

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
March 17, 2016

Call to Order

The Mayor and City Council of Fayetteville met in regular session on March 17, 2016 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Edward Johnson 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: Harlan Shirley, Paul Oddo, and James Williams. Councilmembers Kathaleen Brewer and Scott Stacy were absent. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

Mayor Johnson stated he would like to add an agenda item – Statement of Support for Southern Conservation Trust (SCT) under New Business, Item #11. Oddo moved to add an agenda item – Statement of Support for Southern Conservation Trust (SCT) under New Business, Item #11. Shirley seconded the motion. Motion carried unanimously.

Oddo moved to approve the agenda as presented. Shirley seconded the motion. Motion carried unanimously.

Shirley moved to approve the minutes of the City Council Work Session Meeting of March 3, 2016. Oddo seconded the motion. Motion carried unanimously.

Recognitions and Presentations:

Mayor Johnson recognized Assistant Director of Finance Carleetha Talmadge and Director of Finance and Administrative Services Mike Bush, and their staff for the FY 2015 GFOA Distinguished Budget Award. This is the 10th year in a row the City has received this award.

Mayor Johnson called Mr. Miller Edwards, Mauldin & Jenkins, CPA, LLC to present the FY 2015 Comprehensive Annual Financial Report (CAFR). He stated the City of Fayetteville is in very good financial shape.

Public Hearings:

Mayor Johnson called Consider #0-3-16 – Ordinance Amendment for Chapter 6 – Advertising and Signs – Public Hearing and 1st Reading.

Julie Brown, Senior Planner stated, the City has received a request to install perforated vinyl window graphics on the outside of the window as recommended by the manufacturer. This request becomes difficult to implement because of the restrictive definition of a window sign found in Section 6-2-Definitions.

The current definition for *Window sign* means any type of sign located entirely within the interior of a building or structure, and placed near a window or door, the letters, numbers, pictorial or sculptured matter of which is visible from the exterior of the premises.

She explained the wording of this definition requires that, for the applicant to have the standardized, perforated vinyl window graphic installed correctly, it must be treated as a wall sign and not a window sign. “Wall signs” fall under much greater scrutiny in the ordinance, and would effectively limit most businesses’ ability to place any signage on their window, unless they sacrifice having a typical wall-mounted storefront sign.

In order to allow applicants to install the window graphic as recommended by the manufacturer and provide clarity as to what constitutes a window sign and a wall sign, staff is recommending amendments to both definitions.

Ms. Brown added, non-residential window signs in the Main Street District permitted by Section 6-6-Regulated Signs, subsection (b)(5)(c)(10) will also need to be amended to remove verbiage in order to provide consistency in the sign ordinance pertaining to window signs.

The perforated window vinyl is manufactured in different grades of opacity including 30%, 50% and 80%. The level of opacity determines how easily the window vinyl can be seen through.

Window signage (outside of the Main Street District) currently permitted by Sec. 6-6- Regulated Signs, subsection (b)(4)(c) is not calculated as part of the overall signage allowed per property, but must meet the sign material requirements of Chapter 6 Advertising and Signs. Staff recommends that the 50/50 perforated vinyl graphic be added to Section 6-7 (Construction and Maintenance Requirements) as the required opacity used for construction of any exterior window sign.

She said, in an effort to help Fayetteville business owners use perforated vinyl window graphics as recommended by the manufacturer, staff recommends approval of the ordinance amendments to Sections 6-2, 6-6, and 6-7 of the sign ordinance.

There were no public comments.

Mayor Johnson stated this was posted for 1st Reading.

Mayor Johnson called Consider #0-4-16 – Ordinance Amendment for Chapter 94 – Zoning – Public Hearing and 1st Reading.

Julie Brown, Senior Planner stated, in an effort to expedite an applicant's request for approval of accessory structures such as decks, pavilions, storage sheds, loading docks, and additional garages, staff recommends ordinance amendments to Chapter 94 –Zoning, Section 94-5- Development plan review and approval and Section 94-194 Applications for building permits.

The code currently requires that the exterior of any building or structure not located in a single-family zoning district, as defined in section 94-131, outside of the Main Street Architectural Overlay District, except for single family detached houses, shall not be erected, moved, added to, or structurally altered without development plan approval from the planning and zoning commission. The exterior of any building or structure, in any zoning district, inside the Main Street Architectural Overlay District, shall not be erected, moved, added to, or structurally altered without development plan approval from the planning and zoning commission. Any non-structural changes to the exterior of any building which is located within the Main Street Architectural Overlay District and which alter the appearance of the structure must be approved by the art and architectural advisory committee. Simple color changes may be approved by the director of planning and zoning.

She explained, per Section 94-208- Architectural and site design, and Section 94-192 Construction of new buildings and structures (within the Main Street District) the code addresses appropriate and inappropriate exterior materials and architectural elements along with the design of accessory buildings, stating the design should reflect and coordinate with the general style of architectural inherent in the primary structure on the property.

Amending the verbiage from “any building or structure” to “any habitable building or structure” (not including garages) would allow the approval of accessory structures to be done at staff level. This would reduce redundancy in procedures, expedite the applicant's approval process and save city resources.

Ms. Brown said, Staff sees no adverse effects to the development design from these changes as the earlier stated sections of the code, Section 94-208- Architectural and site design, and Section 94-192 Construction of new buildings and structures (within the Main Street District) require appropriate exterior materials and architectural elements be incorporated in the design of accessory structures ensuring a cohesive design with the primary structure.

The proposed ordinance amendments were presented to the P&Z Commission for review and comments. The P&Z Commission supports the proposed changes to the ordinance. Staff recommends approval of the proposed amendments to Chapter 94 –Zoning, Section 94-5 Development plan review and approval and Section 94-194 Applications for building permits.

There were no public comments.

Mayor Johnson stated this was posted for 1st Reading.

Mayor Johnson called Consider #0-5-16 – Ordinance Amendment for Chapter 78 – Subdivisions – Public Hearing and 1st Reading.

Julie Brown, Senior Planner stated, with the U. S. Postal Service now requiring cluster mailboxes for all new subdivision developments, staff feels it is necessary to adopt a new ordinance that will address cluster mailbox design and installation requirements as well as address identification for emergency services.

Building and fire codes currently require that structures provide identification, but have no requirements for distance or lighting. The adoption of an ordinance to address these issues will ensure that emergency services can easily identify the address they are responding to.

Ms. Brown added, with the city seeing its first CBU (cluster box units) installed in the Logan Park subdivision, it is important that we set a standard to maintain cohesive design and installation requirements for CBU, along with their accessory structures and individual address markers throughout the city's new developments.

In researching CBU, staff spoke with local U.S. Postal personnel to determine what is required of the developer when establishing new delivery service to a CBU. These items have been included in the proposed ordinance as well as some additional safety and design standards.

She said, Staff requests adoption of the ordinance for cluster mailboxes and address identification as proposed.

There were no public comments.

Mayor Johnson stated this was posted for 1st Reading.

Mayor Johnson called Consider #0-6-16 – Traffic & Vehicles – Blocking Intersections – Public Hearing and 1st Reading.

Scott Pitts, Police Chief stated, the purpose for this proposal is to prevent or reduce the adverse impact of impeding vehicles from entering or exiting roadways, alleys, and driveways, by prohibiting the blocking of intersections of certain roadways, alleyways, and driveways, except when so ordered by a police officer or other authorized officer. He added, there is a state law that addresses obstructing an intersection however, it only covers certain roadways that intersect with state highways.

Chief Pitts said this ordinance will allow the City Council to designate certain intersections within the city that should be properly marked with the appropriate signage, "DO NOT BLOCK INTERSECTION", and would be applicable for enforcement by the city police department.

In an effort to help Fayetteville citizens and business owners in reducing the impediments of traveling through the city, staff recommends approval of Ordinance #0-6-16, Traffic and Vehicles: Blocking Intersections Sec. 82-79.

There was some discussion about the state law that addresses obstructing an intersection, especially when turning on a yellow light.

Mayor Johnson stated this was posted for 1st Reading.

New Business:

Mayor Johnson called Consider R-4-16 – Appoint Citizen Advisory Committee for SPLOST projects.

Ray Gibson, City Manager stated since we have two council members absent he would like to table this item until the called meeting scheduled for March 29th.

Oddo moved to table R-4-16 – Appoint Citizen Advisory Committee for SPLOST projects until the March 29th called meeting. Shirley seconded the motion. Motion carried unanimously.

Mayor Johnson called R-5-16 – Resolution of Support to Apply for SAFER Grant.

Alan Jones, Fire Chief/Assistant City Manager stated, Staff is requesting authorization to submit an application for the hiring of nine (9) firefighters through the SAFER grant program. These personnel are requested to help meet current and anticipated service demands as indicated by the City's current growth.

He explained, the SAFER grant application requires this statement of support from each applying agency. If a grant is offered, the jurisdiction awarded must maintain staffing levels existing at the date of award, as well as the SAFER positions approved, for a period of two years. There is no local match required for the salary and benefit costs for the SAFER employees during the two-year period. The jurisdiction is not required to maintain the SAFER positions after the end of the performance period.

Chief Jones asked for approval to proceed with the application according to the grant requirements.

Shirley moved to approve R-5-16 – Resolution of Support to Apply for SAFER Grant. Oddo seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider Items for Surplus.

Anne Barksdale, City Clerk stated surplus items included are equipment from Public Works, a glass table top, and miscellaneous office items. Items will be auctioned through GovDeals online auction April 7th – April 21st.

Shirley moved to approve Items for Surplus. Oddo seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider Statement of Support for Southern Conservation Trust (SCT).

Mayor Johnson read statement of support. (Statement attached in minutes)

Shirley moved to approve Statement of Support for Southern Conservation Trust. Oddo seconded the motion. Motion carried unanimously.

City Manager and Staff Reports:

Ray Gibson, City Manager stated there will be a Called Executive Session Meeting on Tuesday, March 29th at 6:00pm for Police Department Assessment.

He also noted, scheduled at this time is a Town Hall meeting on March 24th at 6:00pm for Downtown Master Plan discussion and a Town Hall meeting on March 31st at 6:00pm for Small Business discussion.

Brian Wismer, Director of Community Development added this Sunday, March 20th in conjunction with Fayetteville First United Methodist Church, will be the first Easter Palooza Easter Egg Hunt Event from 3:00 – 5:00pm on the Old Courthouse Lawn.

City Council and Committee Reports:

Councilman Oddo congratulated City Staff for all their hard work on the Budget Award and the outstanding CAFR report.

Mayor's Comments:

Mayor Johnson said he agreed with Councilmember Oddo that the City Staff deserves this recognition for all they do.

Public Comments:

Mr. Bob Lester discussed the town hall meetings for the Downtown Master Plan, asking what the protocol is for questions and answers. He feels there is not enough public input at the meetings for all participants to hear and discuss.

Mr. Ernest Delane complained about the incessant noise coming from the Concrete Supply company by Hood Ave. and asked what the City can do about it. He said it is ruining his and other neighbor's quality of life.

Ms. Laura Paneer discussed ideas for the Downtown Master Plan that came from her meeting on the 16th she organized with other young adults at Truett's Luau.

Executive Session:

Mayor Johnson said Council and staff need to adjourn into Executive Session to discuss Potential Litigation Issue.

Ray Gibson, City Manager asked that this item be tabled until all council members are present.

Oddo moved to table Executive Session until further notice. Shirley seconded the motion. Motion carried unanimously.

Shirley moved to adjourn the meeting. Williams seconded the motion. The motion carried unanimously.

Respectfully submitted,

Anne Barksdale, City Clerk