Finance and Administrative Services stated we sent out an RFQ in May 2015 to help determine what types of software are being used today. We received nine responses. The Finance Department is still using a DOS based AS400 product we call “the Green Screen.”

For at least the last 10 years, software providers have been providing web based software packages which offer greater flexibility to provide numerous types of reports for Council, the State and Federal Governments, and to the Citizen of a given city.

After reviewing the request for qualifications, staff issued a RFP in July 2015 to five out of the nine responses that we felt would better improve the efficiency and effectiveness of Fayetteville’s financial position. The five providers were:

- New World Technology
- BS&A
- Tyler Technologies
- Harris Computers
- Edmunds

Out of the five responses received, staff requested three to come down and demonstrate how their software would enhance Fayetteville’s financial position.

- New World Technology - \$422,400
- BS&A - \$273,000
- Edmunds – 145,010

Of the three that came to the City to show their software, it became very clear to staff we had two top choices and one provider that didn’t deliver all that we required.

Staff asked for each of the top two bidders to eliminate certain modules from the original request to help decrease the overall cost. Once we got the reduced costs, staff scheduled and made two site visits to see their software in action and discussed any issues the current users had with the software. The reports were good for both software providers.

- Tyler New World Technology - \$226,800
- BS&A - \$249,780

After scoring each provider, staff recommends awarding the bid for Financial Software purchase in the amount of \$226,800 to Tyler New World; and that the Mayor is authorized to sign the contract documents.

Johnson moved to award bid for Financial Software purchase in the amount of \$226,800 to Tyler New World; and that the Mayor is authorized to sign the contract documents. Edwards seconded the motion. Motion carried unanimously.

Consent Agenda:

Mayor Clifton called for approval of Consent Agenda – Consider Items for Surplus.

Anne Barksdale, City Clerk stated we will surplus the outgoing Mayor and Council iPads to then be donated to them. Other items will be auctioned through Gov Deals on line auction.

Oddo moved to approve Consent Agenda as presented. Stacy seconded the motion. Motion carried unanimously.

City Manager and Staff Reports:

Oddo moved to amend the agenda to move up Public Comments before Executive Session. Edwards seconded the motion. Motion approved unanimously.

Ray Gibson, City Manager stated we have the Groundbreaking Ceremony for Hood Avenue/Highway 92 Road Realignment Project on Tuesday, December 29th at 10:00 a.m.

Mr. Gibson said we are working on an RFP for Insurance Broker.

Mr. Gibson remarked that the Villages HOA subcommittee is working on proposals for the fire issues.

He announced the new mayor and council swearing in ceremony will be January 5th at 6:00 p.m. at New Hope Baptist Church, north campus.

Mr. Gibson said we need to consider one representative from the City to sit on the new County Transportation Committee.

Anne Barksdale, City Clerk said Staff and Board Appointment Committee will be meeting next week to review the applicants and announcement of new board appointments will be made in January.

City Council and Committee Reports:

Councilman Johnson (on behalf of the City) congratulated Mayor Clifton and Councilman Edwards for their time serving and wished them well.

Executive Session:

Johnson moved to go into Executive Session to discuss Real Estate Acquisition. Oddo seconded the motion. Motion carried unanimously.

Johnson moved to reconvene to Regular City Council meeting. Stacy seconded the motion. Motion carried unanimously.

Johnson moved to approve amended agreement with one of the property owners in the Hood Avenue/Highway 92 Road Realignment Project. Edwards seconded the motion. Motion carried 4-1. For – Edwards, Johnson, Oddo, Stacy; Against- Williams.

Mayor Clifton asked to amend agenda one more time to move up Public Comments before Mayor's Comments.

Oddo moved to amend agenda to move up Public Comments before Mayor's Comments. Stacy seconded the motion. Motion carried unanimously.

Public Comments:

Jason Walls with ISE said the Hood Avenue/Highway 92 Road project will begin after demolition and utilities are cleared which could take about six months,

Chris Hindman, Director of Public Services added the Notice to Proceed will go out in January and we will secure a contract with Georgia Power for pole locations as well.

Resident Derryl Anderson expressed her concerns about the increase in traffic when the project gets underway. She would like to meet with neighbors and staff to discuss.

Mayor's Comments:

Mayor Clifton said the downtown Christmas festivities were a big hit this year and he thanked Brian and Joyce and the Main Street volunteers and City Staff for all their hard work.

Mayor Clifton said it has been a real pleasure to serve the City of Fayetteville as its Mayor for the last four years.

Oddo moved to adjourn the meeting. Edwards seconded the motion. The motion carried unanimously.

Respectfully submitted,

Anne Barksdale, City Clerk