

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
May 19, 2016

Call to Order

The Mayor and City Council of Fayetteville met in regular session on May 19, 2016 at 6:00 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, Kathaleen Brewer, Scott Stacy, and James Williams. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale. Councilmember Oddo arrived at 6:35pm.

City Manager Ray Gibson asked to remove the Executive Session item from the agenda.

Stacy moved to remove the Executive Session item from the agenda. Brewer seconded the motion. Motion carried unanimously.

Stacy moved to approve the agenda as presented. Brewer seconded the motion. Motion carried unanimously.

Shirley moved to approve the Minutes of the Regular City Council Meeting of May 5, 2016. Brewer seconded the motion. Motion carried unanimously.

Recognitions and Presentations:

Police Chief Scott Pitts recognized Orlando Castro for his hard work and dedication to the Fayetteville Police Department's Auxiliary Force. Mr. Castro was present to accept the award.

City Clerk Anne Barksdale read proclamation for National Police Week. Representatives from the City Police Department and Fayette County Sheriff's Department were present to accept the proclamation.

Public Hearings:

Mayor Johnson called Consider Beer, Wine, Distilled Spirits License for Gil's Place – located at 113/119 Banks Station for Alphonso Gilmore.

City Clerk Anne Barksdale stated this is a new restaurant and licensee for this location. All paperwork has been approved.

There were no public comments.

Stacy moved to approve Beer, Wine, Distilled Spirits License for Gil's Place – located at 113/119 Banks Station for Alphonso Gilmore. Brewer seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider #0-5-16 – Enactment of Section 78-191 of Code (Cluster Mailboxes and Address Identification).

Senior Planner Julie Brown stated the U. S. Postal Service now requiring cluster mailboxes for all new subdivision developments, so 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 explained, in March of 2016, the first draft was presented for adoption. City Council and the Police Department provided comments for suggested amendments to the ordinance. Staff has incorporated those comments into this latest draft of the ordinance.

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 and quality design and installation requirements for CBU, along with their accessory structures and individual address markers throughout the city's new developments.

She added, 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.

Staff requests Council's adoption of the revised ordinance for cluster mailboxes and address identification as proposed.

There was one public comment and Ms. Brown agreed, that the HOA should be responsible for upkeep of the cluster mailbox location and if not them, Code Enforcement would be in charge.

Shirley moved to approve #0-5-16 – Enactment of Section 78-191 of Code (Cluster Mailboxes and Address Identification). Brewer seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider #0-8-16 – Rezoning – REA Ventures – Public Hearing and 1st Reading.

Mayor Johnson stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Johnson asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

All Council Members and Mayor Johnson responded no.

Mayor Johnson asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

All Council Members and Mayor Johnson responded no.

Mayor Johnson asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Anne Barksdale, City Clerk, responded that no disclosure reports had been filed.

Mayor Johnson stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Johnson requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Johnson stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Director of Community Development, Brian Wismer stated the five parcels proposed for rezoning are located along Glynn Street North and Lafayette Avenue in the Main Street Overlay District. The undeveloped parcels, totaling 4.92 acres are all zoned C-1 (Downtown Commercial).

He said the applicant is seeking PCD (Planned Community District) zoning to allow for development of a mixed use residential community with sixty apartments and limited first floor

commercial along Glynn Street North. Unit distribution is proposed at 12/1, 40/2, and 8/3 bedroom units. The proposed development will create a walkable community in the downtown district with 8 foot sidewalks providing pedestrian access from both Glynn Street and Lafayette Avenue. Vehicular access for all units will be provided via a Lafayette Avenue entrance and parking to the rear of the building. The building's architecture will conform to the guidelines of the Main Street historic district. The proposed concept plan shows a three story building with brick exterior facades facing the streets and hardiplank siding in the rear.

Adjoining properties and zoning are as follows:

- To the north is zoned C-2 (Community Commercial)
- To the south is zoned C-1 (Downtown Commercial)
- To the east is zoned C-1 (Downtown Commercial)
- To the west is zoned R-30 (Single Family Residential)

Mr. Wismer explained as part of the review, Staff conducted the following analysis: at the April 26 P&Z meeting, the P&Z Commission reviewed the project and heard from the applicant. After lengthy discussion, the Commission gave an unfavorable recommendation to Mayor and Council on this project, primarily due to concerns of traffic control, parking, and the lack of full-scale commercial development on the first floor.

He said when considering a PCD rezoning request, Staff looks at the City Ordinance. The ordinance describes the PCD classification as follows: the zoning designation of PCD allows for the creation of an individual site-specific zoning district, distinct in scope and purpose, which is attached to a particular parcel of land. Said PCD zoning runs with the land, and may not be transferred to another parcel. The PCD also allows an applicant to designate a mixture and arrangement of land uses, not normally available under traditional Euclidian zoning.

The PCD zone provides the following guidance for this type of project:

- Sec. 94-172 (1) b.

In most cases, each area within a PCD project developed for residential (including required open space and recreational amenities), commercial or office land use shall be designated as mixed use according to the master development plan unless a single use within the site can better accomplish the goals established herein. Projects must consist of more than one type of land use to be considered a PCD project.

- Sec. 94-172 (2) a.

Area: The minimum area required for a PCD district shall be five contiguous acres of land. The planning and zoning commission may consider projects with less acreage where the applicant can "demonstrate" that a smaller parcel will meet the purposes and objectives of the PCD district.

- Sec. 94-172 (2) g.7.

Conditional exceptions: Upon recommendation by the planning commission and approval by city council, the following may be permitted:

- i. Increased densities for student housing and elder care facilities.
- ii. Within the Main Street Historic District, increased densities to provide for multi-family developments that meet the architectural guidelines established in Division 3 (Main Street Architectural Overlay District) of this chapter.

The proposed density for the project is 12 units per acre. The code provides for higher density PCD developments when located near the downtown core. Traditionally, downtowns are the preferred location for denser populations and provide more opportunities for walkable neighborhoods to develop between commercial and residential uses.

These objectives are also reflected in the City's Comprehensive Plan. The Comprehensive Plan/Future Land Use places this property in the *Downtown Mixed Use* character area. Within Downtown Mixed Use, the following description is given:

This category includes mixed land uses appropriate to the Downtown Historic District, which include the Main Street and Downtown Development Authority areas. This area is characterized by a balanced mix of uses that includes commercial retail and services, offices appropriate densities of residential uses, open space, and public/institutional. The goal within this land use area is to promote creative and innovative redevelopment while preserving existing cultural resources.

The Comp Plan goes into further explanation of the desired objectives for this district, including the following description for desired infill development:

There are vacant and underutilized properties within the (district), which provides a great opportunity for infill development that is comparable with the surrounding neighborhood. This development will bring residents and (subsequently) neighborhood businesses back to the downtown area. This critical density is an essential element of downtown revitalization.

On the topic of Housing Choices, the Comp Plan contains the following objectives:

Empty-nesters, singles, childless couples are all looking for alternative housing options. Single-family detached housing is not appropriate or desirable for everyone. These residents need to have quality residential development that meets their needs and the (district) can provide these alternatives, from townhomes to condos, to lofts. The City should continue to encourage these types of alternative developments including the adaptive reuse of historic homes.

Lastly he said, the Comp Plan recognizes the need and importance for growth within the City's downtown core, in the following statements:

- *The lack of growth in the (district) is more of an issue than preparing for imminent growth.*
- *The City needs the freedom and flexibility to make decisions regarding the (district) and programs designed to help preserve its history or encourage its revitalization.*

Mr. Wismer discussed the Rezoning Standards for Review:

1. *Will the zoning proposal permit a use that is incompatible with existing uses and zoning of adjacent and nearby property? Can such incompatibility be mitigated?*

No. The proposal is consistent with the Comp Plan /FLU map. Also, permanent fencing is proposed around the parking lot in the rear to mitigate incompatibility with adjacent single-family residential.

2. *Is the zoning proposal in conformity with goals, policies and intent of the future land use plan for the physical development of the area?*

Yes. The Downtown Mixed-Use area is characterized by a balanced mix of uses that includes commercial retail and services, offices, appropriate densities of residential units, open space, and public/institutional. The goal in this area is to promote creative and innovative redevelopment while preserving existing cultural resources.

3. *Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?*

No. The adjacent properties are all designated Downtown Mixed-Use on the FLU Map and this proposed use will not affect this designation.

4. *Are the present zoning district boundaries illogically drawn in relation to existing conditions in the area?*

No.

5. *Is the change requested out of scale with the needs of the City as a whole or the immediate neighborhood?*

No. The rezoning request is reasonable given the recent growth in the City of Fayetteville and the lack of available downtown housing. The building scale is within the City's 60' maximum height requirements.

6. *Is there reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property?*

No.

He also discussed the Socio-Economic Factors:

Are there existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

Yes. Although the parcel fronts the highway, the requested zoning to allow for a residential development with limited commercial along Glynn Street will better address the current needs of the community and is consistent with these changing conditions as well as the Comp Plan.

Does the subject property have a reasonable economic use as currently zoned?

Yes. The property can be used for a variety of uses under the current C-1 zoning.

Has the property been undeveloped an unusual length of time as currently zoned, considered in the context of land development in the vicinity of the property?

The five properties have remained undeveloped for many years.

Is it possible to find adequate sites already appropriately zoned for the permitted uses in the zoning district proposed in the general service area of the subject property?

No.

He concluded by saying the proposed conceptual plans will provide new housing and limited commercial space for the downtown. New streetscapes along both Highway 85 and Lafayette Avenue will be provided as well as on-street parking along Lafayette Avenue. The concept plan may be deficient in total number of parking spaces, as the total square footage of commercial space has not yet been determined. Parking would need to be addressed via a second parking level or shared parking agreement with the adjacent retail center; however, this is a point of discussion to be had during the Development Plan review stage. Other engineering requirements for stormwater may also ultimately impact the scale and scope of the development, which is not yet determined at this stage.

He added, the proposed federal tax credit program used to fund the project has been the subject of much public discussion and concern. However, Staff does not factor any project's financing methods into its review. When reviewing a rezoning request, staff reviews the City's Comprehensive Plan and City Code of Ordinances for compliance. Because of these factors, and based on the findings within the Fayetteville City Code and Comprehensive Plan, an approval for the proposed rezoning is appropriate, subject to any conditions that Council may place on the project.

Also, it is important to remember that if approved by City Council, the applicant will be required to come back to the P&Z Commission for development plan approval. At that stage, the Commission will review the specifics of the site plan with regard to setbacks, detailed elevations, parking and engineering.

Mr. Matt Monroe with REA Ventures discussed the project. He noted that the unit amount has been lowered from 80 units to 60 units with .22 acres of open space.

Other public comments were made by property owner Rich Hoffman, stating he had issues with privacy, density, Federal Tax credits, and that it doesn't fit the PCD guidelines.

Resident Al Hovey-King noted that this project falls short of the PCD guidelines (five acres minimum) and there should be an iron-clad agreement to go with this property.

Resident John Sackett said he was worried that it could be developed as section 8 housing.

Resident Eldridge Stinchcomb asked if Council was willing to have REA Ventures go into another area of the city. He feels we could use a project like this in Fayetteville.

Resident Bob Lester stated if this is going to be affordable housing to lower incomes, will those residents be able to support our businesses here.

Resident Denette Corcoran said we need to keep our greenspace.

Mayor Johnson stated this was posted for 1st Reading.

New Business:

Mayor Johnson called Consider R-14-16 – Fayette County Development Authority (FCDA) Funding Resolution

City Manager Ray Gibson stated due to lack of representation from the FCDA, we need to table this item.

Stacy moved to table R-14-16 – Fayette County Development Authority (FCDA) Funding Resolution. Shirley seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider R-15-16 – Appointment of Mayor Pro Tem Stacy to Southern Conservation Trust Advisory Board.

City Manager Ray Gibson stated the City of Fayetteville entered into a park management agreement with Southern Conservation Trust (SCT) to preserve 308+/- acres of property within the City of Fayetteville known as "The Ridge Nature Area". The subject property is located at the south end of Burch Road and is bordered by Whitewater Creek on the west and properties along First Manassas Mile Road and Lakemont Subdivision on the east.

He added, Ms. Pam Young, the SCT Executive Director, has approached staff to see if the Council could move forward and appoint Mayor Pro Tem Scott Stacy to the Advisory Board. Resolution R-15-16 supports this request.

Oddo moved to approve the appointment of Mayor Pro Tem Stacy to the Advisory Board of SCT. Shirley seconded the motion. Motion carried unanimously.

Mayor Johnson called R-16-16 – Fleet Services Award – Enterprise Holding Fleet Management.

Danielle Ballard, Purchasing Agent, stated this bid opening was held May 5th for Fleet Management Services for the City of Fayetteville to help the City better evaluate our fleet for non-emergency vehicles.

The one sole bidder was Enterprise Fleet Management. The Cost Proposal was satisfactory and they have available fleet inventory, with other vehicles to be added once they become available.

She added, we have thoroughly evaluated the bid and have determined it to be responsive and responsible and that the contract price is fair and reasonable, therefore I request authorization to award the Fleet Management Services contract to Enterprise Fleet Management.

Stacy moved to approve R-16-16 – Fleet Services Award to Enterprise Holding Fleet Management. Oddo seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider R-17-16 – Banking Services Award – United Community Bank.

Assistant Director of Finance Carleetha Talmadge stated the City of Fayetteville's Financial Institution contract with United Community Bank expires Fiscal Year 2016. A new RFP was issued to select a new contract for our banking services. Three banks were responsive to our RFP including Suntrust Bank, BB&T, and United Community Bank.

Each bank was evaluated to meet several criteria; their responsiveness to RFP, ability to perform required services, financial strength and viability, fees & costs for services, interest rates, and banking within our community.

She said Staff recommends to award the contract to United Community Bank. United Community Bank satisfied all evaluation criteria. The contract term is for an initial one-year period with the option to renew for four additional one-year terms.

Brewer moved to approve R-17-16 – Banking Services Award to United Community Bank. Stacy seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider Bid Award – Fayette County High School Drainage Improvements.

Public Services Director Chris Hindman stated Staff has reviewed the seven bids that were received on May 5, 2016 for the Fayette County High School Drainage Improvements Project. The project consists of replacing the existing undersized and deteriorated piping system at the east end of the football field which has caused flooding to the track and locker room facilities onsite. The project

will include the demolition of the existing storm infrastructure and the installation two 60 inch pipes which measures 480 linear feet each. He added, this project is part of our \$1,465,000 GEFA loan for stormwater repairs.

Staff recommends Bid Award to the low bidder Brent Scarbrough and Company, Inc., in the amount of \$438,065.00. He also added this bid amount was much lower than we estimated.

Resident Al Hovey-King commented that the culvert replacement brings trash into Pye Lake and asked if we could monitor that. Mr. Hindman said Public Works can monitor the trash.

Williams moved to approve Bid Award – Fayette County High School Drainage Improvements to Brent Scarbrough and Company, Inc., in the amount of \$438,065.00. Shirley seconded the motion. Motion carried unanimously.

City Manager and Staff Reports:

Ray Gibson, City Manager stated this Saturday night Southern Ground Amphitheater will be showing the movie: Guardians of the Galaxy.

City Council and Committee Reports:

Councilmember Stacy said this Saturday morning beginning at 9:30 join us at the Ridge Nature Area to help with a water clean-up project.

Mayor's Comments:

Mayor Johnson stated this Saturday morning we will also have a “Citizens United for a Cleaner Fayette” event which will begin at 9:00am at the Waffle House on North Highway 85.

Public Comments:

Vicki Turner thanked the City staff and elected officials for their participation in making the Taste of Fayette event such a success this past Sunday.

Stacy moved to adjourn the meeting. Brewer seconded the motion. The motion carried unanimously.

Respectfully submitted,

Anne Barksdale, City Clerk