



FAYETTEVILLE CITY COUNCIL

Edward J. Johnson, Jr. Mayor
Scott Stacy, Mayor Pro Tem
Kathaleen Brewer
Paul C. Oddo, Jr.
Harlan Shirley
James B. Williams

STAFF

Ray Gibson, City Manager
Anne Barksdale, City Clerk

MEETING LOCATION

Fayetteville City Hall
Council Chambers
240 South Glynn Street
Fayetteville, Ga. 30214

MEETING TIME EACH MONTH

Regular Session
1st & 3rd Thursday –
6:00pm

MAYOR AND COUNCIL OFFICE

Fayetteville City Hall
240 South Glynn Street
Fayetteville, Ga. 30214

Phone: 770-461-6029
Fax: 770-460-4238

Web Site:

www.fayetteville-ga.gov

E-Mail Address:

abarksdale@fayetteville-ga.gov

Agenda *Fayetteville City Council Meeting* *September 1, 2016* *6:00 P.M.*

Call to Order

Opening Prayer

The Pledge of Allegiance to the Flag

Approval of Agenda

1. Approval of Minutes of the August 18, 2016 City Council Meeting
2. Approval of Minutes of the August 25, 2016 Called City Council 10am Meeting
3. Approval of Minutes of the August 25, 2016 Called City Council 6pm Meeting

PUBLIC HEARINGS:

4. Consider #0-14-16 – Amendment 1 to Budget FY2017 – Public Hearing and 1st Reading: *Presented by Mike Bush, Director of Finance and Administration*
5. Consider #0-15-16 Amendments to Alcohol Ordinance – Chapter 10 – Public Hearing: *Presented by Brian Wismer, Economic Development Director*
6. Consider #0-16-16 – Consider Text Amendments to Sec. 94-174.2 Zoning Ordinance – Gas Stations – Public Hearing: *Presented by Jahnee Prince, P&Z Director*
7. Consider #0-17-16 – Annexation Request – 1373 Highway 85N for BioLife Donation Center – Public Hearing: *Presented by Jahnee Prince, P&Z Director*
8. Consider #0-18-16 – Rezoning Request – 1373 Highway 85N for BioLife Donation Center – Public Hearing: *Presented by Jahnee Prince, P&Z Director*

NEW BUSINESS:

9. Consider Adoption of 2016 Digest: *Presented by Mike Bush, Director of Finance and Administration*
10. Consider Advertising Agreement with Legacy Media, LLC (The Bear FM): *Presented by Brian Wismer, Director of Economic Development*
11. Consider Amended IGA – Annexation Consent Agreement Pinewood Forrest Development: *Presented by Ray Gibson, City Manager*
12. Consider Amendments to P&Z Commission Bylaws: *Presented by Jahnee Prince, P&Z Director*
13. Consider R-32-16 – NPDES Permit Compliance: *Presented by Chris Hindman, Director of Public Works*

REPORTS AND COMMENTS:

1. City Manager and Staff Reports
2. City Council and Committee Reports
3. Mayors Comments
4. Public Comments

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
August 18, 2016

Call to Order

The Mayor and City Council of Fayetteville met in regular session on August 18, 2016 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Pro Tem Scott Stacy 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. Mayor Edward Johnson and Councilmember Kathaleen Brewer were absent. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

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

Shirley moved to approve the minutes of the Regular City Council Meeting of August 4, 2016. Oddo seconded the motion. Motion carried unanimously.

Oddo moved to approve the minutes of the Called City Council Meeting of August 15, 2016. Williams seconded the motion. Motion carried unanimously.

Recognitions and Presentations:

Mike Bush, Director of Finance and Administration and President of GFOA presented Carleetha Talmadge, Assistant Director of Finance and Staff with the FY2014 CAFR (Comprehensive Annual Financial Report) Award.

Public Hearings:

Mayor Pro Tem Stacy called Consider Alcohol License for Publix Supermarket.

Anne Barksdale, City Clerk stated this is a new owner and licensee for Publix Supermarket, located at 108 Pavilion Pkwy. for Michael Andrew Kirkley. She said all paperwork has been approved.

There were no public comments.

Williams moved to approve Alcohol License for Publix Supermarket. Shirley seconded the motion. Motion carried unanimously.

Old Business:

Mayor Pro Tem Stacy called Consider Contract Amendment – City of Fayetteville Municipal Court Judge.

Ray Gibson, City Manager stated the City of Fayetteville approved a contract dated June 30, 2016 with Municipal Court Judge T. Michael Martin for his services as Municipal Court Judge for the City of Fayetteville. He explained the contract needs to be amended to change the terminology from “independent contractor” to “employee”. There are no other changes to the contract.

Oddo moved to approve the Contract Amendment for the City of Fayetteville Municipal Court Judge. Shirley seconded the motion. Motion carried unanimously.

New Business:

Mayor Pro Tem Stacy called Council Appointment of Retirement Committee Member.

Anne Barksdale, City Clerk stated the City of Fayetteville Retirement Committee is responsible for the employee retirement needs and ensures proper management of the retirement funds as handled by Georgia Municipal Employee Benefits System (GMEBS). This committee meets typically once a year but additional meetings may be held if need warrants.

She added, the Retirement Committee consists of employee representatives from each department and two council members. The previous council representatives were Councilmember Paul Oddo and Councilmember Mickey Edwards. In 2015, we lost Councilmember Edwards as our council representative due to the election, so Council will need to appoint a new council member to serve on the committee. The Committee would like Councilmember Oddo to continue to serve.

Williams moved to appoint Councilmember Kathaleen Brewer to be on the Retirement Committee. Shirley seconded the motion. Motion carried unanimously.

City Manager and Staff Reports:

City Manager Ray Gibson stated we will have “Moovie Night” at the Southern Ground Amphitheater this Friday night. Shawn the Sheep will be showing.

He added Market Day will be this Saturday from 10am – 2pm in downtown Fayetteville.

City Council and Committee Reports:

Mayor Pro Tem Stacy stated we had a great turnout for the Ridge Nature Area grand opening with about 400 people showing up. He added this amenity will be a great asset for the City.

Public Comments:

Weatherly Walk resident Hallene Minter commented about the new Dollar General store planned for the corner of her neighborhood at Highway 54East. She stated the following concerns:

- Traffic increase
- Not attractive entrance for the east side of Fayetteville
- Safety & loitering next to the Montessori school
- De-value our property
- The east side of town residents feel neglected by the City

Ray Gibson, City Manager said we will set up a Town Hall meeting to discuss concerns and plans for the area.

Mrs. Minter was satisfied with that idea.

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

Respectfully submitted,

Anne Barksdale, City Clerk

**City of Fayetteville
Mayor and City Council
Called Meeting Minutes
August 25, 2016**

Call to Order

The Mayor and City Council of Fayetteville met for Called Meeting on August 25, 2016 at 10:00 a.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, Paul Oddo, and James Williams. Councilmember Scott Stacy was absent. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

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

Public Hearings:

Mayor Johnson called Proposed 2016 Millage Rate – 1st Public Hearing.

Mike Bush, Director of Finance and Administration gave a presentation on breakdown of City's funds and Millage Rate.

There was one public comment made by Fayette County resident Patricia Moore, asking how apartment residents and commercial residents contribute to the City's taxes.

Mr. Bush stated the owners of the apartment complexes and the business establishments are responsible for paying the taxes.

Mayor Johnson stated this is the first of three public hearings for the Millage Rate and is posted for 1st Reading.

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

Respectfully submitted,

Anne Barksdale, City Clerk

**City of Fayetteville
Mayor and City Council
Called Meeting Minutes
August 25, 2016**

Call to Order

The Mayor and City Council of Fayetteville met for Called Meeting on August 25, 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, Paul Oddo, Scott Stacy, and James Williams. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

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

Public Hearings:

Mayor Johnson called Proposed 2016 Millage Rate – 2nd Public Hearing

Carleetha Talmadge, Assistant Director of Finance made a presentation describing the breakdown of the City's funds and millage rate.

There were no public comments.

Johnson stated this is the second of three public hearings for the Millage Rate and is posted for the 2nd Reading.

Executive Session:

Mayor Johnson said Council needs to convene into Executive Session to Discuss a Personnel Matter.

Stacy moved to go into Executive Session to Discuss a Personnel Matter. Shirley seconded the motion. Motion approved unanimously.

Stacy moved to return to Regular Session. Oddo seconded the motion. Motion approved unanimously.

Brewer moved to approve the General Release Agreement as discussed in Executive Session. Shirley seconded the motion. Motion approved unanimously.

City Manager and Staff Reports:

City Manager Ray Gibson stated we will have a Town Hall meeting next Tuesday, August 30th at 6pm to discuss the newly approved Dollar General store at Highway 54 E and Weatherly Walk subdivision. He added we will discuss how the approvals were made and he said an invitation will go out to the Dollar General Site Engineers to attend the meeting.

Mayor's Comments:

Mayor Johnson asked for Mayor Pro Tem Stacy to attend the Destiny Church Community meeting also scheduled for that evening.

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

Respectfully submitted,

Anne Barksdale, City Clerk



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

FROM: Mike Bush, Director of Finance & Admin

DATE: 8/11/2016

SUBJECT: #0-14-16 – Ordinance to Amend Fiscal Year 2017 Budget – Amendment 1

Attached you will find an ordinance to amend Fiscal Year 2017 General Fund and Capital Project Fund budgets.

I have prepared and will be presenting a power point presentation for an overview of each Fund's amendments. The power point is also attached for a more detailed review of the budget amendments.

Notice of Public Hearings FY 2017 Amended Budgets

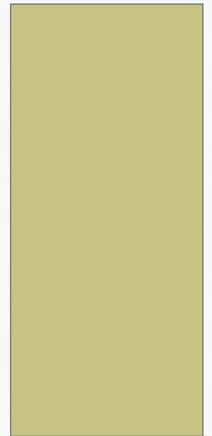
The Mayor and Council of the City of Fayetteville will hold a public hearing for amendments to the fiscal year 2017 budgets. Public hearings will be held on September 1, 2016 and September 15 2016 at 6:00 p.m. The first reading of the amended budgets will be held on October 1, 2015 at 6:00 p.m. The adoption of the budget ordinance will be held on the second meeting on September 15, 2016 at 6:00 p.m. The meetings will be held in the Council Chambers located at 240 Glynn Street South in Fayetteville. A summary of the amended budgets is as follows:

Fund	Original Budget	Amended Budget
General Fund	12,371,932	12,371,932
Capital Projects Fund	3,547,680	3,608,012

A complete copy of the amended budgets for fiscal year ending 2017 is available for public review in City Hall located 240 Glynn Street South, Fayetteville, GA. The public is encouraged to attend the public hearings, and/or submit written or oral comments or questions concerning the proposed budgets. Information may be obtained by telephone at 770-461-6029, extension 4168 or 4169.

CITY OF FAYETTEVILLE

BUDGET AMENDMENT 1 – FISCAL YEAR 2017



GENERAL FUND

	FY 2017 ADOPTED BUDGET	FY 2017 BUDGET AMENDMENT 1	FY 2017 AMENDED BUDGET
GENERAL FUND			
REVENUES			
TAXES	10,009,673	-	10,009,673
LICENSES & PERMITS	517,350	-	517,350
INTERGOVERNMENTAL	243,130	-	243,130
CHARGES FOR SERVICES	164,806	-	164,806
FINES AND FORFEITURES	1,050,000	-	1,050,000
INVESTMENT INCOME	10,000	-	10,000
CONTRIBUTIONS & DONATIONS	8,505	-	8,505
MISCELLANEOUS	53,968	-	53,968
OTHER FINANCING SOURCES	314,500	92,700	407,200
TOTAL REVENUE	12,371,932	92,700	12,464,632
EXPENSES			
GENERAL GOVERNMENT	1,497,235	92,700	1,589,935
JUDICIAL	659,001	-	659,001
PUBLIC SAFETY	7,960,362	-	7,960,362
PUBLIC WORKS	1,020,182	-	1,020,182
RECREATION	80,000	-	80,000
HOUSING AND DEVELOPMENT	806,359	-	806,359
OTHER FINANCING USES	348,793	-	348,793
TOTAL EXPENSES	12,371,932	92,700	12,464,632
NET	-	-	-

CAPITAL PROJECTS FUND

	FY 2017 ADOPTED BUDGET	FY 2017 BUDGET AMENDMENT 1	FY 2017 AMENDED BUDGET
CAPTIAL PROJECT FUND			
REVENUES			
TAXES	700,532		700,532
INTERGOVERNMENTAL CHARGES FOR SERVICES	-		-
INVESTMENT INCOME	-		-
OTHER FINANCING USES	2,697,148	60,332	2,757,480
TOTAL REVENUES	3,547,680	60,332	3,608,012
EXPENSES			
GENERAL GOVERNMENT	75,000	60,332	135,332
JUDICIAL	-		-
PUBLIC SAFETY	2,278,700		2,278,700
PUBLIC WORKS	250,000		250,000
HOUSING AND DEVELOPMENT	45,000		45,000
OTHER FINANCING USES	898,980		898,980
TOTAL EXPENSES	3,547,680	60,332	3,608,012
NET	-	-	-

Proposed Ordinance #0-14-16

Subject Matter: FY 2017 Budget Amendment

Date First Presented at Council Public Meeting: 9/1/2016

Date of Public Hearing Before City Council: 9/1/2016

Date of Second Reading and Adoption: 9/15/2016

**Date of Notice Published in Fayette County News: 8/30/2016
and 9/14/16**

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

ORDINANCE NUMBER #0-14-16

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

An Ordinance to Provide for Adoption of a Budget Amendment Containing Estimates of Revenue and Expenditure Changes for The City of Fayetteville, Georgia for The Fiscal Year Beginning August 1, 2016 And Ending July 31, 2017.

Be It Ordained by the Mayor and Council of the City of Fayetteville, Georgia:

Section 1. That for The Revenues and Expenditures of the Government and Its Activities for The Fiscal Year, Beginning August 1, 2016 And Ending July 31, 2017 The Amounts in The Following Sections Are Hereby Amended.

Section 2. That for The Said Fiscal Year the General Fund and The Water and the Capital Projects Fund Is Hereby Amended as Follows:

FUND

GENERAL FUND	ORIGINAL	AMENDED
REVENUES	\$ 12,371,932	\$ 12,464,632
EXPEDITURES AND OTHER:		
General Government	\$ 1,497,235	\$ 1,589,935
Judicial	\$ 659,001	\$ 659,001
Public Safety	\$ 7,960,362	\$ 7,960,362
Public Works	\$ 1,020,182	\$ 1,020,182
Recreation	\$ 80,000	\$ 80,000
Housing and Development	\$ 806,359	\$ 806,359
Other Uses	\$ 348,793	\$ 348,793
TOTAL GENERAL FUND EXPENDITURES	\$ 12,371,932	\$ 12,464,632
CAPITAL PROJECTS FUND		
REVENUES	\$ 3,547,680	\$ 3,608,012
EXPENSES	\$ 3,547,680	\$ 3,608,012

Section 3. This Ordinance Shall Become Effective Upon Its Passage and Adoption.

All Ordinances, Or Parts of Ordinances, Inconsistent with This Ordinance Are Hereby Repealed.

Approved by The Mayor and Council of the City of Fayetteville, This 15th Day of September, 2016 By The Following Voting for Adoption:

Edward J. Johnson, Jr., Mayor

Scott Stacy, Mayor Pro-Tem

Anne Barksdale, City Clerk

Harlan Shirley, Council Member

Paul C. Oddo, Jr., Council Member

James B. Williams, Council Member

Kathaleen Brewer, Council Member



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Phyllis Brown, OT Clerk
Anne Barksdale, City Clerk

FROM: Brian Wismer, Director of Economic Development

DATE: August 22, 2016

SUBJECT: Consider Amendments to Chapter 10 Alcoholic Beverages
Ordinance #0-15-16

The proposed amendments to Chapter 10 (Alcoholic Beverages) of the City's Code of Ordinances will provide updates to sampling allowances in growler stores, create new and distinct definitions and procedures for licensing of Special Events and Catered Functions, and assign uniform license and application fees for all available licenses within the City.

Four years ago, the City created new permitted uses in the Main Street district to include growler stores, wine bars, brewpubs and microbreweries. The Council enacted these changes proactively at the time, to help with recruitment efforts for new businesses and attractions within the downtown district. The DDA has recently been able to recruit a new growler store at 101 South Glynn Street, and with that came discussions regarding the ordinance as originally crafted.

Since 2012 (when the ordinance was created), the growler industry has evolved. Growler stores in other communities now offer "flights", which typically consist of four craft beer samples of four ounces each. Also common, is to allow "limited pours" of beer to patrons, either following the purchase of a flight, or just for a single serving of craft beer. The ability to offer samples in this limited fashion has been shown in other communities to be an effective way to promote sales and continue business growth.

The ordinance amendment will allow growler store patrons the option of purchasing one flight, plus one limited pour up to 16 ounces within a 24-hour period (32 total ounces). As an alternative, a patron could purchase two limited pours without a beer flight, with the same maximum allowance of 32 ounces per 24-hour period.

Regarding special event permits where alcohol is served in the City, the current language in the ordinance needs clarification in order to differentiate between entities who are already licensed in the City, and those licensed only by the state. The creation of definitions and procedures for “Special Events” and “Catered Functions” will provide clarity for those seeking to do business in the City, as well as for staff who processes the applications. Much of this portion deals with clerical and administrative updates, but essentially, Special Events will address procedures for those not licensed by the City, and Catered Functions creates procedures for businesses currently licensed by the City for on-premises consumption.

The ordinance amendment also creates the option for applicants to serve distilled spirits at Special Events and Catered Functions, where currently only malt beverages and wine are permitted. For example, under this amendment, an applicant for a community event held around Cinco de Mayo may now apply to serve frozen margaritas, or a Kentucky derby-themed event could apply to serve mint juleps. Creating these license options could help inspire new events and community gatherings in the City.

Lastly, the update assigns uniform license fees and application fees to all licenses currently available in the City so that all fee and application amounts can be more quickly and easily located within the ordinance. Currently, this information appears in numerous places as amendments have been made throughout the years. This will improve the ability of Staff to more easily administer license processing and answer public inquiries.

The proposed amendments will serve to improve the administrative handling of alcohol licenses, and create opportunities to further the goals that are defined in the City’s Comprehensive Plan for the Main Street Historic District. For these reasons, Staff recommends APPROVAL of the proposed amendments to the alcohol ordinance.

PUBLIC NOTICE

The Mayor and City Council of the City of Fayetteville will hold a public hearing on Thursday September 1, 2016 at 6:00 p.m. at City Hall 240 South Glynn Street, Fayetteville, Georgia, 30214.

The purpose of this hearing is to consider text amendments to the City of Fayetteville Code of Ordinances. **Chapter 10 Alcoholic Beverages.**

Per (Section 2.13(b)) of the City ordinance, the text of the original ordinance and the full text of the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

Please advertise August 17th, & August 24th, 2016

Subject Matter: Amendments to Alcoholic Beverages Ordinance and Chapter 10 of Code of Ordinances

Date of Reading and Adoption pursuant to prior published notice: September 1, 2016

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

ORDINANCE NO. 0-15-16

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, GEORGIA AMENDING THE CITY'S CODES OF ORDINANCES, TO PROVIDE FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES AT SPECIAL EVENTS AND CATERED FUNCTIONS AND A PROCEDURE FOR ISSUANCE OF LICENSE AND REQUIREMENT OF LICENSEE; PROVISIONS FOR WINE SAMPLING, GROWLER SAMPLING AND LIMITED POUR AT SAMPLING EVENTS

THE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE, GEORGIA

ARTICLE ONE

Section 10-1 (Definitions) of the City's Code of Ordinances is hereby amended by the repealing and deleting of the existing definitions of "Growler", "Licensed premises" and "Premises", and the enacting adopting of the addition and substitution of the following definitions, which shall appear within the existing definitions at Section 10-1 in alphabetical order:

"Business" means a private commercial entity, a Special Event For Profit or a Non Profit Special Event.

"Catered Function" means a sporting, cultural, business or private unique activity, including festivals, celebrations, games, weddings, parties or other gatherings at which alcoholic beverages are served by a licensee holding a license from the City for the retail sale of malt beverages or wine or distilled spirits by the drink for on-premises consumption.

“Growler” means a bottle no less than 32 ounces that is used to hold wine or malt beverages that is dispensed by a licensed server from a tap and sealed airtight before being sold to the customer for off-premises consumption.

“Licensed premises” means a building or segregated part of a building, or the defined boundaries of a Special Event or Catered Function in which a valid and current license to sell retail malt beverages and/or wine and/or distilled beverages for on-premises consumption has been issued by the City and shall include any premises which are required by law to be so licensed.

“Limited Pour” means, as to malt beverages, two servings not to exceed sixteen (16) ounces per serving to the same customer within a 24-hour period; and as to wine, two five (5) ounce servings to the same customer within a 24-hour period.

“Premises” means the definite closed or partitioned-in locality, whether a room or shop with a building, a whole building or the boundaries of the venue for Special Event or Catered Function approved by the City.

“Special Event” means a sporting, cultural, business or other type of unique activity including festivals, celebrations, games or other gatherings, occurring for a limited or fixed duration and presented to a live audience, that impacts the City by involving the use of, or having impact on, the City’s public property, infrastructure, services or resources. It usually occurs on public property but sometimes can occur on private property and have an impact upon City property, other private property or private rights, or City services, infrastructure or other resources. The venue for a Special Event must be approved by the City.

“Special Event For Profit” means a for profit Special Event by an entity which is not currently licensed pursuant to this Chapter 10, but which has obtained an alcohol license for a special event from the Georgia Department of Revenue.

“Special Event Non-Profit” means a nonprofit civic organization which is not currently licensed pursuant to this Chapter 10, but has been issued a temporary license by the Georgia Department of Revenue to sell alcoholic beverages for consumption on the premises or to sell wine (including at auction) at retail for off-premises consumption, or both.

ARTICLE TWO

Section 10-5 (Drinking in Public) of the City’s Code of Ordinances is hereby amended by repealing and deleting subsections (a)(1) and (a)(2) of Section 10-5, to wit:

- (1) ~~On any public street, alley, sidewalk, or right of way;~~*
- (2) ~~On any public property in the city where such consumption may be observed by the public unless in or immediately adjacent to a public structure with the authorization of the owner thereof;~~*

and there is hereby enacted and ordained the following substitute subsections (a)(1) and (a)(2) to Section 10-5, to wit:

(1) On any public street, alley, sidewalk, right of way, or other City property, unless within the boundaries of a Special Event or Catered Function at which an alcoholic license has been issued by the City.

(2) On any private property in the City where such consumption may be observed by the public, unless in or immediately adjacent to a private structure with the authorization of the owner thereof, or unless within the boundaries of a Special Event or Catered Function at which an alcoholic license has been issued by the City.

ARTICLE THREE

Subsection (d) of Section 10-35 (Licensee Qualifications) is hereby repealed and deleted as follows:

~~*(d) Licensees shall be the owners of the premises for which the license is held or the holder of the lease on the licensed premises.*~~

And there is hereby enacted and ordained a replacement and new subsection (d) of Section 10-35 of the City's Code of Ordinances as follows:

(d) Licensees shall be the owners of the premises for which the license is held or the holder of the lease on the licensed premises, or as to a Special Event or Catered Function, the Licensee shall have written permission from the owner of the location to hold the Special Event or Catered Function.

ARTICLE FOUR

Subsection (c) of Section 10-39 (Decisions affecting license status) of the City's Code of Ordinances is hereby repealed and deleted, to wit:

~~*Prior to the construction, renovation, or completion of a licensed premises, the city council may allow a license to be issued only if plans for the premises comply with applicable provisions of this chapter pertaining to location, and with any zoning ordinance conditions imposed by the city. However, no sales of alcoholic beverages shall be allowed upon the premises until they are completed according to the plans submitted, certificate of occupancy issued, and unless all other provisions of this chapter and of the zoning ordinance conditions have been met, if applicable.*~~

And there is hereby enacted and ordained a new and replacement subsection (c) of Section 10-39 as follows:

Prior to the construction, renovation, or completion of a licensed premises, the city council may allow a license to be issued only if plans for the premises including the location of a Special Event or Catered Function comply with applicable provisions of this chapter pertaining to location, and with any zoning ordinance conditions imposed by the city. However, no sales of

alcoholic beverages shall be allowed upon the premises including the location of a Special Event or Catered Function until they are completed according to the plans submitted, certificate of occupancy issued, and unless all other provisions of this chapter and of the zoning ordinance conditions have been met, if applicable.

ARTICLE FIVE

Section 10-40 (Calendar Year Term) is hereby amended by enacting and ordaining a new and additional subsection (c), to wit:

(c) Regardless of paragraphs (a) and (b), above, the license for a Special Event or Catered Function shall be limited to the time allotted, and approval by the City, for the Special Event or Catered Function.

ARTICLE SIX

Section 10-41 (Renewal of License) is hereby amended by enacting and ordaining a new and additional subsection (c), to wit:

(c) Regardless of paragraphs (a) and (b), above, the license for a Special Event or Catered Function may only be renewed for a Special Event or Catered Function rescheduled due to inclement weather and conducted within 30 days of the original date.

ARTICLE SEVEN

Section 10-47 of the City's Code of Ordinances is hereby amended by the repeal and deletion of the following language:

~~*Additional requirements for license for sale of alcoholic beverages for off-premises consumption.*~~

and

Section 10-47 of the Code of Ordinances is hereby amended by the enactment and adoption of the following substitute language:

Additional requirements for license for sale of alcoholic beverages for off-premises consumption. This Section 10-47 shall not apply to wine auctions conducted at a Special Event licensed by the City.

ARTICLE EIGHT

Section 10-48, subsection (a) of the City's Code of Ordinances is hereby amended by the repeal and deletion of the following language:

~~*Notice of application for license.*~~

and

Section 10-48, subsection (a) of the Code of Ordinances is hereby amended by the enactment and adoption of the following substitute language:

Notice required for all applications for license, except and excluding Special Events, Catered Function, and City sponsored events.

and

Section 10-48 of the Code of Ordinances is hereby further amended by the enactment and adoption of new and additional subsections (b)(1)f, (b)(1)g, (b)(1)h and (b)(1)i as follows:

f. Growler Stores

g. Special Events

h. Catered Functions

i. Wine tasting room of a Farm Winery

ARTICLE NINE

Subsection (b) of Section 10-47 (Additional requirements for licenses for sale of alcoholic beverages for off-premises consumption) is hereby repealed and deleted in its entirety, to wit:

~~*The applicant for retail licenses for malt beverages and/or wines shall pay to the city at the time the licenses are received the sum of \$500.00 each type (i.e., malt beverage or wine) of license as an annual fee for operation for one year beginning on the first day of each calendar year. License fees shall be prorated for the number of months remaining in a year when the application is made in any month other than January.*~~

ARTICLE TEN

Section 10-48A (Requirements for Wine Tasting Events and Growler Beer Tasting Events) of the City's Code of Ordinances is hereby amended by repeal and deletion of subsection (a) in its entirety.

Section 10-48A of the Code of Ordinances is hereby further amended by enactment and adoption of a new and substitute subsection (a), to wit:

- (1) Wine sampling shall be on limited occasions when a customer requests a sample of a wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.*
- (2) Wine sampling for customers shall not exceed two ounces per sample, and no customer shall be served or consume more than eight ounces of wine sampling at the licensee within any twenty-four hour period. In addition, each customer shall be limited to two Limited Pours of wine within any twenty-four hour period.*

- (3) *Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.*
- (4) *No open containers of wine shall be removed from the licensed premises.*
- (5) *The holder of an ancillary wine tasting license may conduct educational classes and sampling for classes. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.*
- (6) *Samples of wine can be given free of charge or for a fee.*
- (7) *Wine sampling and tasting is only permitted within the licensed premises.*
- (8) *No sales of vehicular fuel shall be permitted on the same premises.*

ARTICLE ELEVEN

Subsection (c) of Section 10-48A of the City's Code of Ordinances is hereby repealed and deleted in its entirety.

And there is hereby enacted and ordained the following substitute for subsection (c) of Section 10-48A, to wit:

- (c) *Ancillary growler malt beverage tasting license. Within the Main Street Historic District, the holder of a license for retail sale of malt beverages for off-premises consumption, with or without a retail wine license, whose primary retail purpose is to offer growlers for sale, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the following conditions.*
 1. *Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises, or in conjunction with growler malt beverage education classes and sampling designed to promote growler malt beverage appreciation and education.*
 2. *Growler malt beverage sampling for customers shall not exceed four ounces per sample, and no customer shall consume more than sixteen ounces of malt beverage sampling at the licensee within any twenty-four hour period. In addition, each customer shall be limited to two Limited Pours of malt beverages within any twenty-four hour period. Total consumption of Limited Pour and sampling shall not exceed thirty-two ounces per customer within any twenty-four hour period.*
 3. *Only the licensee or an employee shall open, handle, and serve, and samples shall only be poured by the licensee and/or an employee.*
 4. *No open growler containers shall be removed from the licensed premises.*
 5. *The holder of an ancillary growler malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes.*
 6. *Samples of malt beverages can be given free of charge or for a fee.*

7. *Growler malt beverage sampling and tasting is only permitted within the licensed premises.*
8. *No sales of vehicular fuel shall be permitted on the same premises.*

ARTICLE TWELVE

Section 10-35 (Licensee qualifications) is hereby amended by adding to subsection (j) thereof the following new number (6):

(6) As to a Special Event, the applicant or licensee fails to obtain or maintain in good standing authorization from the State Department of Revenue pursuant to O.C.G.A. §§ 3-9-3 and 3-9-4 or O.C.G.A. §§ 3-11-12 and 3-11-3, as applicable.

ARTICLE THIRTEEN

Section 10-33 (Applicant) of the City's Code of Ordinances is hereby amended by repeal and deleting of the following language:

~~*The applicant shall be the owner of the proposed business, if the business is solely owned, or a general partner, if a partnership. If a proposed licensee is a corporation, the applicant may be the president, a vice president, or secretary of the corporation or the corporation's general manager at the particular business location. Otherwise, no other individual may qualify as an applicant.*~~

and there is hereby enacted and ordained the following substitute Section 10-33, to wit:

The applicant shall be the owner of the proposed business, if the business is solely owned, or a general partner, if a partnership. If a proposed licensee is a corporation, the applicant may be the president, a vice-president, or secretary of the corporation or the corporation's general manager at the particular business location. If a Special Event, the person responsible for organizing, conducting and supervising the event shall be the applicant. Otherwise, no other individual may qualify as an applicant.

ARTICLE FOURTEEN

Section 10-48 (Additional requirements for license to sell alcoholic beverages for on-premises consumption) of the City's Code or Ordinances is hereby amended by repealing and deleting subsection (e), to wit:

~~*License fees. License fees for the sale of malt beverages and/or wines for on-premises consumption shall be established at \$1,000.00 for each type (i.e., malt beverage or wine) per license per year. License fees for the sale of distilled spirits for on-premises consumption shall be established at \$5,000.00 per license per year. License fees shall be prorated for the number of months remaining in a year when the application is made in any month other than January.*~~

and there is hereby enacted and ordained the following substitute subsection (e), to wit:

License fees. License fees for the sale of malt beverages and/or wines for on-premises or off-premises consumption shall be established at \$1,000.00 for each type (i.e., malt beverage or wine) per license per year. License fees for the sale of distilled spirits for on-premises consumption shall be established at \$5,000.00 per license per year. License fee for a Catered Function shall be \$25.00 per event. License fee for a Special Event shall be \$1,000.00 per event. All other license fees shall be \$1,000.00 per year. License fees shall be prorated for the number of months remaining in a year when the application is made in any month other than January. There shall be no license fee charged a vendor for alcoholic beverage service at a City sponsored event.

ARTICLE FIFTEEN

Subsection (b) of Section 10-31 (License required) of the City's Code of Ordinances is hereby repealed and deleted in its entirety.

There is hereby enacted and ordained the following substitute subsection (b) of Section 10-13, to wit:

Licenses granted by the City:

- 1. retail sale of malt beverages for on-premises consumption;*
- 2. retail sale of wine for on premises consumption;*
- 3. retail sale of malt beverages for off-premises consumption;*
- 4. retail sale of wine for off-premises consumptions;*
- 5. retail sale of distilled spirits for on-premises consumption;*
- 6. wholesale dealers of malt beverages;*
- 7. wholesale dealers of wine;*
- 8. wholesale dealers of distilled spirits;*
- 9. ancillary wine tasting;*
- 10. ancillary growler malt beverage tastings;*
- 11. manufacture of malt beverages;*
- 12. Special Event; and*
- 13. Catered Function*

ARTICLE SIXTEEN

Section 10-34 (Application contents and investigation), subsection (b)(3) is hereby amended by ordaining and adopting the following language to be placed at the end of said subsection, to wit:

In the case of a limited liability company, all members entitled to 5% or more of the limited liability company's gross income. If a non-profit, the list will include the non-profit's board of directors, or board of trustees or board of advisors.

ARTICLE SEVENTEEN

Section 10-43 (Revocation or suspension of license) of the City's Code of Ordinances is hereby amended by ordaining and adopting new and additional subsections (d) and (e) to be added to Section 10-43, to wit:

- (d) *Failure of a non-profit sponsor of a Special Event to comply with O.C.G.A. §§ 3-9-3 and 3-9-4.*
- (e) *Failure of a Special Event sponsor to comply with O.C.G.A §§ 3-11-2 and 3-11-3.*

ARTICLE EIGHTEEN

Section 10-35 (Licensure qualifications) of the City's Code of Ordinances is hereby amended by repealing and deleting subsection (b) of the Section 10-35 in its entirety.

There is hereby enacted and ordained the following substitute subsection (b) of Section 10-35, to wit:

(b) The applicant and each individual licensee shall be and continue to be a resident of the State of Georgia, excepting applicants for a Special Event. Licensees who are corporations or companies must be formed in the State of Georgia or must be registered to transact business within the State of Georgia, and only the applying general manager of applying corporate officer must meet the residency requirements.

ARTICLE NINETEEN

Section 10-35 (Licensee qualifications) of the City's Code of Ordinances, subsection (d) thereof is hereby amended by adding to the end of Section 10-35(d) the following language:

In case of a Special Event or Catered Function, a written lease, license or other permission from the owner of the Premises.

ARTICLE TWENTY

Section 10-34 of the Code or Ordinances, subsection (b)(8) is repealed and deleted in its entirety.

There is hereby enacted and adopted a new and substitute Section 10-34(b)(8) to wit:

A \$300.00 application fee shall be paid by an applicant for any license designated at Section 10-31(b), except that there is no application fee for a Catered Function for a one-time event by a City licensee for retail sales for on-premises consumption, and no application fee for a vendor serving alcoholic beverages at a City sponsored event.

ARTICLE TWENTY-ONE

Section 10-48A (Requirements for wine tasting events and growler beer tasting events) of the City's Code of Ordinances is hereby amended by the repeal and deletion in its entirety of subsection (b) of said Section 10-48A.

There is hereby enacted and adopted a new and substituted subsection (b) of Section 10-48A of the City's Code of ordinances, to wit:

Non-profit wine/malt beverage tasting event: A person without a retail wine or malt beverage license shall apply for a Special Event permit before conducting a tasting event for a nonprofit civic organization, and shall provide evidence of compliance with the requirements set forth in O.C.G.A. §§3-9-3 and 3-9-4.

ARTICLE TWENTY-TWO

Article VI (Sale of Alcohol Off-Premises for Catered Functions) of Chapter 10 (Alcoholic Beverages) of the City's Code of Ordinances is hereby repealed and deleted in its entirety.

There is hereby ordained and adopted the following new and substitute Article VI of Chapter 10 of the City's Code of Ordinances, to wit:

ARTICLE VI. - SALES OF ALCOHOL OFF-PREMISES FOR CATERED FUNCTIONS

Sec. 10-148. - Licensed Alcohol Beverage Caterers eligible for off-premises licenses; application; fee.

- (a) Any Licensed Alcoholic Beverage Caterer, as defined in article I of this chapter 10, who holds a validly issued license from the City of Fayetteville for the retail sale of malt beverages or wine or distilled spirits by the drink for consumption on-premises may be issued an off-premises license which authorizes such Licensed Alcoholic Beverage Caterer to sell malt beverages and wine and distilled spirits by the drink off-premises and in connection with an authorized Catered Function.*
- (b) Any Licensed Alcoholic Beverage Caterer seeking a license for sales of alcohol by the drink for an off-premises Catered Function shall submit an application, provided by the city, for such license. Each application shall state the certificate number of the alcohol license held by the applicant and shall contain all other information requested by the city.*
- (c) All licenses issued pursuant to this article shall be valid for the approved term of the Catered Function.*
- (d) The applicant shall pay a license fee of \$25.00 for a license to sell beer and wine at an approved off-premises Catered Function and an additional \$25.00 if distilled spirits are also served.*

Sec. 10-149. - Limitations.

- (a) *No license shall be issued to any person or entity that does not already hold a license validly issued pursuant to article II of this chapter 10.*
- (b) *Malt beverages or wine or distilled spirits may only be sold at off-premises Catered Functions for which the licensee has received an event permit issued in accordance with section 10-150 of this chapter 10.*

Sec. 10-150. – Event licenses.

In order to sell malt beverages or wine or distilled beverages at an authorized Catered Function, a Licensed Alcoholic Beverage Caterer must:

- (1) *Apply to the city for an event license. The application shall include the name of the Licensed Alcoholic Beverage Caterer; the date, address, and time of the event; and the Licensed Alcoholic Beverage Caterer's on-premises license number and such other information as the city may require.*
- (2) *Provide satisfactory reports to the city on a form provided by the city stating the quantity of any and all alcoholic beverages transported from the licensee's primary premises to the location of the authorized Catered Function and such other information as may be required by the city.*
- (3) *Maintain original event licenses and documents in the vehicle transporting the alcoholic beverages to the Catered Function at all times.*
- (4) *In order to sell malt beverages or wine or distilled spirits at a Catered Function, the location of the event/function must qualify pursuant to section 10-34 of this chapter 10 provided, however, that distances between the point of sale of malt beverages or wine or distilled spirits and a church, school building, school grounds, college campus, or alcoholic treatment facility shall be measured as follows: no event or function may be held pursuant to this article VI unless the point of sale is at least 100 yards from any church, school building, school grounds, college campus, or alcoholic treatment facility ("protected activity"). Distances shall be measured from the point of sale, where the malt beverage or wine or distilled spirits are sold, in a straight line to the nearest public sidewalk, walkway, street, road or highway; along such public sidewalk, walkway, street, road or highway by the nearest route to the main public entrance of the building of the protected activity, or the nearest portion of the grounds of the protected activity. To the extent this section 10-150(4) conflicts with section 10-34, the more permissive regulation standard relating to the sale of malt beverages, wine, and distilled spirits off-premises at Catered Functions shall apply.*
- (5) *No event permit shall be issued except for locations within a C-1, C-2, C-3, PCD or 0-I zoning district. No permit shall be issued in a residential zoning district.*

Sec. 10-151. - Violations.

- (a) *It shall be unlawful for any person to distribute or sell malt beverages or wine or distilled spirits off the premises of the Licensed Alcoholic Beverage Caterer's business without a license issued pursuant to this article VI. This subsection shall not affect any other provisions of this chapter which may require a Licensed Alcoholic Beverage Caterer who has a license to sell alcoholic beverages on the premises of the Licensed Alcoholic Beverage Caterer's business.*

- (b) *It shall be unlawful for a Licensed Alcoholic Beverage Caterer licensed under this chapter to distribute or sell malt beverages, or wine or distilled spirits off-premises except in connection with an authorized Catered Function within the scope of an approved and issued event license.*
- (c) *It shall be unlawful for a Licensed Alcoholic Beverage Caterer to employ any person under 21 years of age who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages. It is the intent of this subsection to prevent any person employed by such caterer, or any other employee, to knowingly violate any prohibitions contained in O.C.G.A. § 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under 21 years of age. Nothing herein shall prohibit the employment of persons under 21 years of age for purposes not involving the selling or handling of alcohol.*
- (d) *All employees of a Licensed Alcoholic Beverage Caterer who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages must be permitted as a server as provided in section 10-51 of this chapter.*
- (e) *If a Licensed Alcoholic Beverage Caterer has his/her/its license issued pursuant to article II revoked or suspended, for any reason, then any license issued to such Licensed Alcoholic Beverage Caterer pursuant to this article VI shall be automatically revoked. Further, if a Licensed Alcoholic Beverage Caterer has his/her/its license issued pursuant to article VI revoked or suspended then any license issued to such Licensed Alcoholic Beverage Caterer pursuant to this article II shall be automatically revoked.*
- (f) *Any person violating the provisions of this article VI shall be guilty of a misdemeanor.*

ARTICLE TWENTY-THREE

This ordinance shall become immediately effective upon its second reading and adoption by the City Council.

ARTICLE TWENTY-FOUR

The preamble of this ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

ARTICLE TWENTY-FIVE

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

{Signatures Appear on the Following Page}

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 1st day of September, 2016, by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr. Mayor

Scott Stacy, Mayor Pro Tem

Anne Barksdale, City Clerk

Kathaleen Brewer, Council Member

Paul C. Oddo, Jr., Council Member

Harlan Shirley, Council Member

James B. Williams, Council Member



Amendments to Section 94-174.2 **of the City of Fayetteville** **Zoning Ordinance**

Standards applying to the dimensions of gasoline or convenience store service stations

To: Planning and Zoning Commission
From: Jahnee Prince, AICP
Date: August 18, 2016
Subject: #0-16-16 – Text amendments to Section 94-174.2, of the City’s Zoning Ordinance, Standards applying to the dimensions of gasoline or convenience store service stations

Background

Section 94-174 of the City of Fayetteville Zoning Ordinance regulates gas stations. The location of gas stations, buffers, setbacks, architectural and lighting requirements, and distance requirements from schools and stored flammable materials are included in Section 94-174. Section 94-174.4 Paragraph 3 spells out specific architectural design and materials requirements for gas stations that are located in the Main Street Architectural Overlay District. The entire text of the gas stations ordinance as it is currently written is attached.

Analysis

Section 94-174.2., Standards applying to the dimensions of gasoline or convenience store service stations, currently allows up to twelve double-sided gasoline pumps to be situated on the station lot but does not address the Main Street Architectural Overlay District specifically. The Main Street Architectural Overlay District is intended to ensure that new structures fit in with the historic structures of Downtown Fayetteville that were built between 1880 and 1920. The Main Street Architectural Overlay District addresses architectural design (including scale) and materials, but also addresses site design.

Staff Recommendation

Because architectural design and materials for gas stations are already addressed in the ordinance, staff is recommending a text amendment to address the scale of gas stations,

specifically to address the number of gas pumps. The following text amendments to Sec. 94-174.2., Standards applying to the dimensions of gasoline or convenience store service stations, Paragraph 1, to create smaller scale gas stations that will be appropriate for historic downtown character of the Main Street Architectural Overlay District are proposed. Inserted text is underlined.

With respect to the dimensions of stations, the following restrictions shall apply:

- (1) Within any highway commercial (C-3), high intensity commercial (C-4), light manufacturing (M-1) or heavy manufacturing (M-2) zoning district, there shall not be more than twelve double-sided gasoline pumps situated on the station lot, unless located within the Main Street Architecture Overlay District, in which there shall not be more than 6 double-sided gasoline pumps situated on the station lot.

Planning and Zoning Commission Recommendation

At their August 23 meeting, the Planning and Zoning Commission recommended approval of the text amendments to Sec. 94-174.2., Standards applying to the dimensions of gasoline or convenience store service stations, Paragraph 1.

PUBLIC NOTICE

The Mayor and City Council of the City of Fayetteville will hold a public hearing on Thursday September 01, 2016 at 6:00 p.m. at City Hall 240 South Glynn Street, Fayetteville, Georgia, 30214.

The purpose of this hearing is to consider text amendments to the City of Fayetteville Code of Ordinances. **Chapter 94 Zoning** (Section 94-174.2) Standards applying to the dimensions of gasoline or convenience store service stations.

Also, to consider text amendments to The Planning and Zoning Commission Bylaws and Rules of Procedure.

Per (Section 2.13(b)) of the City ordinance, the text of the original ordinance and the full text of the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

Please advertise August 17, & August 24th, 2016

Sec. 94-174. - Convenience stores and gasoline service stations.

Sections 94-174 through 94-174.5 shall be known as "Fayetteville's Standards Regulating Gasoline and Convenience Store Service Stations Ordinance."

(Ord. No. 0-29-02, art. 1, 7-18-02)

Sec. 94-174.1. - Standards applying to the location of convenience store and gasoline service stations.

With respect to the location of gasoline service stations and convenience stores that dispense gasoline and diesel fuels (hereinafter called "stations") within the city limits, the following standards shall apply:

- (1) Whenever a station may be accessed by interparcel access roads, when reasonably possible, one or both access driveways for the station shall access to/from the interparcel access road(s).
- (2) In no case shall the gas pumps, tanks or other flammable storage material be permitted within 500 feet of any public or private nursery school, public or private day care center, public or private day kindergarten, and public or private elementary, middle, or high school. Distance shall be measured on the shortest straight line between the nearest lot lines of the station and the school. Stations not conforming to this requirement at the time of adoption of sections 94-174 through 94-174.5 may remain as a legal nonconforming use.

(Ord. No. 0-29-02, art. 1, 7-18-02; Ord. No. 0-8-12, art. 1, 4-19-12)

Sec. 94-174.2. - Standards applying to the dimensions of gasoline or convenience store service stations.

With respect to the dimensions stations, the following restrictions shall apply:

- (1) Within any highway commercial (C-3), high intensity commercial (C-4), light manufacturing (M-1) or heavy manufacturing (M-2) zoning district, there shall not be more than twelve double-sided gasoline pumps situated on the station lot.

(Ord. No. 0-29-02, art. 1, 7-18-02; Ord. No. 0-8-12, art. 1, 4-19-12; Ord. No. 0-2-14, art. I, 4-3-14)

Sec. 94-174.3. - Standards applying to buffer zones and setbacks for gasoline or convenience store service stations.

With respect to buffer zones and setback requirements for stations, the following requirements shall be in effect:

- (1) Stations located within permitted zoning districts that abut or adjoin residential zoning districts and which station lot is located within 500 feet of a residential subdivision, neighborhood, apartment, townhome or condominium complex, shall plant or preserve screening vegetation sufficient to exceed the applicable corridor screening buffer and any buffer required when adjacent to residentially zoned property standard by ten percent.
- (2) Distances shall be measured by the shortest straight line between the nearest station lot line and the nearest lot line of the residential use.

(Ord. No. 0-29-02, art. 1, 7-18-02; Ord. No. 0-8-12, art. 1, 4-19-12)

Sec. 94-174.4. - Standards applying to exterior surfaces and features of gasoline and convenience store service stations.

With respect to the exterior surfaces and features of stations, the following standards shall apply:

- (1) All lighting associated with the development, construction or operation of the station shall strictly comply with city regulation with respect to allowable foot-candle limits and the utilization of cut-off fixtures.
- (2) All curb cuts shall be restricted to the driveway ingress and egress points for the station as described in subsections 94-174.1(1) and (2) above.
- (3) Architecture of the station building shall reflect the building(s) of influence for the architectural district in which the station is located or the Main Street Architecture Overlay District, if applicable. All exterior surfaces must either be brick, or of the same material(s) reflected in the building(s) of influence for the appropriate architectural district.

(Ord. No. 0-29-02, art. 1, 7-18-02; Ord. No. 0-8-12, art. 1, 4-19-12)

Sec. 94-174.5. - Special conditions.

Gasoline service stations are allowed only by special exception. In considering a special exception application for a station, it shall be determine whether or not either of the following conditions should be imposed, based upon the general criteria at section 94-12(a)(2) of the city's Code; plus: whether the proposed station abuts or joins property zoned residential or within 500 feet of a residential subdivision, neighborhood, apartment, townhouse or condominium complex; the volume of traffic and number of curb cuts in the vicinity of the proposed station site; the various points and angles of visibility of the proposed station site from public roads and private drives which are open for uses by the public; and number of public access points to the proposed station site from public streets and private drives which are open for use by the public.

(Ord. No. 0-29-02, art. 1, 7-18-02; Ord. No. 0-8-12, art. 1, 4-19-12)

Proposed Ordinance: 0-16-16
Subject Matter: Amendment to Sec. 94-174.2 Gas Station Ordinance
Date of Published Notice of Public Hearing: August 17, 2016
Date First Presented at Council Public Meeting: September 1, 2016
Date of Public Hearing Before City Council: September 1, 2016
Date of Adoption: September 1, 2016

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-16-16
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville (the “City”) has various zoning districts to designate different uses to appropriate areas within the City; and

WHEREAS, the City desires to maintain safety standards relating to gas stations locating in proximity to residential, school, and child care related uses; and

WHEREAS, the City desires to control the maximum number of gas pumps permitted at a single gas station business within the Main Street District in order to preserve the neighborhood scale of such businesses; and

WHEREAS, the City of Fayetteville does hereby ordain and adopt the following amendments to Chapter 94, “Zoning”.

**WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND
ORDAINS THE FOLLOWING ORDINANCE:**

ARTICLE ONE

The City of Fayetteville’s zoning ordinance, as codified at Section 94-174.2 of the City’s Code of Ordinances, is hereby amended in part by adding the double underlined (double underlined) language as follows:

Sec. 94-174.2. Standards applying to the dimensions of gasoline or convenience store service stations.

With respect to the dimensions of stations, the following restrictions shall apply:

- (1) Within any highway commercial (C-3), high intensity commercial (C-4), light manufacturing (M-1) or heavy manufacturing (M-2) zoning district, there shall not be more than twelve double-sided gasoline pumps situated on the station lot, unless located with the Main Street Architecture Overlay District, in which there shall not be more than 6 double sided gasoline pumps situated on the station lot.

ARTICLE TWO

This ordinance shall become immediately effective upon its second reading and adoption by the City Council.

ARTICLE THREE

The preamble of this ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

ARTICLE FOUR

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

{Signatures Appear on the Following Page}

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 1st day of September, 2016, by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr. Mayor

Scott Stacy, Mayor Pro Tem

Anne Barksdale, City Clerk

Kathaleen Brewer, Council Member

Paul C. Oddo, Jr., Council Member

Harlan Shirley, Council Member

James B. Williams, Council Member



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Anne Barksdale, City Clerk

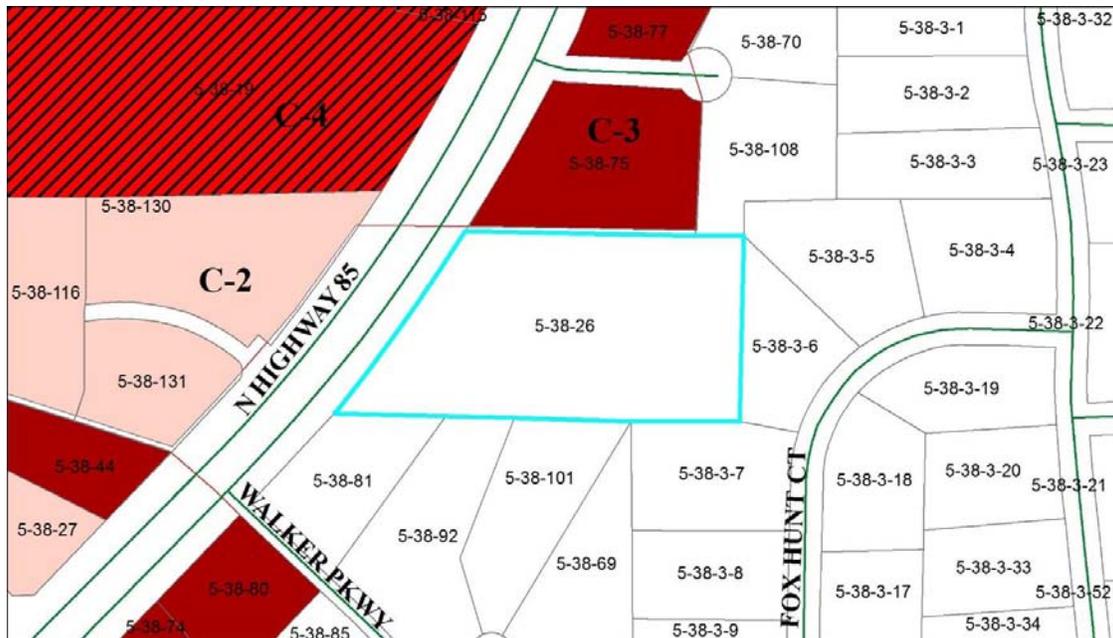
FROM: Jahnee Prince, AICP

DATE: August 22, 2016

SUBJECT: Biolife Blood Plasma Donation Center, Annexation & Rezoning, File # 16-025

Site Information

The six-acre site is located at 1373 Highway 85 North in Fayette County, and is currently zoned AR (Agricultural/ Residential). The property currently houses a one-story residential dwelling with attached carport and a detached accessory building. Both structures will be demolished for construction of the proposed blood plasma donation center.



Adjoining properties and zoning are as follows:

- To the north is zoned C-3 (Highway Commercial) City
- To the south is zoned CH (Commercial Highway) County
- To the east is zoned R-40 (Single Family Residential) County
- To the west is zoned C-2 (Community Commercial) City

Project Information

The applicant is seeking annexation into the City of Fayetteville and a zoning designation of C-2 (Community Commercial) to allow for development of a blood plasma donation center. The center averages 1,500 to 3,000 donations per week, and donors receive \$25 to \$50 compensation on a reloadable debit card. Hours of operation will be Monday-Saturday 8:00am -6:00pm.

The proposed concept plan shows a 16,686 square feet, single story center that would contain 72 beds and employ up to 60 people. The four sided brick structure would be placed near the rear/eastside of the site. Ingress and egress for the center is proposed via two entrances on Highway 85 North. Proposed parking is 182 spaces; this exceeds the minimum parking requirement for medical office by 50 spaces. There are an additional 40 future parking stalls also shown on the concept plan.

Sec. 94-483. - Minimum number of off-street parking spaces required.

- (19)
Medical and dental offices. One space per employee, plus one space for each examining room.

Staff Review

City staff conducted a review of the concept plan and identified the following concerns to the applicant.

- The size of the building and proposed parking spaces may exceed the 60% impervious surface limit.
- Curb Cuts (city code will not allow the two proposed curb cuts)

Sec. 94-203. - General standards.

(c) Access location and design

(1) A minimum distance of 500 feet shall be maintained between all access points onto the corridor, including private driveways, roads, public intersection and public right-of-way. Spacing will be measured from the midpoint of each driveway, road, public intersection, on public right-of-way.

- Adjoining county residents contacted city staff to express concerns over the amount of activity the center would generate and the effect it may have on their quality of life. They requested a six-foot privacy fence be installed along the east property line. To reduce noise, the residents also requested the proposed location of the dumpster be moved to the north side of the property that abuts commercial zoning.

Findings

The Comprehensive Plan places the surrounding City properties along the east Highway 85 corridor in the *Neighborhood Mixed Use* character area. Within Neighborhood Mixed Use, the following description is given:

Mixed land uses appropriate for a more residential, less densely populated area. These land uses provide a transition from downtown mixed- use to residential and other land uses. This area allows for an appropriate level of commercial and office activities that have a minimal impact on the surrounding residential uses. A balance of residential uses appropriate for this area can include single-family detached, townhouses, and condominiums. Appropriate non-residential uses include neighborhood scale retail and service businesses and public institutional and professional uses.

Biolife currently has three locations in Georgia (Douglasville, Warner Robins and Snellville). If approved in Fayetteville, this location would serve several surrounding counties (1,500 to 3,000 donations per week). The applicant's request is not consistent with the Comprehensive Plan, which calls for neighborhood scale retail and service businesses that will have a minimal impact on the surrounding residential uses. With 1,500 to 3,000 donations per week, this regional center will generate at least 3,000 to 6,000 traffic trips per week from donors alone. The requested C-2 (Community Commercial) zoning is intended to serve surrounding residential neighborhoods, not a multi-county region.

Staff Recommendation

Based on the analysis stated above concerning the scale of the proposed Bio Life facility, the 1,500 to 3,000 donations per week, and the resulting number of estimated traffic trips that will be generated (3,000 to 6,000 per week from donors, plus staff and delivery trips) the applicants request is not consistent with the Comprehensive Plan.

Staff recommends *Denial* of the annexation/rezoning request.

Planning & Zoning Commission Recommendation

At the August 23, 2016 meeting the Planning & Zoning Commission unanimously recommended *Denial* of the annexation rezoning request.



PROJECT NARRATIVE
**Rezoning of Property at 1373 Highway 85 North
Fayetteville, GA 30214**

Date: June 23, 2016

The proposed project is located on a 5.89 acre parcel located at 1373 Highway 85 North; said property is on the “south” side of Highway 85 North in the unincorporated Fayette County, Georgia. The property is currently zoned A-R (Agricultural-Residential District); the request is to annex and rezone the property to C-2 (Community Commercial) within the City of Fayetteville. The existing one-story dwelling with attached carport and detached accessory structure located east of the dwelling will be razed. Thereafter, a 16,686 square foot, single-story plasma donation center containing 72 “beds” is proposed which fits into the medical/dental office category; a permitted use in the C-2 District.

The proposed development will be operated by Biolife Plasma Services. In addition to the subject clinic, stormwater facilities, parking with interior access drives, landscaping, and other required infrastructure is proposed for the subject property. This proposed rezoning and use matches with the existing Highway Commercial Zoning on the adjacent parcels fronting Highway 85.

Please contact me if you have any questions or if additional information is required.

Thank you,

A handwritten signature in black ink, appearing to read "Eric Drazkowski".

Eric Drazkowski
920-322-1678
eric.d@excelengineer.com



ANNEXATION & REZONING APPLICATION

File#: _____ (to be filled in by City Staff)

TO: The Mayor and Council

The undersigned hereby respectfully requests that the City of Fayetteville Zoning Map be amended as described below:

1. This is a request for:
 Annexation & Rezoning/Zoning Map Amendment
Fees \$1,750.00

ALL LEGAL FEES ASSOCIATED WITH THESE ZONING ACTIONS AND DEVELOPMENT AGREEMENTS WILL BE THE RESPONSIBILITY OF THE APPLICANT ALONG WITH THE REQUIRED APPLICATION FEES.

2. Give exact information to locate the property for which you propose a change:

Tax District Number: 5th

Tax Map Number: 0538 026

Parcel Number(s): 185

Size of subject property: 4.76 Acres

3. What is the current Fayette County zoning on this property? A-R _____

4. What new zoning do you propose for this property? C-2 Community Commercial

(Under item 7, explain your reason(s) for your rezoning request)

5. Do you own all of the property proposed for this zoning change? Yes No
If no, each property owner must sign an individual application.

6. Is this property subject to an Overlay District? Check those that may apply:
 Corridor Overlay District Main Street District
 Historic Preservation District Ground Water Recharge Area
 Watershed Protection

- ◆ *Applications will not be considered complete until all items have been supplied. Incomplete applications will **NOT** be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.*
- ◆ *All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.*
- ◆ *The City shall have five business days in order check applications for completeness.*

7. Intent of Rezoning / Annexation Request: (Detailed Description of Development)
(Attach a separate sheet if necessary)

Proposed 16,686sf plasma donation center with associated parking. Site to be served by public water, sanitary, and storm.

Staff's Signature: _____

Date: 6/27/16

Notary Public: _____

Signature of Applicant: Mary Kathryn McLoey

Printed

Name: Mary Kathryn McLoey - Executor

Telephone

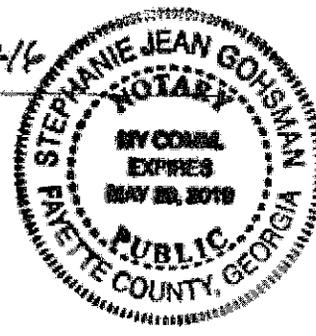
Number: 678.770.1918

Address: 1373 Hwy 85 N, Fayetteville, GA 30214

Agent Owner

(Name/Address/Telephone/E-mail): Becky Crawford, BHHS Georgia Properties: 320 W. Lanier Ave., Ste 110, Fayetteville 30216; 678.480.4387; Becky.crawford@BHHSGeorgia.com

Becky Crawford



The completed application will be reviewed by the Planning & Zoning Commission at a regularly scheduled monthly meeting, upon which, they will make a recommendation to Mayor and Council. The recommendation will be presented as a public hearing at two consecutive City Council meetings before a vote is taken for approval or denial.

FOR PLANNING & ZONING DEPT. USE ONLY

File No. _____ Posting Notice Date: _____

Amount Received: _____ Legal Ad Date: _____

P&Z Meeting Date: _____

City Council 1st Reading: _____ City Council 2nd Reading: _____

All annexation and rezoning must go to City Council for two readings for final approval or denial.

Date Completed Application Was Received: _____

(Official Date Stamp)

- ◆ Applications will not be considered complete until all items have been supplied. Incomplete applications will NOT be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.
- ◆ All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.

APPLICATION/CHECKLIST

Return this APPLICATION/CHECKLIST with submittal - Incomplete submittals will not be reviewed.

- Eight (8) 24"x36" printed copies and PDF copy of the development site plan and elevations for departmental review.**
To include:
 - Vicinity map showing project location, north arrow, graphic scale & date
 - Complete survey including property boundary lines, with bearings & distances
 - Existing roads, streets, highways, & respective r-o-w widths on or adjacent to property
 - Existing drainage ditches, canals, water courses, and drainage easements on or adjacent to the property
 - Existing buildings, structures, and facilities on development property and adjacent property
 - All existing utility lines on or adjacent to the property
 - Adjacent property land uses, zoning and property owner names
 - A complete legal description of property
 - Impact on classification and structure of existing dams. Provide dam break analysis if applicable.

- Ten (10) 11"x 17" copies of the site plan & all four sides color elevations for Commission review.**
- PDF file of site plan & color elevations
- Narrative describing nature & scope of project
- Material Samples
- Wetlands boundary determination & certification (USACoffE)
- Topographic Survey, drainage plan and storm water runoff calculations
- Grading & utility plan, including:
 - Final design & layout of underground electric, telephone, gas & cable TV utility lines
- Soil erosion & sediment control plan, including:
 - Detail sheets for soil erosion & sediment control facilities
- Storm water management facilities and utility profiles
- Storm Water Management Plan, showing downstream impact & final disposition of water (Storm Water Management Plans shall meet the requirements of Ordinance 0-30-02, Storm Water Quality Ordinance, adopted June 20, 2002.)
- Future Conditions Floodplain (if project is in a drainage basin of 100 acres or larger).
- CAD/GIS Data Submission Standards
- Tree Protection Plan (TPP) including:
 - Tree survey & identified trees requested for removal
 - Tree protection zones and proposed tree protection methods
 - Tree planting & replacement plan
 - Name, registration & contact info for responsible professional
- Lighting Plan, conforming to the provisions of Section 94-322
- Existing & proposed fire hydrant locations
- Proposed access to existing roads, circulation routes, parking space layout & dimensions
- Proposed setbacks, buffers, open spaces areas, landscaped areas, & impervious surface calculations.
- Water supply & sewage disposal plans
- Letters of capability & commitment to serve water, sewer, electric, telephone, & cable TV from the affected agencies
- Dept. of Natural Resources permits & approvals
- DOT encroachment permit
- Fire safety standards approval by Fire Official
- Mainstreet Director's certification of compliance (for projects within Mainstreet District)
- Must check with City's Building Department, Finance Department and Water Department for other possible fees ie: sewer assessment, impact fees, etc.

1. Building Dept. (Greg Taliercio) 770-719-4065
2. Finance Dept. (Mike Bush) 770-461-6029

- ◆ *Applications will not be considered complete until all items have been supplied. **Incomplete applications will NOT be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.***
- ◆ *All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.*
- ◆ *The City shall have five business days in order check applications for completeness.*

General Overview of BioLife ~ Please review attached Community BioLife Booklet

- *Plasma collection facility*
- *Plasma collected is manufactured into lifesaving therapeutics/medicine*
- *Frequency of donation is twice a week*
- *Free supervised playroom*
- *Free donor WIFI*
- *Hours of operation: 8AM-6PM Monday-Saturday (subject to change based on production)*
- *Donations per week 1,500 to 3,000*
- *Donors receive \$25 to \$50 per donation for their time and travel*
- *Number of centers nationally (84 as of 6/2016)*
- *Proposed building size is 16,800 square feet ~ single story*
- *Parking requirement 150-160 spaces (10 spaces per 1000 sf)*
- *No loitering is tolerated*
- *Donors must make an appointment*

Donor Demographics

- *Target age group (18-64), however donors can donate to the age of 99*
- *Healthy individuals wanting to give back to others*
- *Donors must have a current address to become a donor*

Economics of a New BioLife Center

- *\$10 - \$12M including land, construction, furniture, fixtures and equipment*
- *\$3-5M annual donor compensation on BioLife reloadable debit card being infused into local businesses with 2 to 3 mile radius (gas stations, Walmart, McDonalds, Walgreens, retail, restaurants, etc.)*
- *50-70 full/part time employees with full time benefits (employee wages range \$30K to \$50K based on skills set)*
- *10 - 12 year lease commitment*
- *Community involvement and support is critical to the core of BioLife's business platform*

As far as location, BioLife does not want to be located near hospitals because they do not perform medical services or health services. Being located near facilities confuses their donors. They prefer retail corridor locations with high visibility, like many retail users.

Fayetteville, GA

September 1, 2016

Background

- On April 19, 2012 we entered into an agreement with the State of Georgia and its Department of Economic Development
- Agreement included the construction of the Covington, GA manufacturing plant and laboratory
 - Over \$1 billion invested into the construction of the plant, laboratory and equipment
 - Employing 1,300 employees within 10 years
 - Georgia BioScience Training Center*
 - Located across the street from the Covington plant
 - Owned by the State of Georgia and operated by Georgia Quick Start, a division of the Technical College System of Georgia
 - Currently dedicated to Shire training and includes flexible space to accommodate the training needs of additional life sciences companies that choose to locate or expand in Georgia
- Agreement also included the construction of plasmapheresis centers within the state
 - 3 centers are currently open and operational in Douglasville, Snellville and Warner Robins
 - Fayetteville has been identified as an additional market

*<http://www.georgia.org/newsroom/press-releases/deal-opens-bioscience-training-center-in-newton-county/>

Who is Shire

Newly combined with Baxalta, Shire is now the leading global biotechnology company focused on serving people affected by rare diseases and highly specialized conditions. These diseases are often misunderstood, undiagnosed and life-threatening.

Our 22,000 employees come to work every day with a shared mission: to develop and deliver breakthrough therapies for the hundreds of millions of people in the world affected by rare diseases and other high-need conditions, and who lack effective therapies to live their lives to the fullest.

At Shire, we are dedicated to expanding, building and sustaining leadership across our key therapeutic areas through our extensive portfolio of products, innovative pipeline and collaborative approach to working with diverse partners around the globe. We strive to earn and keep the trust of our patients, their families and physicians, and all others who support and advance their care.

Working together, the possibilities for our patients, healthcare partners and employees are unprecedented, with significant growth potential for our shareholders.

Who is BioLife Plasma Services

- BioLife Plasma Services is a key division of Shire
- Industry leader in the collection of high-quality plasma that is made into life-saving therapies that benefit thousands of people every day. Plasma-based therapies are used in the treatment of serious conditions such as hemophilia, immune deficiencies and to treat victims of shock and burns
- Operates over 85 state-of-the-art plasma collection centers throughout the United States
- Over 6 million liters of plasma are collected annually
- Plasma collected is manufactured into life saving therapeutics
- Employ 4,300 employees
- Approximately \$3 million in donor compensation annually
 - 80% of all donor compensation is spent in the community at places like local grocery stores, gas stations and retailers



Facility Locations



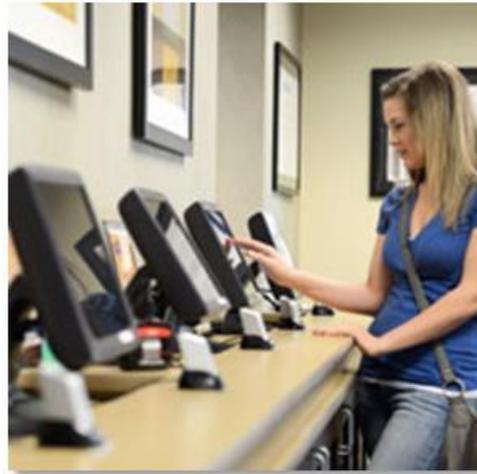
Facility Information

- Located in growing, healthy communities with a strong desire to give back to others
- Near major retail in order for the donation to be a part of the individual's weekly routine
- Buildings are approximately 17,000 sq ft
- 1,000-3,000 donations per week
 - 1% of our licensed centers averaged 3,000 donations a week in the preceding 52 weeks
 - 22% of our licensed centers averaged 2,200 donations a week in the preceding 52 weeks
- Community investment of approximately \$7.5 million
- Donors are compensated using a debit card system
- Donors use an online scheduling system eliminating long lines and wait times



Center Amenities

- Best in class processing time
- Parking
- Flexible hours
- Clean, professional & smoke-free environment
- Online scheduling
- Free WiFi
- Supervised Playroom



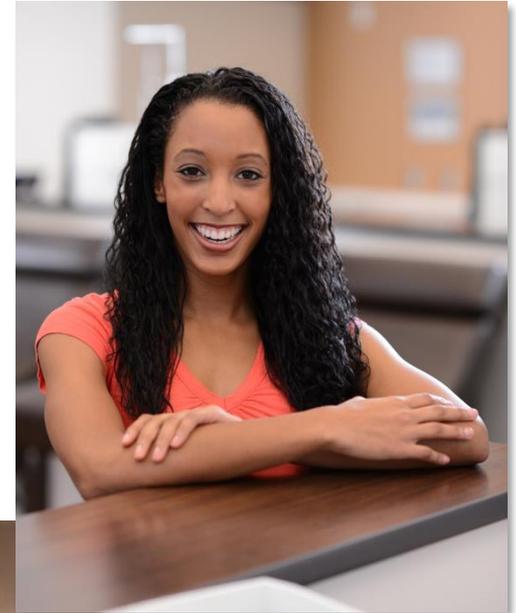
BioLife Careers

- 50-80 employees per location
- Positions such as Operations Managers, Quality Managers, Plasma Technicians, licensed nurses and more
- Well-paying, with excellent benefits including vacation, health and tuition reimbursement
 - We offer full benefits for part-time staff
- Management and growth opportunities in a biotech company
 - Well established Management Trainee program for individuals who excel in their current position and are interested in growing with the organization



Prospective Donors

- Mirror the demographics of the surrounding community
- Majority come from within a 7-mile radius of the center
- Approximately 86% are either employed, students, retired or homemakers
- Our typical donors are between the ages of 18-64
- All donors must provide proof of local residency and ID
- Donors must pass donor eligibility requirements prior to every donation



Therapies

Five Main Therapies Derived from Plasma

- Hemophilia Therapies
- Blood Volume Replacement
- Immune Support
- Surgical Hemostasis & Tissue Sealing
- Pulmonology Therapy



Over 22 million liters of plasma are used worldwide in producing life-saving medicines.

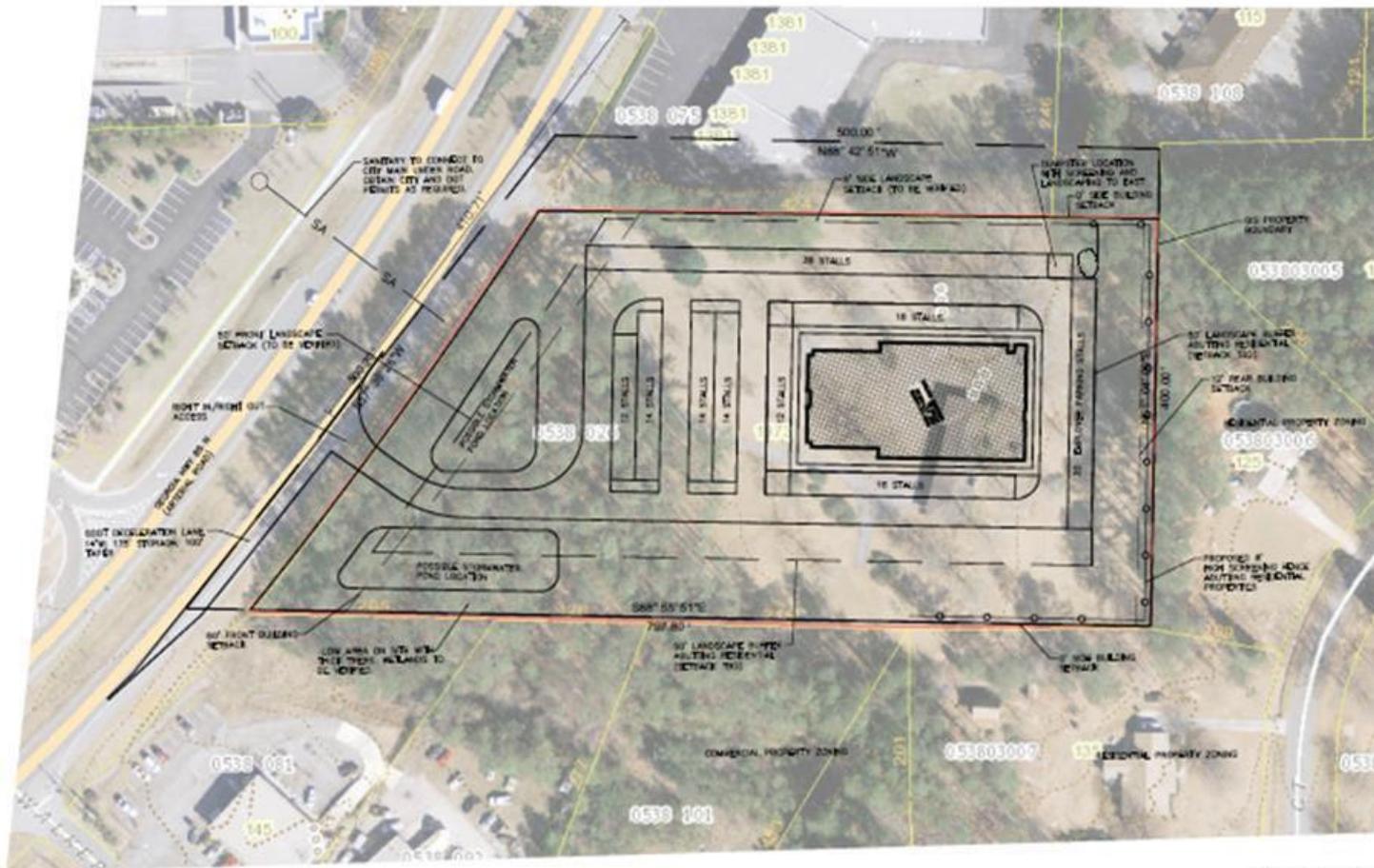
More than 1 million people worldwide receive plasma therapeutics every year.

Giving Back

- On average, each BioLife facility provides approximately \$3 million annually in compensation to donors for their commitment to our life-saving program
- This compensation supports the community and benefits local businesses/organizations
- Volunteer activities – BioLife employees contributes approximately 10,000 hours of community service annually

“Working together to save lives.”





- DESIGN NOTES (72 PBD UNIT USED):**
1. ZONING A-H (EXISTING) C-2 AFTER REZONE THAT IS REQUIRED.
 2. USE: MEDICAL CLINIC / PROFESSIONAL SERVICE; PERMITTED WITHIN C-2 ZONING
 3. SETBACKS:
A 60' FRONT BUILDING, 0' SIDE BUILDING, 12' REAR BUILDING, 50' LANDSCAPE BUFFER ABUTTING RESIDENTIAL (SOUTHEAST CORNER & EAST SIDES)
 4. PARKING STALLS: 9'X18'
 5. STORMWATER REQ'S: UNKNOWN.
 6. PROPERTY AREA PER ALTA: 5.89 AC
 7. ELEVATION: BASED ON DRIVEWAY AND GOOGLE ELEVATION. SITE SLOPES FROM NORTHEAST TO SOUTH WEST APPROX 10' OF ELEVATION DIFFERENCE. DUE TO THICK TREES IN SOUTHWEST, ACTUAL ELEVATION TBD.
 8. WETLANDS TO BE VERIFIED ON SITE. REQUIRED FOR CITY SITE PLAN SUBMITTAL.
 9. TREE SURVEY REQUIRED.
 10. PER DOT, DOT PERMITS REQUIRED FOR WORK IN ROW. NO TRAFFIC STUDY, 1 ACCESS WITH DECELERATION LANE REQUIRED.
 11. 60% MAX IMPERVIOUS IMPERVIOUS SHOWN=2.33 AC (39.5%)

Updates from 6-22-16 Concept:

- 1) Single drive entrance with deceleration lane per GDOT.
- 2) Parking stalls reduced from 182 w/40 future to 160 stalls.
- 3) Dumpster moved on north side with screening.
- 4) 8' high screening fence added where property abuts residential.

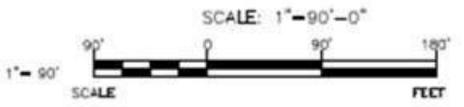
PARKING STALL COUNT:
160 STALLS PROPOSED.
ISLANDS NOT INCLUDED

LEGEND:

 ——— PARKING AREA TO BE MODIFIED
 - - - - - SETBACKS
 EASEMENT



CONCEPT SITE PLAN



PRELIMINARY DRAWING — NOT FOR CONSTRUCTION

PRELIMINARY PLAN DATE:	PROJECT: BILUFE PLASMA CENTER FAYETTEVILLE, GA	DATE: 8-26-2016
	OWNER: BILUFE PLASMA SERVICES, LP ONE BAYVIEW PARKWAY DEVELOP, IL	DESIGN NO.: 1604330
EXCEL ENGINEERING INC.	100 CAMELOT DRIVE FOND DU LAC, WI 54936	SHEET
	PHONE: (820) 828-9800 FAX: (820) 828-9801	C1

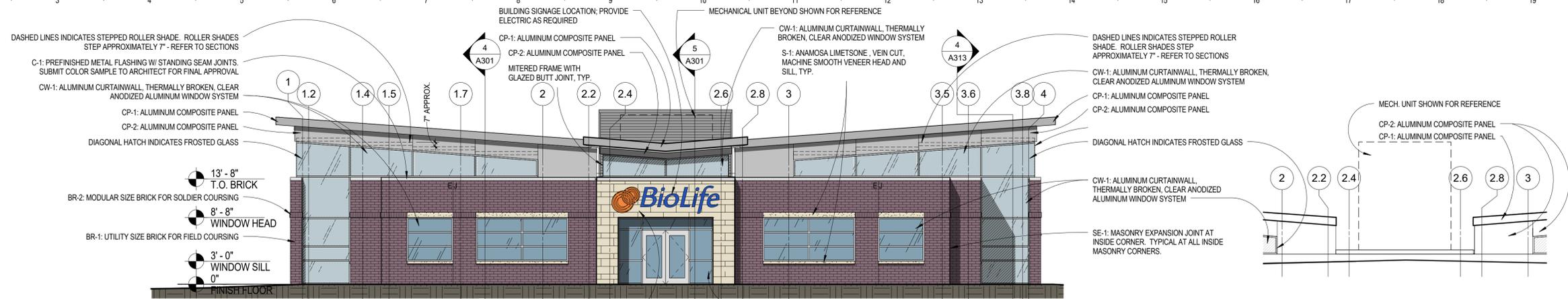


EXTERIOR ELEVATIONS
GENERAL NOTES:

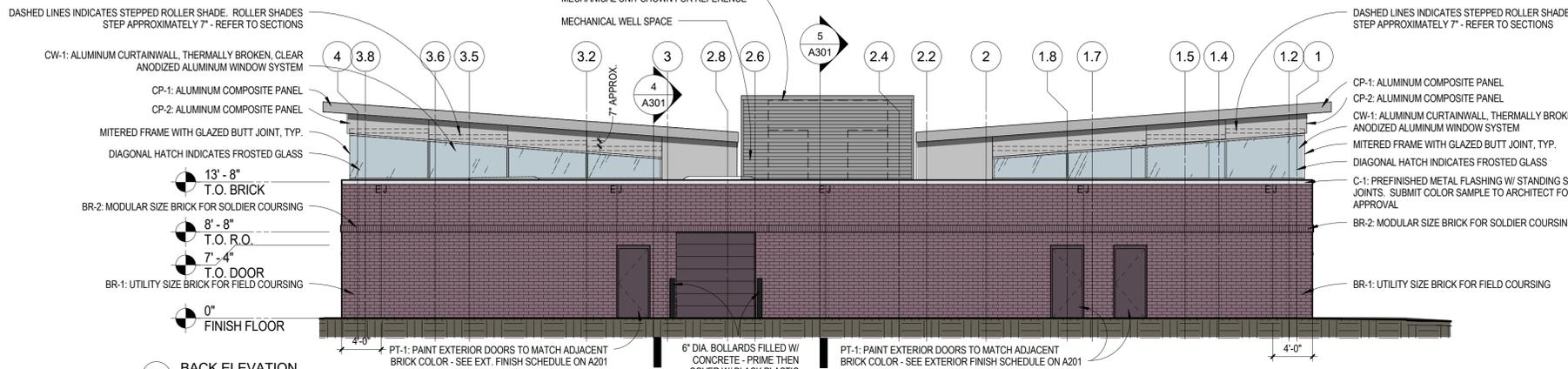
1. EXPOSED GAS PIPING OR ELECTRICAL CABINET TO BE PAINTED "BIOLIFE BRONZE". COORDINATE COLOR W/ ARCHITECT.
2. BRICK CONTROL JOINT LOCATIONS TO USE CAULK SE-1. REFER TO EXTERIOR ELEVATION FINISHES SCHEDULE.
3. ALL EXTERIOR LINTELS ABOVE DOORS AND WINDOWS TO BE GALVANIZED STEEL - DO NOT PAINT.

EXTERIOR FINISHES SCHEDULE:

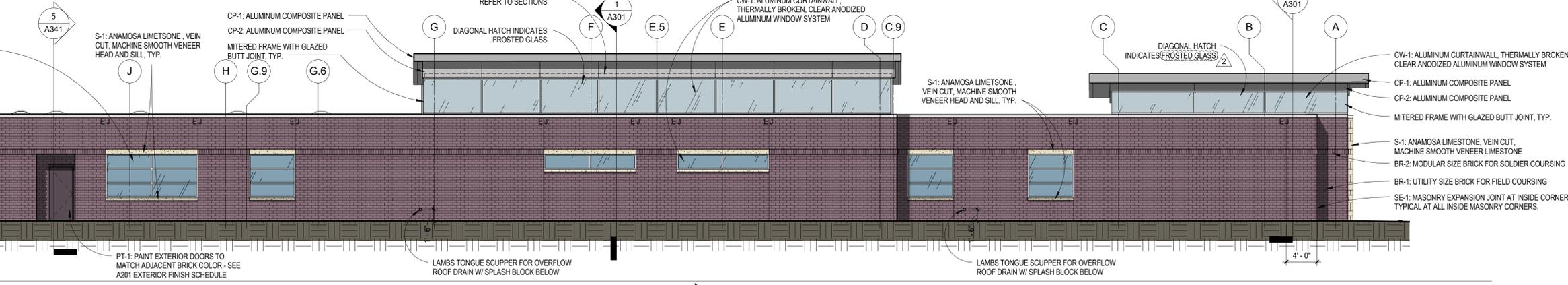
BR-1: UTILITY BRICK COLOR: WELSFORD IRONSPOT MANUFACTURER: SIOUX CITY BRICK & TILE CO. NOTE: PROVIDE COLORLESS COATING FOR ALL BRICK FOR MOISTURE AND GRAFFITI PROTECTION.
BR-2: MODULAR BRICK COLOR: WELSFORD IRONSPOT MANUFACTURER: SIOUX CITY BRICK & TILE CO. NOTE: PROVIDE COLORLESS COATING FOR ALL BRICK FOR MOISTURE AND GRAFFITI PROTECTION.
C-1: PREFINISHED METAL FLASHING COLOR: GRAY TYPE: 040 ALUMINUM
CP-1: ALUMINUM COMPOSITE PANEL COLOR: DARK GRAY MANUFACTURER: ALPOLIC MATERIALS NOTE: OPEN JOINT SYSTEM - NO SEALANT AT JOINTS
CP-2: ALUMINUM COMPOSITE PANEL COLOR: LIGHT GRAY MANUFACTURER: ALPOLIC MATERIALS NOTE: OPEN JOINT SYSTEM - NO SEALANT AT JOINTS
CW-1: ALUMINUM CURTAINWALL WINDOW SYSTEM FINISH: CLEAR ANODIZED
PT-1: FIELD PAINT COLOR: BIOLIFE BRONZE MANUFACTURER: SHERWIN WILLIAMS ORDER # 1338-002681
SE-1: EXTERIOR CAULK COLOR: BASF - BROWN -200U IRV/10 MANUFACTURER: SONNEBORNE
S-1: ANOMOSA LIMESTONE VENEER FINISH: VEIN CUT, MACHINE SMOOTH MANUFACTURER: WEBER STONE CO. PHONE: (319) 462-3581 NOTE: PROVIDE COLORLESS COATING FOR ALL STONE FOR MOISTURE AND GRAFFITI PROTECTION.
ST-1: ALUMINUM STOREFRONT WINDOW SYSTEM FINISH: CLEAR ANODIZED
NOTE: GAS PIPING AND ELECTRICAL CABINET TO BE PAINTED BIOLIFE BRONZE, PT-1 - SEE A201 EXTERIOR FINISHES SCHEDULE



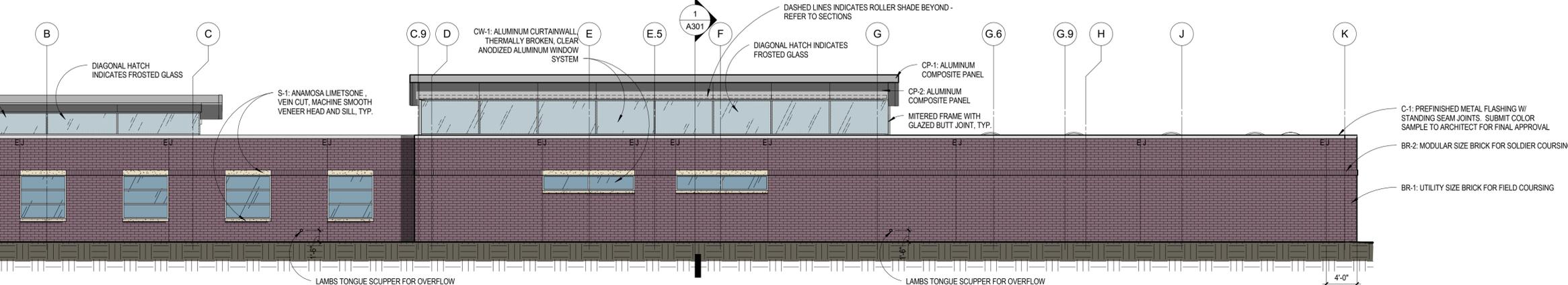
1 FRONT ELEVATION
1/8" = 1'-0"



2 BACK ELEVATION
1/8" = 1'-0"

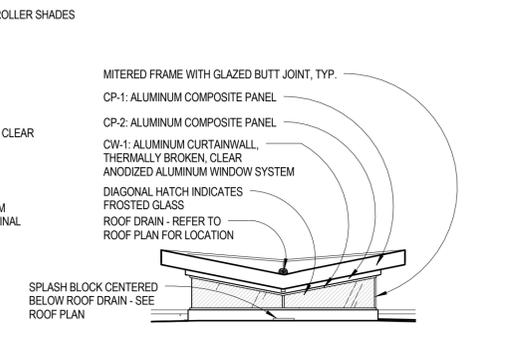


3 LEFT ELEVATION
1/8" = 1'-0"

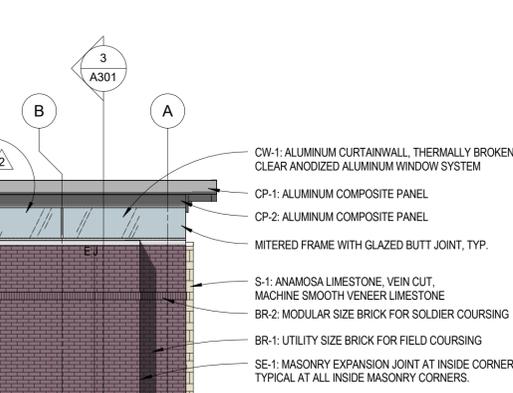


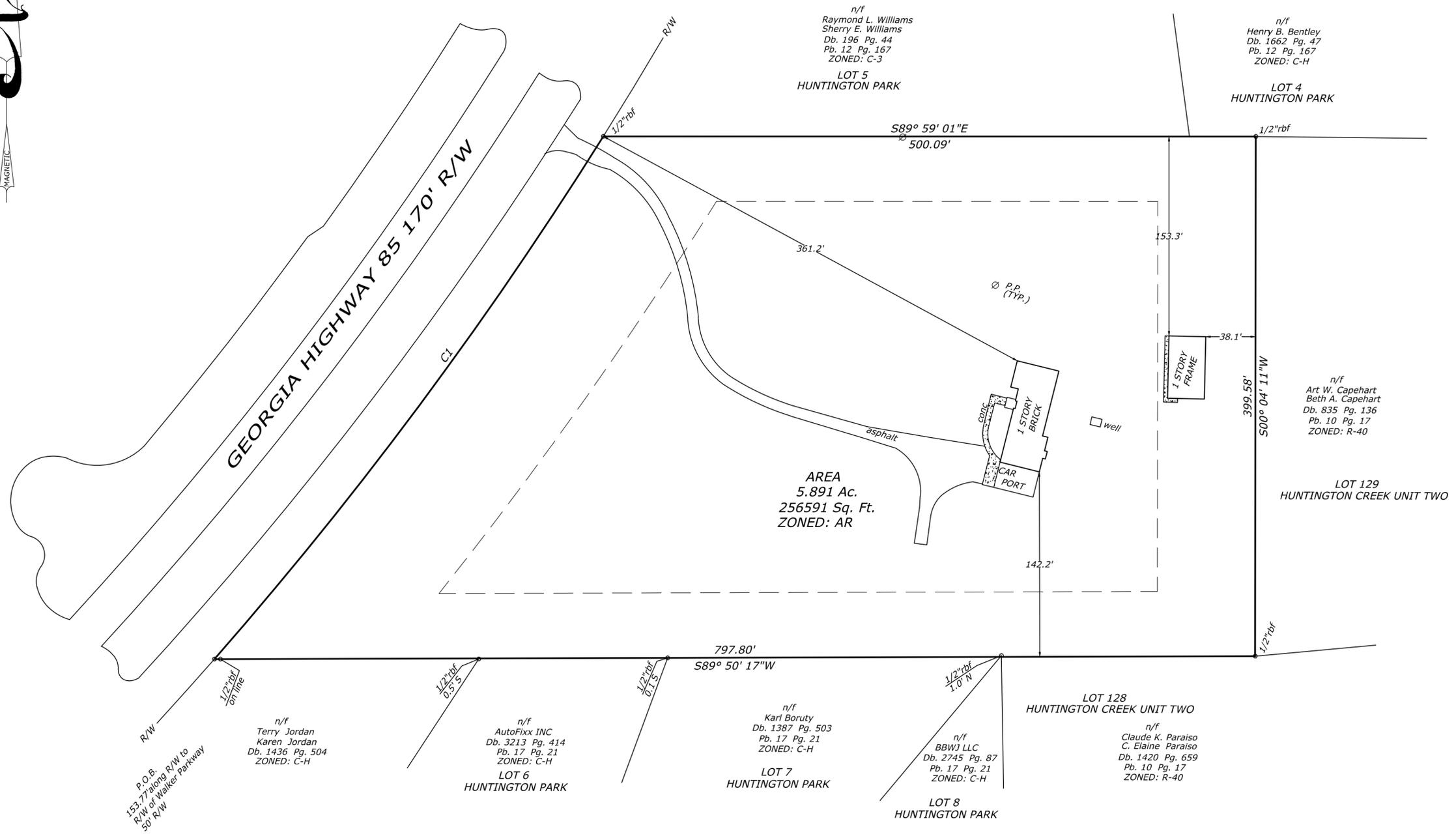
4 RIGHT ELEVATION
1/8" = 1'-0"

5 PARTIAL EAST ELEVATION @ MECH. WELL
1/8" = 1'-0"



6 PARTIAL WEST ELEVATION
1/8" = 1'-0"





CLOSURE DATA
 FIELD CLOSURE=1" IN 10,000+
 ANGLE POINT ERROR=< 20"
 EQUIPMENT USED=E.D.M. & THEODOLITE
 ADJUSTMENT METHOD=COMPASS RULE
 PLAT CLOSURE=1" IN 100,000+

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

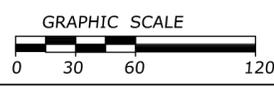
THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING F.I.R.M. MAP 13113C0106E DATED SEPT. 26, 2008.

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	501.04'	3138.10'	N36° 34' 07"E	500.51'

BUILDING LINES
 FRONT - 100'
 SIDE - 50'
 REAR - 75'

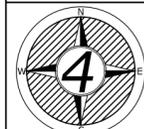
LEGEND
 P.P.=POWER POLE
 IPF=IRON PIN FOUND
 IPS=IRON PIN SET
 R/W=RIGHT OF WAY
 MAG=MAGNETIC
 P.O.B.=POINT OF BEGINNING
 B/L=BUILDING LINE
 D.E.=DRAINAGE EASEMENT
 N/F=NOW OR FORMERLY
 F.W.P.D.=FIELD WORK PERFORMED DATE



Prepared For:
BIOLIFE PLASMA CENTER

Address: 1373 GEORGIA HIGHWAY 85

Lot: 00	D.B. 3256 ~ PG. 153
Land Lot: 186	District: 5th
County: FAYETTE, GA	F.W.P.D. 05/25/16
Scale: 1" = 60'	Date: 05/25/16 Job No: 16-077



FOUR CORNERS SURVEYING

P.O. BOX 15
 Tyrone, GA 30290

770-560-3910
 770-560-6930
 FOUR_CORNERS@BELLSOUTH.NET

Doc ID: 007535650002 Type: GLR
Filed: 07/02/2007 at 03:00:00 PM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3256 PG 153-154

------(Space Above This Line For Recording Date)-----

After recording return to:
George N. Sparrow, Jr., P.C.
719 West Lanier Avenue, Suite B
Fayetteville, Georgia 30214

07.123

STATE OF GEORGIA
FAYETTE COUNTY

WARRANTY DEED
n.t.c.

THIS INDENTURE, made the 2nd day of June, 2007, between **John M. Ellis, Jr.**, Fayette County resident, as party or parties of the first part, hereinafter called Grantor, and **John M. Ellis, Jr. and Sara M. Ellis, joint tenants with full right of survivorship and not merely as tenants in common**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor for and in consideration of the sum of tens dollars and no cents (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

[SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE]

This Conveyance is subject to all covenants and easements of record.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the said described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year above written.

Signed, sealed and delivered in the presence of:

Amy Decker
Witness

John M. Ellis, Jr. (SEAL)
John M. Ellis, Jr.

[Signature]
Notary Public



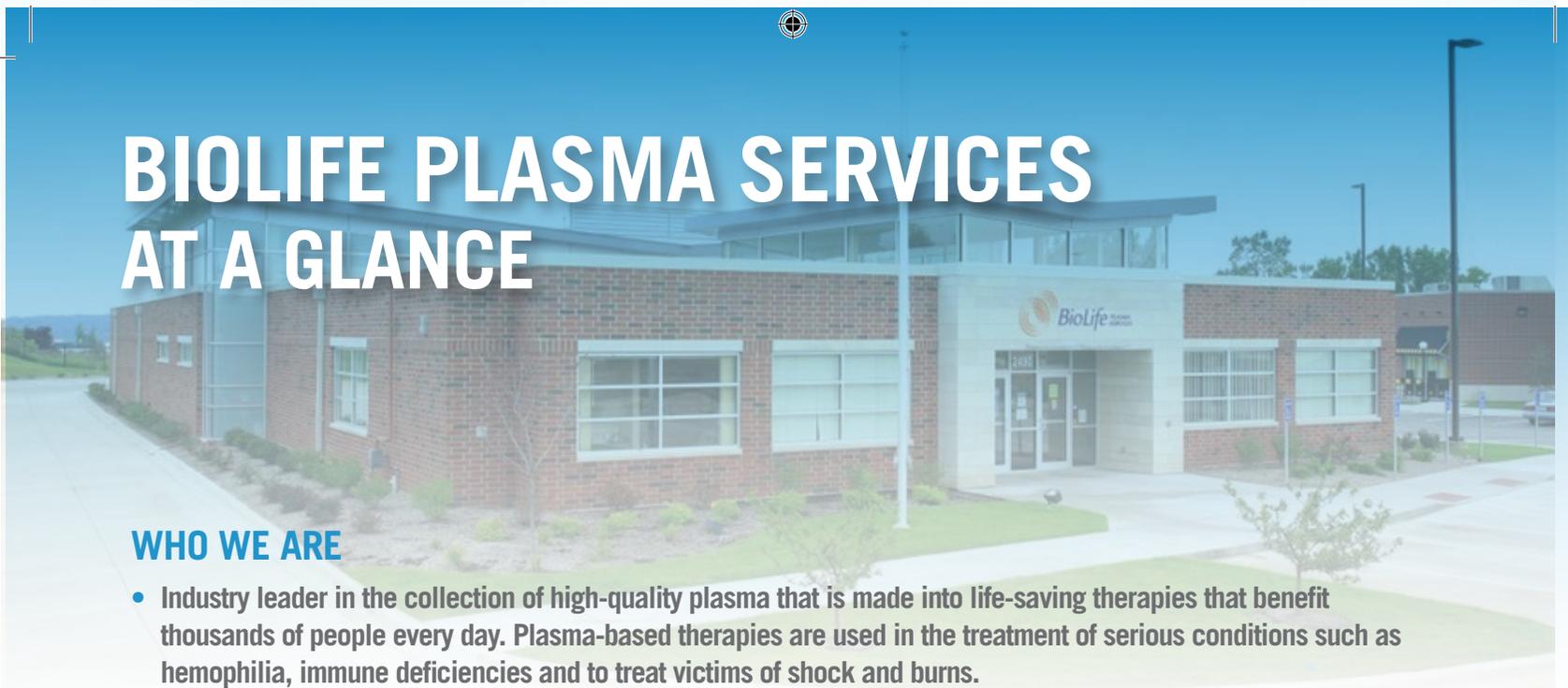
EXHIBIT "A"

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 168 and 185 of the 4th District of Fayette County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at a monument located on the northeasterly right-of-way line of Ellis Road (80 foot right-of-way) at the point of intersection with the easterly right-of-way line of Georgia State Highway Route 85 (170 right-of-way); running thence northeasterly and northerly along the southeasterly right-of-way line of Georgia State Highway Route 85 aforesaid, 601.10 feet to an iron pin, marking the TRUE POINT OF BEGINNING; running thence and following the bearing of North 89 degrees 31 minutes East, a distance of 797.8 feet to an iron pin; running thence and following a bearing of North 00 degrees 29 minutes West, a distance of 400.0 feet to an iron pin; running thence and following the bearing of South 89 degrees 44 minutes West, a distance of 500 feet to an iron pin located on the southeasterly right-of-way line of Georgia State Highway Route 85 aforesaid; running thence southwesterly along the southeasterly right-of-way line of Georgia State Highway Route 85 aforesaid, a distance of 500.8 feet, more or less, to an iron pin and the POINT OF BEGINNING; said tract is a four sided tract of land comprising 5.89 acres, more or less, and being known as 1373 Georgia Highway 85 North, according to the present system of numbering houses in Fayette County, Georgia.



BIOLIFE PLASMA SERVICES AT A GLANCE



WHO WE ARE

- Industry leader in the collection of high-quality plasma that is made into life-saving therapies that benefit thousands of people every day. Plasma-based therapies are used in the treatment of serious conditions such as hemophilia, immune deficiencies and to treat victims of shock and burns.
- Part of Shire plc, a Fortune 500 company and the leading global biotechnology company focused on serving people affected by rare diseases and highly specialized conditions
- Operate over 80 plasma centers across the US
- Licensed by the Food and Drug Administration (FDA)
- To learn more about the products made from the plasma we collect, visit www.shire.com

WHAT WE BRING

• A STRONG COMMITMENT TO THE COMMUNITIES WE OPERATE IN

- Lasting partnerships--majority of our locations have been in the same city for at least 10 years

• AN INVESTMENT IN YOUR COMMUNITY

Initial Investment Building and Land	Annual Donor Compensation
\$7.5+ MILLION	\$3+ MILLION

Around **80% of all donor compensation is spent in the community** at places like local grocery stores, gas stations and retailers

• REWARDING CAREERS

- 50-80 employees per location
- Well-paying, with excellent benefits including vacation, health and tuition reimbursement (we even offer full benefits for part-time staff)
- Positions such as Operations Managers, Quality Managers, Plasma Technicians, Medical Supervisors and more
- Management and growth opportunities in a biotech company

• MULTIPLIER EFFECT

- A Georgia Life Science Report* concluded **for every direct job in the plasma center, an additional 2.2 jobs will be created locally** because of spending related to that job

*Source: https://www.terry.uga.edu/media/documents/selig/shaping_infinity_2012.pdf

• COMMUNITY ENGAGEMENT

- Our teams are active members of the Chamber, frequent participants at business expos and community events, and beneficial partners with surrounding area businesses
- As a whole, our employees volunteer **over 10,000 hours** per year in their communities



CONTINUED ON BACK

BIOLIFE PLASMA SERVICES AT A GLANCE CONTINUED

WHO WE HELP

- The plasma we collect is manufactured into life-saving therapies, including treatments for hemophilia, immune deficiencies, traumatic injuries and more.



EVIN

“I spent 12 years in and out of hospitals and missed most of elementary school due to a disorder called Immune Thrombocytopenic Purpura (ITP), which attacks platelets of the blood. My life was completely at the whim of my illnesses.

Then came IGIV. My fevers abated, my infections became less frequent and most amazingly, I began to grow. I now have the ability to carry on a healthy, happy life.

There is not a simple way to express my gratitude to BioLife Plasma Services and to all the caring donors who give to keep me alive.”

- Evin, recipient of IGIV, a plasma-based therapy

WHO OUR DONORS ARE

- Donors mirror the demographics of the surrounding community
- Majority come from within a 7-mile radius of the center
- Approximately 86% are either employed, students, retired or homemakers
- All donors must provide proof of residency, ID and be in good general health

WHERE WE OPERATE

BioLife operates:

- In growing, healthy communities with a strong desire to give back to others
- Near major retail in order for the donation to be a part of the individual's weekly routine.

BioLife operates in facilities that:

- Are around 17,000 sq. feet
- Are typically open from 8a-6p
- Are safe, well-lit and attractive
- Offer **ample parking**
- Use **Debit Cards** for donor compensation (no cash on site)
- Utilize **online appointment scheduling** (no long lines)



WHAT OTHERS ARE SAYING

BioLife often receives testimonials thanking us for our contribution to the community. Here are a few:

- “BioLife is a great contribution to this community.” – **Sales Manager, Idaho Falls, ID**
- “I was impressed with the caring and family-friendly attitude of this new business.” – **City Official, Ammon, ID**
- “The chamber welcomes businesses like yours that help add to our wonderful city.” – **Chamber Ambassador, St. George, UT**
- “Large Business of the Year” – **Bellingham, WA Chamber of Commerce**

LEARN MORE AT BIOLIFEPLASMA.COM

For additional resources, please visit:

shire.com

youtube.com/user/BioLifePlasmaService

pptaglobal.org

youtube.com (search for “Shire what it takes to produce IG”)

Planning and Zoning Commission,

Concerning the request from Biolife Plasma Services for the rezoning of the property, 1373 Hwy 85 North, Parcel ID # 0538 026.

My husband and I were at the planning and zoning meeting Aug. 23 with concerns about the effect the Biolife Plasma Center would have on our property and the enjoyment that we have had living here for 38 years. Considering the fact that we understand the property in question will be rezoned to commercial, whether in the county or annexed into the city, we would like to share our thoughts.

One thing for sure is that there have been many changes in Fayette County over these last 38 years since we moved here and I'm sure there will be many more. Strip Malls, gas stations, pawn shops, restaurants and others small businesses have sprung up. Many of these after awhile are left empty as time goes on. When we think about a service like Biolife coming to Fayette County it might not be such a bad idea. One thing for sure, they will not be picking up and leaving. Another strip mall or restaurant that might come to that location frightens me, for many reasons. I had rather have an upstanding business like Biolife on the side of my property line than any of the above.

Sincerely,



Elaine and Ken Paraiso
135 Fox Hunt Ct.
Fayetteville, Ga. 30214

TO: City of Fayetteville Mayor and City Council Members

RE: Rezoning Request for Annexation by BIOLIFE of 1373 Hwy. 85 North

DATE: August 27, 2016

FROM: City of Fayetteville Resident

It is with my utmost and heartfelt request that each of you please consider with positive assertion the annexation of BIOLIFE's purchase of the property listed above to be annexed within the City of Fayetteville limits for the purpose of connecting to city sewer.

This company is about "saving lives" and even though the current "neighborhood market use" is listed as "retail" I strongly feel that this community will benefit tremendously with the BIOLIFE Corporation doing business here. We don't need another retail strip shopping center at this location – we have enough of those and we have the Pavilion right across the street! BIOLIFE has provided its promise to us residents with all of its integrity that they will comply with our requests. We believe that they will honor us. BIOLIFE will meet a certain need for our community, as well as the good they are doing with their blood medical research in order to save lives. Let's reach out and be a part of that! It's time to consider other options other than "retail". Times are changing – and so should our city!

Thank you for your attention to this matter.

Please vote "YES" to approve BIOLIFE's request for annexation on September 1, 2016.

	
Name	Print Name
<hr/>	
135 Fox Hunt CT	
<hr/>	
Fayetteville GA 30214	
<hr/>	

TO: City of Fayetteville Mayor and City Council Members

RE: Rezoning Request for Annexation by BIOLIFE of 1373 Hwy. 85 North

DATE: August 27, 2016

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Thank you for your attention to this matter.

Please vote "YES" to approve BIOLIFE's request for annexation on September 1, 2016.

Margie Fulgha
Name

Margie Fulgha
Print Name

115 Ferych Cannons
Fayetteville, Ga. 3014

Subject Matter: Annexation – 1373 Highway 85 North
Date First Presented at Council Public Meeting: 9-1-16
Date of Public Hearing Before City Council: 9-1-16
Date of Adoption: 9-1-16
Date of Public Notice Published in Fayette News: 8- 17-16 & 8-24-16

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-17-16
(as enacted)
CITY OF FAYETTEVILLE GEORGIA

PREAMBLE

The City of Fayetteville (the “City”), has received application for annexation pursuant to O.C.G.A. § 36-36-21 by **Mary Kathryn McCoy**, property described in **EXHIBIT "A"** (hereinafter referred to as “the subject property”). The subject property is contiguous with the city limits of the City of Fayetteville as defined by O.C.G.A. § 36-36-20. The City has given notice to the County Commissioners of Fayette County of this proposed annexation as required by O.C.G.A. § 36-36-6; and has been advertised in the *FAYETTE COUNTY NEWS* as shown above.

ORDINANCE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

Pursuant to the authority granted to the City of Fayetteville by the Georgia Legislature by O.C.G.A. § 36-36-21, the City of Fayetteville does hereby annex the following parcel of real estate into the city limits of the City of Fayetteville, and said lands and property shall, pursuant to the terms of this ordinance, become a part of and be within the jurisdictional limits of the City of Fayetteville as if originally a part of the City's Charter: Legal description of subject property is attached hereto as **EXHIBIT "A"** and incorporated herein by reference.

ARTICLE II

All annexations shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation occurred and for all other purposes shall become effective on the

first day of the month following the month during which the requirements of Articles 1 and 2 of Chapter 36, of Title 36 of the Official Code of Georgia Annotated have been met.

ARTICLE III

After the adoption of this annexation ordinance, the City Clerk shall file with the Department of Community Affairs and with the Fayette County governing authority an identification of the property hereby annexed, pursuant to the requirements of O.C.G.A. § 36-36-3.

ARTICLE IV

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE V

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 1st day of September 2016, by the following voting for adoption:

[SIGNATURES APPEAR ON NEXT PAGE]

ATTEST:

Edward J. Johnson, Jr. Mayor

Anne Barksdale, City Clerk

Scott Stacy, Mayor Pro Tem

Kathaleen Brewer, Council Member

Paul C. Oddo, Jr., Council Member

Harlan Shirley, Council Member

James B. Williams, Council Member

EXHIBIT "A"
LEGAL DESCRIPTION



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Anne Barksdale, City Clerk

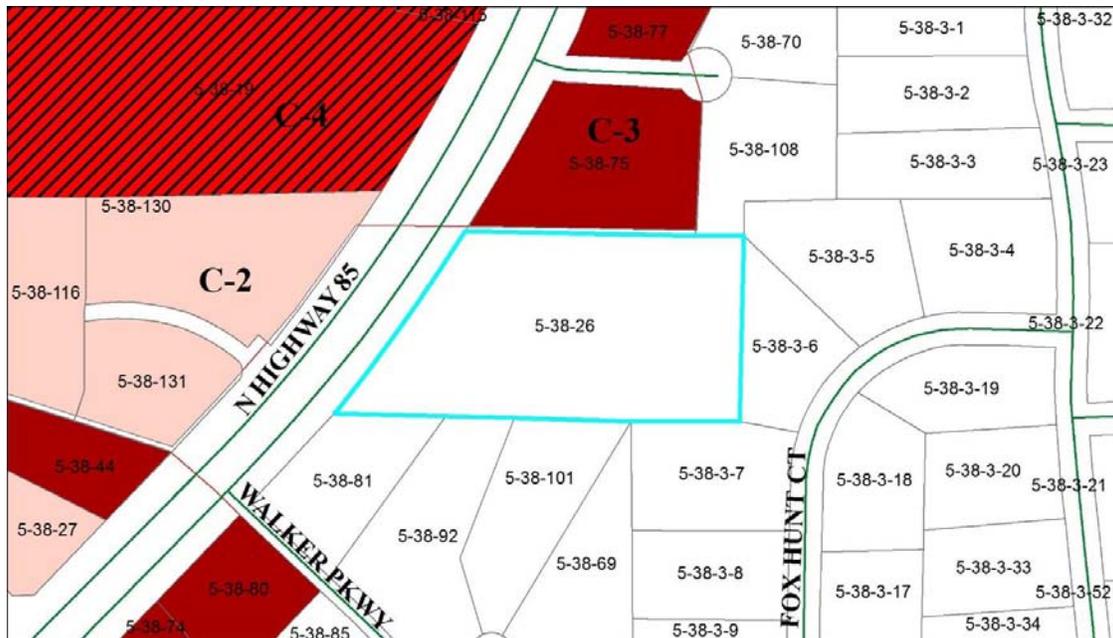
FROM: Jahnee Prince, AICP

DATE: August 22, 2016

SUBJECT: Biolife Blood Plasma Donation Center, Annexation & Rezoning, File # 16-025

Site Information

The six-acre site is located at 1373 Highway 85 North in Fayette County, and is currently zoned AR (Agricultural/ Residential). The property currently houses a one-story residential dwelling with attached carport and a detached accessory building. Both structures will be demolished for construction of the proposed blood plasma donation center.



Adjoining properties and zoning are as follows:

- To the north is zoned C-3 (Highway Commercial) City
- To the south is zoned CH (Commercial Highway) County
- To the east is zoned R-40 (Single Family Residential) County
- To the west is zoned C-2 (Community Commercial) City

Project Information

The applicant is seeking annexation into the City of Fayetteville and a zoning designation of C-2 (Community Commercial) to allow for development of a blood plasma donation center. The center averages 1,500 to 3,000 donations per week, and donors receive \$25 to \$50 compensation on a reloadable debit card. Hours of operation will be Monday-Saturday 8:00am -6:00pm.

The proposed concept plan shows a 16,686 square feet, single story center that would contain 72 beds and employ up to 60 people. The four sided brick structure would be placed near the rear/eastside of the site. Ingress and egress for the center is proposed via two entrances on Highway 85 North. Proposed parking is 182 spaces; this exceeds the minimum parking requirement for medical office by 50 spaces. There are an additional 40 future parking stalls also shown on the concept plan.

Sec. 94-483. - Minimum number of off-street parking spaces required.

- (19)
Medical and dental offices. One space per employee, plus one space for each examining room.

Staff Review

City staff conducted a review of the concept plan and identified the following concerns to the applicant.

- The size of the building and proposed parking spaces may exceed the 60% impervious surface limit.
- Curb Cuts (city code will not allow the two proposed curb cuts)

Sec. 94-203. - General standards.

(c) Access location and design

(1) A minimum distance of 500 feet shall be maintained between all access points onto the corridor, including private driveways, roads, public intersection and public right-of-way. Spacing will be measured from the midpoint of each driveway, road, public intersection, on public right-of-way.

- Adjoining county residents contacted city staff to express concerns over the amount of activity the center would generate and the effect it may have on their quality of life. They requested a six-foot privacy fence be installed along the east property line. To reduce noise, the residents also requested the proposed location of the dumpster be moved to the north side of the property that abuts commercial zoning.

Findings

The Comprehensive Plan places the surrounding City properties along the east Highway 85 corridor in the *Neighborhood Mixed Use* character area. Within Neighborhood Mixed Use, the following description is given:

Mixed land uses appropriate for a more residential, less densely populated area. These land uses provide a transition from downtown mixed- use to residential and other land uses. This area allows for an appropriate level of commercial and office activities that have a minimal impact on the surrounding residential uses. A balance of residential uses appropriate for this area can include single-family detached, townhouses, and condominiums. Appropriate non-residential uses include neighborhood scale retail and service businesses and public institutional and professional uses.

Biolife currently has three locations in Georgia (Douglasville, Warner Robins and Snellville). If approved in Fayetteville, this location would serve several surrounding counties (1,500 to 3,000 donations per week). The applicant's request is not consistent with the Comprehensive Plan, which calls for neighborhood scale retail and service businesses that will have a minimal impact on the surrounding residential uses. With 1,500 to 3,000 donations per week, this regional center will generate at least 3,000 to 6,000 traffic trips per week from donors alone. The requested C-2 (Community Commercial) zoning is intended to serve surrounding residential neighborhoods, not a multi-county region.

Staff Recommendation

Based on the analysis stated above concerning the scale of the proposed Bio Life facility, the 1,500 to 3,000 donations per week, and the resulting number of estimated traffic trips that will be generated (3,000 to 6,000 per week from donors, plus staff and delivery trips) the applicants request is not consistent with the Comprehensive Plan.

Staff recommends ***Denial*** of the annexation/rezoning request.

Planning & Zoning Commission Recommendation

At the August 23, 2016 meeting the Planning & Zoning Commission unanimously recommended ***Denial*** of the annexation rezoning request.



PROJECT NARRATIVE
**Rezoning of Property at 1373 Highway 85 North
Fayetteville, GA 30214**

Date: June 23, 2016

The proposed project is located on a 5.89 acre parcel located at 1373 Highway 85 North; said property is on the “south” side of Highway 85 North in the unincorporated Fayette County, Georgia. The property is currently zoned A-R (Agricultural-Residential District); the request is to annex and rezone the property to C-2 (Community Commercial) within the City of Fayetteville. The existing one-story dwelling with attached carport and detached accessory structure located east of the dwelling will be razed. Thereafter, a 16,686 square foot, single-story plasma donation center containing 72 “beds” is proposed which fits into the medical/dental office category; a permitted use in the C-2 District.

The proposed development will be operated by Biolife Plasma Services. In addition to the subject clinic, stormwater facilities, parking with interior access drives, landscaping, and other required infrastructure is proposed for the subject property. This proposed rezoning and use matches with the existing Highway Commercial Zoning on the adjacent parcels fronting Highway 85.

Please contact me if you have any questions or if additional information is required.

Thank you,

A handwritten signature in black ink, appearing to read "Eric Drazkowski".

Eric Drazkowski
920-322-1678
eric.d@excelengineer.com



ANNEXATION & REZONING APPLICATION

File#: _____ (to be filled in by City Staff)

TO: The Mayor and Council

The undersigned hereby respectfully requests that the City of Fayetteville Zoning Map be amended as described below:

1. This is a request for:
 Annexation & Rezoning/Zoning Map Amendment
Fees \$1,750.00

ALL LEGAL FEES ASSOCIATED WITH THESE ZONING ACTIONS AND DEVELOPMENT AGREEMENTS WILL BE THE RESPONSIBILITY OF THE APPLICANT ALONG WITH THE REQUIRED APPLICATION FEES.

2. Give exact information to locate the property for which you propose a change:

Tax District Number: 5th

Tax Map Number: 0538 026

Parcel Number(s): 185

Size of subject property: 4.76 Acres

3. What is the current Fayette County zoning on this property? A-R _____

4. What new zoning do you propose for this property? C-2 Community Commercial

(Under item 7, explain your reason(s) for your rezoning request)

5. Do you own all of the property proposed for this zoning change? Yes No
If no, each property owner must sign an individual application.

6. Is this property subject to an Overlay District? Check those that may apply:
 Corridor Overlay District Main Street District
 Historic Preservation District Ground Water Recharge Area
 Watershed Protection

- ◆ *Applications will not be considered complete until all items have been supplied. Incomplete applications will **NOT** be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.*
- ◆ *All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.*
- ◆ *The City shall have five business days in order check applications for completeness.*

7. Intent of Rezoning / Annexation Request: (Detailed Description of Development)
(Attach a separate sheet if necessary)

Proposed 16,686sf plasma donation center with associated parking. Site to be served by public water, sanitary, and storm.

Staff's Signature: _____

Date: 6/27/16

Notary Public: _____

Signature of Applicant: Mary Kathryn McLoey

Printed

Name: Mary Kathryn McLoey - Executor

Telephone

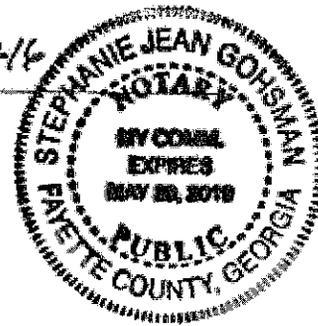
Number: 678.770.1918

Address: 1373 Hwy 85 N, Fayetteville, GA 30214

Agent / Owner

(Name/Address/Telephone/E-mail): Becky Crawford, BHHS Georgia Properties: 320 W. Lanier Ave., Ste 110, Fayetteville 30216; 678.480.4387; Becky.crawford@BHHSGeorgia.com

Becky Crawford



The completed application will be reviewed by the Planning & Zoning Commission at a regularly scheduled monthly meeting, upon which, they will make a recommendation to Mayor and Council. The recommendation will be presented as a public hearing at two consecutive City Council meetings before a vote is taken for approval or denial.

FOR PLANNING & ZONING DEPT. USE ONLY

File No. _____ Posting Notice Date: _____

Amount Received: _____ Legal Ad Date: _____

P&Z Meeting Date: _____

City Council 1st Reading: _____ City Council 2nd Reading: _____

All annexation and rezoning must go to City Council for two readings for final approval or denial.

Date Completed Application Was Received: _____

(Official Date Stamp)

- ◆ Applications will not be considered complete until all items have been supplied. Incomplete applications will NOT be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.
- ◆ All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.

APPLICATION/CHECKLIST

Return this APPLICATION/CHECKLIST with submittal - Incomplete submittals will not be reviewed.

- Eight (8) 24"x36" printed copies and PDF copy of the development site plan and elevations for departmental review.**
To include:
 - Vicinity map showing project location, north arrow, graphic scale & date
 - Complete survey including property boundary lines, with bearings & distances
 - Existing roads, streets, highways, & respective r-o-w widths on or adjacent to property
 - Existing drainage ditches, canals, water courses, and drainage easements on or adjacent to the property
 - Existing buildings, structures, and facilities on development property and adjacent property
 - All existing utility lines on or adjacent to the property
 - Adjacent property land uses, zoning and property owner names
 - A complete legal description of property
 - Impact on classification and structure of existing dams. Provide dam break analysis if applicable.

- Ten (10) 11"x 17" copies of the site plan & all four sides color elevations for Commission review.**
- PDF file of site plan & color elevations
- Narrative describing nature & scope of project
- Material Samples
- Wetlands boundary determination & certification (USACoffE)
- Topographic Survey, drainage plan and storm water runoff calculations
- Grading & utility plan, including:
 - Final design & layout of underground electric, telephone, gas & cable TV utility lines
- Soil erosion & sediment control plan, including:
 - Detail sheets for soil erosion & sediment control facilities
- Storm water management facilities and utility profiles
- Storm Water Management Plan, showing downstream impact & final disposition of water (Storm Water Management Plans shall meet the requirements of Ordinance 0-30-02, Storm Water Quality Ordinance, adopted June 20, 2002.)
- Future Conditions Floodplain (if project is in a drainage basin of 100 acres or larger).
- CAD/GIS Data Submission Standards
- Tree Protection Plan (TPP) including:
 - Tree survey & identified trees requested for removal
 - Tree protection zones and proposed tree protection methods
 - Tree planting & replacement plan
 - Name, registration & contact info for responsible professional
- Lighting Plan, conforming to the provisions of Section 94-322
- Existing & proposed fire hydrant locations
- Proposed access to existing roads, circulation routes, parking space layout & dimensions
- Proposed setbacks, buffers, open spaces areas, landscaped areas, & impervious surface calculations.
- Water supply & sewage disposal plans
- Letters of capability & commitment to serve water, sewer, electric, telephone, & cable TV from the affected agencies
- Dept. of Natural Resources permits & approvals
- DOT encroachment permit
- Fire safety standards approval by Fire Official
- Mainstreet Director's certification of compliance (for projects within Mainstreet District)
- Must check with City's Building Department, Finance Department and Water Department for other possible fees ie: sewer assessment, impact fees, etc.

1. Building Dept. (Greg Taliercio) 770-719-4065
2. Finance Dept. (Mike Bush) 770-461-6029

- ◆ *Applications will not be considered complete until all items have been supplied. **Incomplete applications will NOT be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.***
- ◆ *All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.*
- ◆ *The City shall have five business days in order check applications for completeness.*

Subject Matter: Rezoning – 1373 Highway 85 North
Date First Presented at Council Public Meeting: 9-1-16
Date of Public Hearing Before City Council: 9-1-16
Date of Adoption: 9-1-16
Date of Public Notice Published in Fayette News: 8-17-16 & 8-24-16

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-18-16

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS OF FACT

The City of Fayetteville (the “City”), has received an application from **Mary Kathryn McCoy** for initial zoning for property described in Exhibit “A” attached hereto. (Said property shall be referred to herein as “Property”). Said parcel of property has contemporaneously been annexed into the city limits of the City of Fayetteville. The City has given notice to the public of this proposed Zoning as required by law and public hearings have been conducted as required by law. The City had complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-6 prior to the adoption of this ordinance.

ORDINANCE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The zoning classification of the described property is amended and modified, and the zoning classification of the property described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as **Community Commercial (C-2)**, pursuant to the City of Fayetteville’s Comprehensive Zoning Ordinance.

The City’s new ordinance classification upon the described property shall become immediately effective. The City’s Comprehensive Zoning Map is hereby amended to reflect this rezoning.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the following conditions:

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 1st day of September 2016, by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr. Mayor

Scott Stacy, Mayor Pro Tem

Anne Barksdale, City Clerk

Kathaleen Brewer, Council Member

Paul C. Oddo, Jr., Council Member

Harlan Shirley, Council Member

James B. Williams, Council Member

Exhibit A
Insert Legal Description



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

FROM: Mike Bush, Director of Finance

DATE: August 10, 2016

SUBJECT: 2016 Millage Rate

Staff is recommending a millage rate of 3.874 for calendar year 2016 as indicated on the form PT32.1 – Computation of Millage Rate Rollback and Percentage Increase in Property Taxes. This millage rate will not be rolled back in 2016. The millage equivalent of reassessed value is an increase of 0.128 mills over 2015's mill rate. The digest for calendar year 2015 increased by 4.78% over calendar year 2015 for the reassessment of existing real property.

General Fund's millage rate will be 3.015 mills and Capital Projects Fund's millage rate will be 0.859 mills for the 2015 digest. A mill will be worth \$815,305 which equates to total digest taxes of \$3,159,222. In comparison to 2014 total digest taxes this is an increase of \$144.129

Attached are the required documents; Form PT-38, City Millage Rate Certification, Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Year 2015 form, and the City of Fayetteville 2015 Tax Digest and 5 Year History of Levy. The Form PT-38 and the Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Year 2015 form can be signed by the City Manager upon approval of the millage rate of 3.874 mills by the City Council.

PRESS RELEASE

The Fayetteville City Council today announces its intention to increase the 2016 property taxes it will levy this year by 3.42 percent over the rollback millage rate.

Each year, the board of tax assessors is required to review the assessed value for property tax purposes of taxable property in the county. When the trend of prices on properties that have recently sold in the county indicate there has been an increase in the fair market value of any specific property, the board of tax assessors is required by law to re-determine the value of such property and adjust the assessment. This is called a reassessment.

When the total digest of taxable property is prepared, Georgia law requires that a rollback millage rate must be computed that will produce the same total revenue on the current year's digest that last year's millage rate would have produced had no reassessments occurred.

The budget tentatively adopted by the Fayetteville City Council requires that a millage rate higher than the rollback millage rate, therefore, before the Fayetteville City Council may finalize the tentative budget and set a final millage rate, Georgia law requires three public hearings to be held to allow the public an opportunity to express their opinions on the increase.

All concerned citizens are invited to the public hearings on this tax increase to be held at Fayetteville City Hall, 240 South Glynn Street, Fayetteville, Georgia on August 25, 2016 at 10:00 AM and 6:00 PM and on September 1, 2015 at 6:00PM.

NOTICE OF PROPERTY TAX INCREASE

The FAYETTEVILLE CITY COUNCIL has tentatively adopted a millage rate which will require an increase in property taxes by 3.42 percent over the rollback rate.

All concerned citizens are invited to the public hearing on this tax increase to be held at Fayetteville City Hall 240 South Glynn Street, Fayetteville, Georgia on August 25, 2015 at 10:00 AM at 6:00 PM.

Times and places of additional public hearings on this tax increase are at Fayetteville City Hall 240 South Glynn Street, Fayetteville, Georgia on September 1, 2016 at 5:30 PM.

This tentative increase will result in a millage rate of 3.874 mills an increase of .128 mills. Without the tentative tax increase, the millage rate will be no more than 3.746 mills. The proposed tax increase for a home with a fair market value of \$150,000 is approximately \$7.68 and the proposed tax increase for non-homestead property with a fair market value of \$350,000 is approximately \$17.92

Millage Rate Calculation Worksheet

Total Budget		3,547,680
Total Digest Transfer		700,532
Digest Worth	815,493,557	815,494
Millage Rate needed for Budget		0.859

**CITY OF FAYETTEVILLE 2016 TAX DIGEST
AND 5 YEAR HISTORY OF LEVY**

The City of Fayetteville does hereby announce that the millage rate for the City of Fayetteville will be set at a meeting of the City of Fayetteville Mayor and Council on September 1, 2016 at 6:15 PM in the City Council Chambers at 240 South Glynn Street. The City of Fayetteville proposes to not roll back the total increase in the tax digest as a result of reassessment of property. Therefore, the proposed millage rate will become 3.874 mills which includes 3.015 mills for the General Fund operations and 0.859 mills dedicated to capital projects. Pursuant to the requirements of O.C.G.A Section 48-5-32, the City of Fayetteville does hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

City-Fayetteville	2011	2012	2013	2014	2015	2016
REAL & PERSONAL	754,962,295	662,037,546	652,947,187	687,961,091	754,805,725	801,199,307
MOTOR VEHICLE	41,599,160	43,882,340	46,781,650	39,708,310	29,407,350	21,564,490
MOBILE HOMES	0	0	0	0	0	0
TIMBER - 100%	0	0	0	0	0	0
HEAVY DUTY EQUIPMENT	0	91,898	29,395	560,921	189,148	442,066
GROSS DIGEST	796,561,455	706,011,784	699,758,232	728,230,322	784,402,223	823,205,863
LESS M&O EXPEMPTIONS	2,541,634	2,227,595	3,809,872	5,464,068	6,112,866	7,712,306
NET M&O DIGEST	794,019,821	703,784,189	695,948,360	722,766,254	778,289,357	815,493,557
GROSS M&O MILLAGE	6.323	7.256	7.323	7.082	7.283	7.417
LESS ROLLBACKS	2.882	3.374	3.397	3.208	3.409	3.543
NET M&O MILL	3.441	3.882	3.926	3.874	3.874	3.874
NET TAXES LEVIED	2,732,222	2,732,090	2,732,293	2,799,996	3,015,093	3,159,222
TAXES \$ INC	-491	(132)	203	67,703	215,097	144,129
TAXES % INC	-1.32%	-0.02%	0.01%	2.48%	7.68%	4.78%

PT32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2016

COUNTY **FAYETTE**

TAXING JURISDICTION **City of Fayetteville & TAD (#2)**

INFORMATION FOR THE SHADED PORTIONS OF THIS SECTION MUST BE ENTERED

This information will be the actual values and millage rates certified to the Department of Revenue for the applicable tax years.

DESCRIPTION	2015 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2016 DIGEST
REAL	684,580,282	26,899,449	7,795,085	719,274,816
PERSONAL	70,225,443		11,699,048	81,924,491
MOTOR VEHICLES	29,407,350		-7,842,860	21,564,490
MOBILE HOMES	0		0	0
TIMBER -100%	0		0	0
HEAVY DUTY EQUIP	189,148		252,918	442,066
GROSS DIGEST	784,402,223	26,899,449	11,904,191	823,205,863
EXEMPTIONS	6,112,866	0	1,599,440	7,712,306
NET DIGEST	778,289,357	26,899,449	10,304,751	815,493,557
FLPA Reimbursement Value			0	
Adjusted NET DIGEST	778,289,357	26,899,449	10,304,751	815,493,557
	(PYD)	(RVA)	(NAG)	(CYD)
2015 MILLAGE RATE >>>	3.874	2016 PROPOSED MILLAGE RATE >>>		

THIS SECTION WILL CALCULATE AUTOMATICALLY UPON ENTRY OF INFORMATION ABOVE

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2015 Net Digest	PYD	778,289,357	
Net Value Added-Reassessment of Existing Real Property	RVA	26,899,449	
Other Net Changes to Taxable Digest	NAG	10,304,751	
2016 Net Digest	CYD	815,493,557	(PYD+RVA+NAG)
2015 Millage Rate	PYM	3.874	
Millage Equivalent of Reassessed Value Added	ME	0.128	(RVA/CYD) * PYM
Rollback Millage Rate for 2016	RR	3.746	PYM - ME

COMPUTATION OF PERCENTAGE INCREASE IN PROPERTY TAXES

If the 2016 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. Section 48-5-32.1(c) (2)	Rollback Millage Rate	3.746
	2016 Millage Rate	3.874
	Percentage Increase	3.42%

CERTIFICATIONS

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

Chairman, Board of Tax Assessors

Date

I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.

Tax Collector or Tax Commissioner

Date

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. Section 48-5-32.1 for the taxing jurisdiction for tax year 2016 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2016 is _____

CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION

____ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2016 exceeds the rollback rate, I further certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. Sections 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published five year history and current digest advertisement, the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

____ If the final millage rate set by the authority of the taxing jurisdiction for tax year 2016 does not exceed the rollback rate, I further certify that the required five year history and current digest advertisement have been published in accordance with O.C.G.A. Section 48-5-32 as evidenced by the attached copy of such advertised report.

Signature of Responsible Party

Title

Date

CITY AND INDEPENDENT SCHOOL MILLAGE RATE CERTIFICATION FOR TAX YEAR 2016

<http://www.dor.ga.gov>



Complete this form once the levy is determined, and if zero, report this information in Column 1. Mail a copy to the address below or fax to (404)724-7011 and distribute a copy to your County Tax Commissioner and Clerk of Court. This form also provides the Local Government Service Division with the millage rates for the distribution of Railroad Equipment Tax and Alternative Ad Valorem Tax.

Georgia Department of Revenue
 Local Government Services Division
 4125 Welcome All Road
 Atlanta, Georgia 30349
 Phone: (404) 724-7003 Fax: (404) 724-7011

CITY NAME Fayetteville		ADDRESS 240 Glynn Street South			CITY, STATE, ZIP Fayetteville, GA 30214	
FEI #	CITY CLERK Anne Barksdale	PHONE NO.	FAX	EMAIL abarksdale@fayetteville-ga.gov		
OFFICE DAYS / HOURS Monday - Friday 8AM - 5PM	ARE TAXES BILLED AND COLLECTED BY THE () CITY OR () COUNTY TAX COMMISSIONER? LIST VENDOR, CONTACT PERSON AND PHONE NO. Fayette County Tax Commissionier, George Wingo (770) 461-3611					
List below the amount & qualifications for each <u>LOCAL</u> homestead exemption granted by the City and Independent School System.						
CITY			INDEPENDENT SCHOOL			
Exemption Amount	Qualifications		Exemption Amount	Qualifications		
If City and School assessment is other than 40%, enter percentage millage is based on _____%. List below the millage rate in terms of mills. EXAMPLE: 7 mills (or .007) is shown as 7.000. PLEASE SHOW MILLAGE FOR EACH TAXDING JURISDICTION EVEN IF THERE IS NO LEVY.						
CITY DISTRICTS	DISTRICT NO.	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
List Special Districts if different from City District below such as CID's, BID's, or DA's	List District Numbers	Gross Millage for Maintenance & Operations	**Less Rollback for Local Option Sales Tax	Net Millage for Maintenance & Operation Purposes (Column 1 less Column 2)	Bond Millage (If Applicable)	Total Millage Column 3 + Column 4
City Millage Rate		7.417	3.543	3.874		3.874
Independent School System						0.000
Special Districts						0.000
						0.000
						0.000
						0.000
						0.000

**Local Option Sales Tax Proceeds must be shown as a mill rate rollback if applicable to Independent School.

Name of County(s) in which your city is located:

Fayette		
---------	--	--

I hereby certify that the rates listed above are the official rates for the Districts indicated for Tax Year 2016

 Date _____
 Mayor or City Clerk



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Michael Bush, Director of Finance
Anne Barksdale, City Clerk

FROM: Brian Wismer, Director of Economic Development

DATE: August 22, 2016

SUBJECT: Consider advertising agreement with Legacy Media, LLC (92.5 The Bear FM).

Recently, City Council dedicated certain funds for the purposes of creating awareness of upcoming events and attractions, and promoting tourism to the City. Funds in the amount of \$10,000 were marked for advertising expenses with 92.5 The Bear FM, contingent on their relocation to downtown Fayetteville.

The advertising agreement under consideration is a one-year agreement, automatically renewable for three additional years with Legacy Media, LLC who operates 92.5 The Bear FM. The contract stipulates the amount of advertising received annually and the value of each advertising piece. Promotional pieces include one on one, monthly interviews; station ID's on the hour; and standard commercial spots. The cumulative value of these promotions will far exceed the City's monetary annual investment, and should be beneficial in increasing awareness of City events and happenings. Also, the relocation of their broadcast studio to downtown Fayetteville will create a new point of interest on the square, as the DJ's will be visible through the large windows of that commercial space during their live broadcasts.

For these reasons, Staff recommends APPROVAL of the advertising agreement as presented.



**Advertising and Marketing
Agreement of Partnership between
Fayetteville and 92.5 The Bear**

This Agreement of Partnership made this 1st day of September, 2016 will serve as our agreement regarding the October 1, 2016 through October 1, 2020 Advertising & Marketing Agreement for the city of Fayetteville, GA, subject to the initial term and renewal rights hereinafter described.

Subject to the initial term and renewal rights hereinafter described, 92.5 The Bear will provide the following:

1. **Studio.** Locate the primary 92.5 the Bear studio at 105A Stonewall Avenue East in downtown Fayetteville.
2. **Top of the hour ID.** Identify Downtown Fayetteville as the studio location for 92.5 the Bear. (24 per day valued at \$5 each)

Yearly value: \$43,800

3. **Studio ID.** Identify the Fayetteville Square with Fayetteville marketing message and the home of 92.5 the Bear home. (12 per day valued at \$30 each)

Yearly value: \$131,400

4. **Home Town Hero.** Monthly installment with City representative as guest, broadcast between Monday-Friday 7pm-9pm, designed to promote the city of Fayetteville and/or Fayetteville event. (1 per month valued at \$500 each)

Yearly value: \$6,000

5. **Commercial schedule.** Monthly advertising schedule consisting of sixty (60) :30 spots per month Monday - Sunday between 6am - 12m designed to promote the city of Fayetteville. (60 per month valued at \$30 each)

Yearly value: \$21,600

Total Yearly Value: \$202,800

The city of Fayetteville will provide the following:

1. Subject to the initial term and renewal rights hereinafter described, the city of Fayetteville agrees to pay 92.5 the Bear Forty Thousand (\$40,000.00) dollars in four (4) equal installments of Ten Thousand (\$10,000) on September 15, 2016, September 15, 2017, September 14, 2018 and September 13, 2019 for all services listed within this agreement.
2. **Initial Term and Renewal.** The Initial term of this agreement and the obligations and mutual promises herein shall be for a term of one year from October 1, 2016. The City shall have the option to extend this agreement for three additional one year consecutive terms; to be exercised by the City's failure to deliver, by no later than the thirtieth day prior to the last day of the then current term, to 92.5 The Bear, a written notice that this agreement shall terminate at the expiration of the then current one-year term.

MISCELLANEOUS.

This Agreement constitutes the entire agreement between the parties and shall supersede any and all other agreements, whether oral or otherwise, between the parties and is non-cancelable. Any amendment or modification of this Agreement must be in writing and signed by authorized representatives of both parties. No waiver of any provision hereof shall be deemed a waiver of any other right or instance of breach of the same or any other provision. The agreement will be governed by and construed according to the laws of the State of Georgia and the parties hereby consent to the exclusive jurisdiction of the state and federal courts located in Atlanta, GA. If any term or provision of this Agreement, or the application thereof to any person or circumstance shall, to any extent be held invalid or unenforceable, the remainder of the Agreement, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and be affected thereby and each such term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law. This Agreement may be executed in one or more counterparts and signed copies may be delivered by facsimile or e-mail, in which event, each of which shall be deemed original and all of which together will constitute one and the same instrument.

AGREED AND ACCEPTED:

The city of Fayetteville

92.5 The Bear / Legacy Media, LLC

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: Ray Gibson, City Manager

DATE: August 25, 2016

SUBJECT: Request to Amend the Annexation Consent Agreement for the Pinewood Forrest Development

On August 1, 2013 the City of Fayetteville along with Fayette County entered into an Annexation Consent Agreement/Intergovernmental Agreement with Pinewood Atlanta regarding the Pinewood Forrest mixed-use development. *Section 5(f)* of the agreement under Representations and Warranties, states that the County will be responsible for the construction costs of a multi-use tunnel under Veterans Parkway less the Pinewood Atlanta contribution of \$60,000.00.

The developer would now like to amend this 2013 agreement to allow for the construction of a bridge over Veterans Parkway that would see the County contribute up to \$836,427.00 towards the project.

Staff would like the Council to provide direction on this request so that the Fayette County BOC can move forward with making a decision at their September 8th Regularly Scheduled meeting. If approved by the County, the amended agreement will come back before the City Council for a vote.



August 18, 2016

RE: Multi-Purpose Structural Bridge located at Pinewood Forrest

Mr. Rapson,

The Ownership of Pinewood Atlanta Studios and Pinewood Forrest commercial developments are respectfully requesting the multi-purpose "tunnel" that was approved in the Governmental Agreement between Fayette County and The City of Fayetteville to be substituted for a multi-purpose "bridge" that crosses over Veterans Parkway.

Attached are two conceptual drawings (plan view and photo image).

The development teams of each project (PAS & PF) would like to engage the conceptual design to the next level of drawings to submit to the City of Fayetteville for "design" approval.

After that City of Fayetteville approval process the Owners of both projects would design, permit, and install the bridge and would expect Fayette County to issue the amount of \$836,427.00 in progressive payments during construction.

The anticipated cost of the bridge will exceed the cost of a tunnel and the Owners (PAS & PF) will be paying all costs exceeding the \$836,427.00 allocation.

The City of Fayetteville is in accordance with this agreement.

If you have any questions or comments please contact Rick Halbert 770-616-8574 or rick@halbertdevelopment.com

Thank you,

A handwritten signature in black ink that reads 'Rick Halbert'.

Rick Halbert
Cc: Ray Gi



FOLEY DESIGN
www.foleydesign.com

CONCEPTUAL BRIDGE STUDY
PINWOOD ATLANTA STUDIOS
FAYETTEVILLE, GA

AUGUST 9, 2016
PINWOOD ATLANTA STUDIOS
SANDY CREEK ROAD, FAYETTEVILLE, GA



HGOR



PINWOOD
PINWOOD ENTRANCE CONCEPT
Fayetteville, GA August 03, 2014

ANNEXATION CONSENT AGREEMENT

This Intergovernmental Agreement (hereinafter "Agreement") is entered into this the 1 day of August, 2013 by and among FAYETTE COUNTY, a political subdivision of the State of Georgia (hereinafter "County"); the CITY OF FAYETTEVILLE, a municipal corporation chartered by the State of Georgia (hereinafter "City") and _____ a Georgia corporation (hereinafter "Property Owner").

WITNESSETH:

WHEREAS, Property Owners desire to annex into the corporate limits of City multiple tracts of land totaling approximately 1200 acres, more particularly described on Exhibit "A"; and

WHEREAS, pursuant to the O.C.G.A. § 36-36-6 and O.C.G.A. § 36-36-111, the City notified the County of its intent to annex the tracts and further notifying the County of the intended land use classification; and

WHEREAS, the County raises no objections to said annexation.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties hereunto agree as follows:

- 1. Recitals.** The Recitals contained in this Agreement are specifically incorporated herein and made a part hereof.
- 2. Annexation.** The City of Fayetteville shall annex within its corporate borders the properties shown on Exhibit "A" (the Annexed Property), such parcels containing approximately 1200 acres of land.
- 3. Zoning of the Annexed Area.** The City shall zone parcels 07-06-006, 07-06-063, 07-05-007, 07-05-019, 05-28-011, 05-28-030, and 05-28-040. Planned Community District (PCD) as described in Exhibit "B" attached hereto and incorporated herein. The remaining portion of the Annexed Property shall be zoned R-70 Residential as described in Exhibit "C" attached hereto and incorporated herein.
- 4. Consent of County.** The County hereby consents to the annexation proposed hereby and waives all objections to the proposed annexation, provided, the Annexed Property is zoned by the City as described in Paragraph 3 above.

5. Representations and Warranties.

- a. The undersigned Mayor of the City of Fayetteville hereby represents and warrants that this agreement has been fully reviewed by the City Council and that the City Council has approved this Agreement in a meeting open to the public and has authorized the Mayor to execute the same.
- b. The undersigned Chairman of the Fayette County Board of Commissioners hereby represents and warrants that this agreement has been fully reviewed by the Board of Commissioners and that the Board of Commissioners has approved this Agreement in a meeting open to the public and has authorized the Chairman to execute the same.
- c. For the construction underway in the County prior to the annexation, the City authorizes the County to issue permits and collect associated permit fees, review, inspect, and enforce compliance with all applicable Fayette County building codes, including the issuance of a certificate of occupancy. The City shall retain the right to review and comment to County staff regarding any concerns pertaining to said site/construction plans. Upon issuance by the County of a CO, the City will accept the development as being compliant with City codes and ordinances. All future development projects on the Annexed Property after annexation shall be subject to the City of Fayetteville's standard planning and zoning review and development approval procedures.

For land disturbance shown on the construction plan known as "Pinewood Atlanta Phase 1A" approved on 6/13/13 by Stormwater Management, the City authorizes the County to issue permits and collected associated fees, review, inspect, and enforce compliance with all applicable Fayette County stormwater, and erosion, sediment, and pollution control codes.

- d. Notwithstanding any of the items declared in paragraph 5c above, for the site/construction plan known as "Pinewood Atlanta Phase 1A", the City shall issue permits and collect associated permit fees, review, inspect, and enforce compliance with sanitary sewer, landscaping, minimum parking dimensions, and signage standards according to City of Fayetteville codes and ordinances.
- e. For future construction, the City may contract with the County to provide building permitting and inspection services for compliance with all applicable City building codes. The scope of these services will be covered in a separate agreement for Permitting and Inspection Services.
- f. Multi-Use Paths – The City and County shall continue to work together, along with the property owners, to develop a comprehensive network of multi-use paths

that provide safe and efficient access for pedestrians, bicycles and golf carts across the subject properties and into other areas of the City and County.

In addition, Fayette County shall be responsible for design, permitting and construction of a path over Sandy Creek, of which Pinewood Atlanta has allowed the Fayette County government full access to the property to facilitate the multi-use path continuing across the wetlands, by bridge or build-out of existing embankment, to the southeastern corner of the subject property. The creek crossing will ultimately connect to pathways along Veterans Parkway to be constructed by Owners/Developers of Pinewood Atlanta.

Multi-Use Path Tunnel - The City and County acknowledge that a multi-use path tunnel shall be constructed beneath either Sandy Creek Road or Veteran's Parkway connecting to the Pinewood site. The location of the tunnel shall be decided jointly between the City and County. The City and County also acknowledge that Pinewood Atlanta shall make a financial contribution in the amount of \$60,000 and required easements towards the tunnel project with specific details addressed in the conditions of annexation. The City will be responsible for the coordinating the construction of the tunnel with the County providing earthwork to reduce costs. The City will include the multi-use path tunnel as an eligible project in the 2013 Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST), and if the referendum is approved by the voters, the City shall be responsible for the balance of the costs of the project less the Pinewood Atlanta contribution and earthwork assistance from the County. Should the SPLOST referendum not be approved by the voters, the County will be responsible for the total construction costs less the Pinewood Atlanta contribution. At-grade path crossings of Veteran's Parkway and Sandy Creek Road shall be avoided for safety and efficiency reasons, and without a tunnel or bridge access, made only at intersections with traffic controlled devices (e.g. stop signs or traffic signals, etc.) Any exceptions shall be approved by both City and County engineering departments.

- g. The City of Fayetteville has plans to construct a new Fire Station (Station 93) to service the existing city limits and newly annexed properties in the West Fayetteville area as outlined in exhibit "A." Design is programmed in the City's FY 2015 budget with construction in FY 2016 budget. Fayette County Station 11 is currently providing primary emergency fire response to the area of the proposed annexation with secondary response from City of Fayetteville Fire Station 91. Fayette County agrees to continue with this service delivery arrangement without any charge for services through June 30, 2015. After this date, the City agrees to compensate the County for primary emergency fire response protection services until Station 93 is operational.

Said compensation shall be at fifty (50%) of the total assessed value of real property in the annexed area as of June 30, 2015 and any subsequent years multiplied by the Fayette County Fire Millage rate effective as of June 30, 2015 and for any subsequent years. The City shall provide documentation to the County by January 15th of each year, starting in 2016, and the City shall submit payment to the County by January 31st of each year, starting in 2016. Any disputes will be settled jointly between the Fayetteville City Manager and Fayette County Administrator. This service delivery agreement is strictly limited to the properties outlined in exhibit "A" until Station 93 assumes primary response to the area. Upon assumption of primary response by Station 93, the service delivery agreements in force at that time will then apply.

- h.* The City of Fayetteville Police Department shall utilize a phased-in approach to address the staffing and capital needs associated with law enforcement service delivery to the proposed West Fayetteville Area. The Fayette County Sheriff's Office shall continue to operate under the current Mutual Aid Agreement to provide initial service to the new West Fayetteville Area until Fayetteville Police resources are fully developed.
- i.* Emergency 9-1-1 services are provided by Fayette County through a consolidated 9-1-1 system. City of Fayetteville property owners contribute to this system through a special tax district. This system will service the proposed annexation area in the same manner.
- j.* Emergency Medical Services, advanced life support and transport services are provided by Fayette County. City of Fayetteville property owners contribute to this system as part of the EMS tax district. This system will service the proposed annexation area in the same manner.
- k.*
 - 1. The City of Fayetteville will assume full maintenance responsibility for all of Veterans Parkway between SR 54 and Sandy Creek Road, a distance of approximately 1.86 miles.
 - 2. The City of Fayetteville will assume full maintenance responsibility for the portion of Sandy Creek Road between its southern termini with Veterans Parkway and western-most edge of the proposed City limits; a distance of approximately 0.55 miles.
 - 3. The City of Fayetteville should assume full ownership and maintenance responsibility for the intersection of Sandy Creek Road and Veterans Parkway.
 - 4. Road capacity increases may be needed in the future for the existing 2-lane section of Veterans Parkway and Sandy Creek Road within the areas being considered for annexation. County would agree to include this project in a future SPLOST at City's request.

1. The City agrees to uphold the following curb cut limits along Veterans Parkway and Sandy Creek Road.

For parcels annexed into the City and having frontage on Veterans Parkway between SR 54 and South Sandy Creek Road:

- No private driveways onto Veterans Parkway; and
- No additional future road intersections beyond the two intersections already built into the roadway. Frontage roads, provided by property owners/developers, shall be used to gain access to the existing curb cuts.

For parcels having frontage on Sandy Creek Road and/or Veterans Parkway (north of South Sandy Creek Road intersection):

- One curb cut, as already shown on site plan, from the Rivers Rock LLC properties (Parcels 07-06-006 and 07-05-007) to Veterans Parkway;
- One future curb cut from Parcel 05-26-011 to Veterans Parkway;
- One future curb cut from Parcel 07-06-006 (44-acre portion) to Sandy Creek Road; and
- Additional driveways and/or road intersections from other parcels may be permitted in accordance with existing City and County regulations.

6. Miscellaneous. This agreement is entered into pursuant to the authority granted in Article 9, § 3, ¶ 1 of the Constitution of the State of Georgia. This agreement shall be construed in all respects in accordance with Georgia law. This agreement may not be modified or amended except in writing signed by all the parties.

IN WITNESS WHEREOF the parties have set there hand and seal the date first written above.

[Signature appear on the next page]

CITY OF FAYETTEVILLE

By: 
Gregory C. Clifton
Mayor

FAYETTE COUNTY

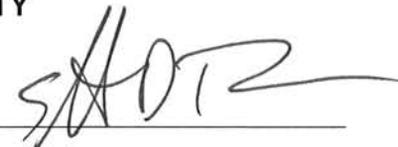
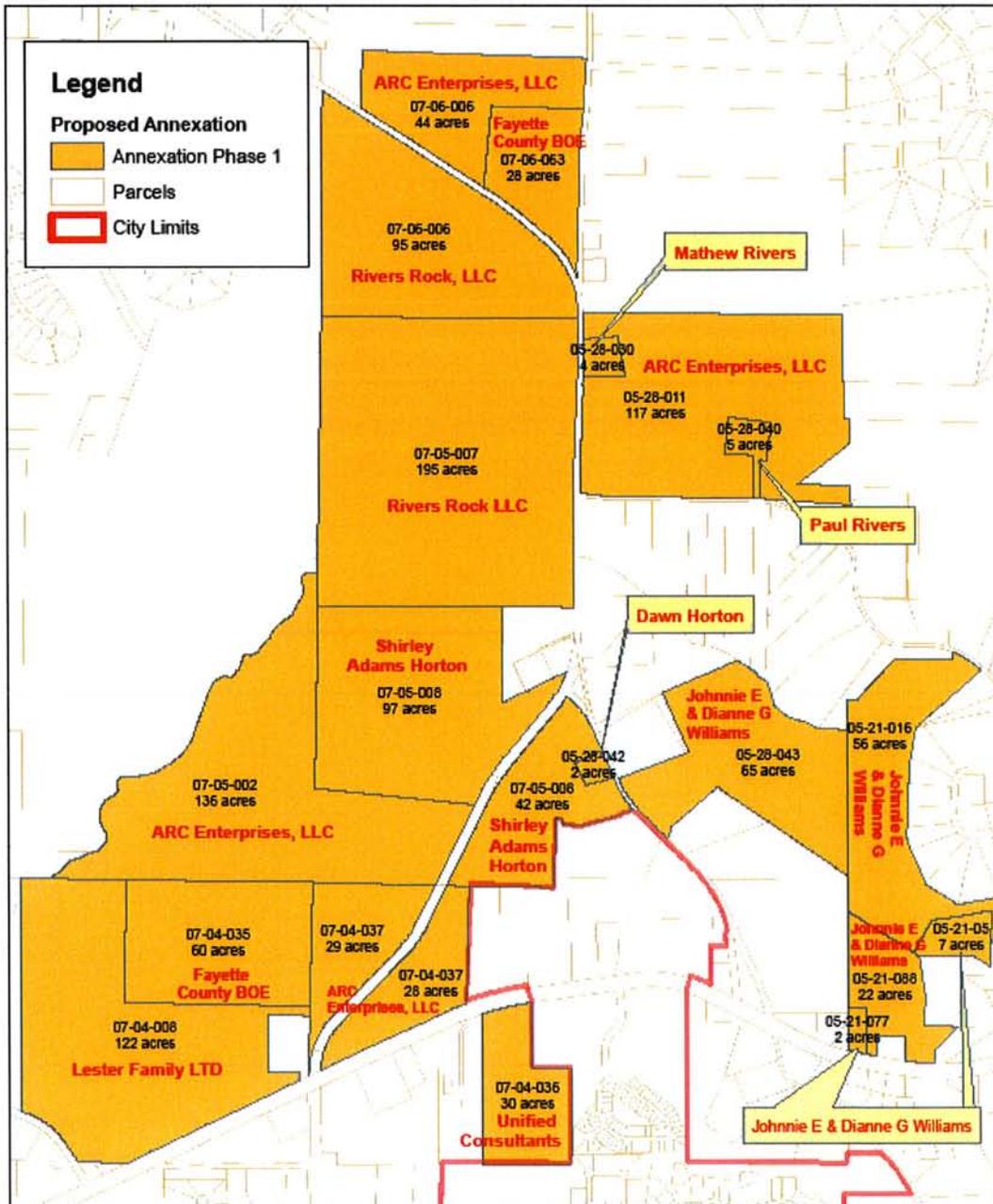
By: 
Steve Brown
Chairman

EXHIBIT A



West Fayetteville Area Proposed Annexation

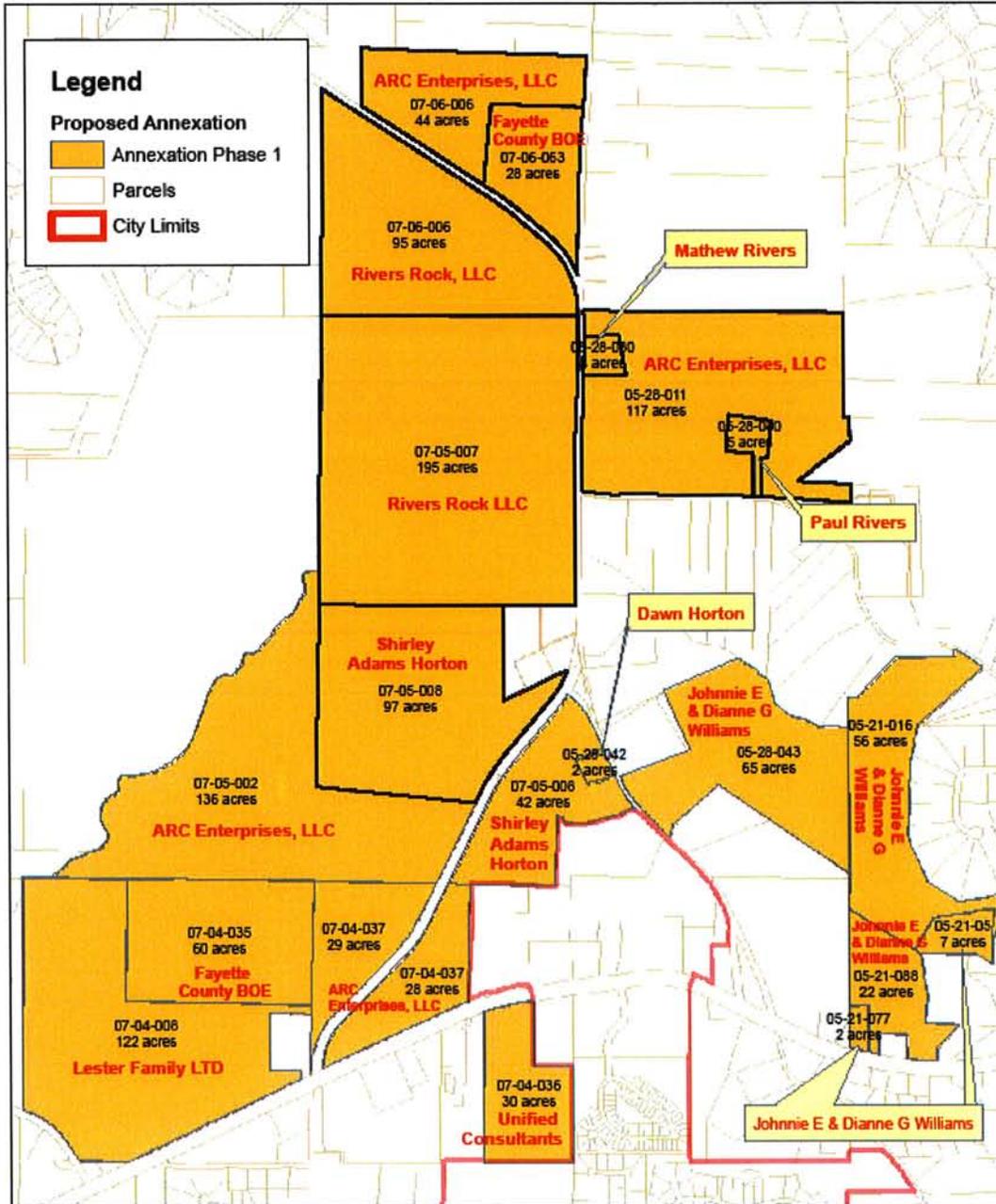


Planning & Zoning/Annexation/Projects/West Fayetteville Area Annexation/West_Side_Annex_Phase1 Map created 06/12/13 for the City of Fayetteville by L. Hale.

EXHIBIT B

PCD

West Fayetteville Area
Proposed Annexation

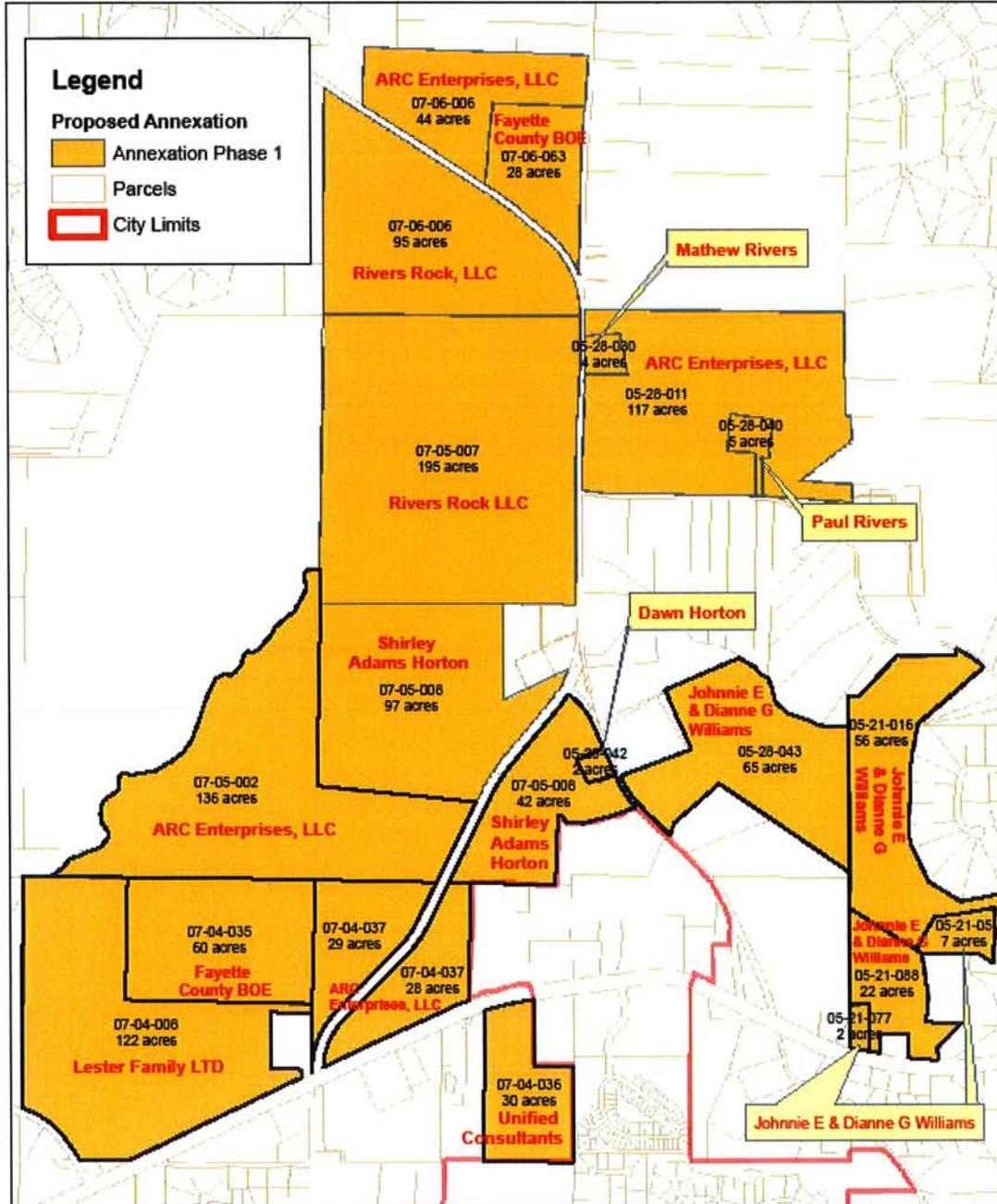


Planning & Zoning/Annexation/Projects/West Fayetteville Area Annexation/West_Side_Annex_Phase1 Map created 06/12/13 for the City of Fayetteville by L. Hale.

EXHIBIT C

R-70

West Fayetteville Area
Proposed Annexation



Planning & Zoning\Annexation\Projects\West Fayetteville Area Annexation\West_Side_Annex_Phase1 Map created 06/12/13 for the City of Fayetteville by L. Hale.



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Anne Barksdale, City Clerk

FROM: Jahnee Prince, AICP

DATE: August 22, 2016

SUBJECT: Proposed Amendments to the Planning and Zoning Commission Bylaws

Background

Staff is proposing clarifications to the language in the City of Fayetteville Planning and Zoning Commission Bylaws regarding how a quorum is determined and under what circumstances the Chair will cast a vote.

Section IV. Officers, Quorum and Affirmation of Motions, Paragraph B, Quorum, states that four voting members must be present to in order for the Planning and Zoning Commission to take action on any matter. This language may be confusing because the Chair does not cast a vote unless there is a tie.

Among other matters, Section IV. Officers, Quorum and Affirmation of Motions, Paragraph C, Decisions of the Planning Commission, spells out the circumstances under which the Chair of the Planning and Zoning Commission may vote. The entire text of the Planning and Zoning Commission Bylaws, with the proposed amendments, is attached for your review

Analysis

Section 2-169 of the Fayetteville City Code addresses Quorum for the Planning and Zoning Commission and provides guidance in this matter. This section states "Four of the six commissioners must be present to constitute a quorum for a regularly scheduled or called meeting." Section 2-169 is silent to the titles of the individual commissioners in attendance at meetings but the Planning and Zoning Commission Bylaws require that there is a Chair, or acting Chair (could be the Vice Chair or another member serving as the Chair), at every meeting.

Staff Recommendation

Staff is proposing the following text amendments to the Planning and Zoning Commission Bylaws Section IV. Officers, Quorum and Affirmation of Motions, Paragraph B, Quorum, and Paragraph C, Decisions of the Planning Commission, to improve clarity and ensure consistency with Section 2-169 of the Fayetteville City Code. Deletions are shown with a ~~striketrough~~ and insertions are underlined.

B. Quorum: To constitute a quorum for the transaction of business, there shall be required to be present at any meeting of the Planning Commission at least four (4) ~~voting~~ members, which may include the Chair. If said quorum is not present, the Planning Commission may not take action on any matter.

C. Decisions of the Planning Commission: The decisions of the Planning Commission shall be by majority vote of the members present and voting, a quorum being present. The Chair can make and/or second motions ~~but and~~ shall only not vote ~~except~~ in cases of a tie vote by the other commissioners. If the Vice-Chair or temporary acting Chair is presiding over a meeting, the same rule shall apply. In the event of a member's abstention based on a conflict of interest or other disqualification, the abstention shall count as if that member were absent and the number of persons necessary for a majority shall be reduced accordingly without affecting the quorum. Recommendations to the Mayor and Council shall be for the approval, approval with conditions, or denial of an application. Final decisions on applications or matters before the Planning Commission shall be approved, approved with conditions, or denied. Items may be tabled and, when tabled, shall be held until the next regularly scheduled voting meeting unless otherwise specified in the vote to table such item. Decisions of the Planning Commission shall be made in accordance with the standards established in the Code and by applicable state and federal laws.

Planning & Zoning Commission Recommendation

At the August 23, 2016 meeting, the Planning & Zoning Commission recommended approval of the amendments.

CITY OF FAYETTEVILLE
PLANNING & ZONING COMMISSION
BYLAWS AND RULES OF PROCEDURE

I. Mission Statement and Values

It is the mission of the City of Fayetteville Planning and Zoning Commission (hereinafter the “Planning Commission”) to insure that the city’s current, as well as future, quality of life is guided by a community planning process that is anticipatory, comprehensive and equitable. The Planning Commission will be guided by the following values:

A. To discharge its duties and responsibilities without favor or prejudice toward any person or group.

B. To remain vigilant against deviations from the city plan that would compromise the integrity of the plan or citizens served by the plan.

C. To recommend changes to the comprehensive plan when those changes would serve the general public interest, and not to recommend changes for any individual, group, or organization for purely personal convenience, caprice, or gain.

D. To discharge its duties in a fair, even-handed and consistent manner.

E. To treat all members of the public, city staff, and commission members with respect.

F. To exercise its public trust in a forthright and honorable manner consistent with all relevant codes, statutes, laws, and rules.

II. Powers and Duties

A. The powers and duties of the Planning Commission are established in Section 2-172 and other appropriate sections of the Code of the City of Fayetteville, Georgia (“Code”). As set forth in Section 2-172, the Planning Commission shall hear and act upon applications pursuant to procedures and standards established by the City Council. The Planning Commission shall act upon applications for preliminary plat approval, phase approval of commercial and extension, enlargement, or continuation of nonconforming use, architectural and landscape plans, subject to Council’s right to review said decision and the applicant’s right to appeal the action of the Planning Commission to City Council. The Planning Commission shall review, conduct public hearings, and make recommendations to Council on applications for annexations and

rezoning. The Planning Commission shall further have such other powers and duties as City Council may, from time to time, establish.

B. The Planning Commission shall, in the consideration of zoning and planning decisions and recommendations and in the administration thereof, follow the procedures established in relevant sections of the Code and the procedures set forth in these bylaws.

III. Composition of the Planning Commission

A. Members: the Planning Commissions shall be composed of six (6) members, to be appointed by the Mayor and approved by Council as set forth in Section 2-167 of the Code. Members are required to successfully complete the Atlanta Regional Commission Community Planning Academy within the first year of their appointment or reappointment to the commission.

B. Terms: The term of office of each member of the Planning Commission shall be two (2) years, or until his/her successor is appointed. The Mayor shall appoint the members at the first Council meeting in January, and each member's term shall continue until the next appointment, or until the member is removed from office. Commissioners # 1, #3, and #5 shall be appointed to begin their terms at the first Planning and Zoning meeting in January during odd-numbered years. Commissioners #2, #4, and #6 shall be appointed during even-numbered years to begin their terms at the first Planning and Zoning meeting in January.

C. Vacancies and Removal: Resignations from the Planning Commission must be submitted in writing to the Mayor and Council. Commission members may be removed, with or without cause, upon a vote in favor of removal by four members of the Council at a public meeting. The Mayor shall appoint a commissioner to fill any unexpired term upon resignation or removal as per Section 2-167 of the Code.

D. Eligibility: Members of the Planning Commission must be residents of the City of Fayetteville. Members may not hold any other public office, including public office within the City of Fayetteville, Fayette County, the State of Georgia, or federal government.

E. Compensation to the Planning Commission members: Members of the Planning Commission shall receive such compensation for their services to the city as determined by and established from time to time by the Mayor and Council.

F. Attendance at meetings: In order for the Planning Commission to conduct its business efficiently, members need to be present for meetings punctually and consistently. In the event that any member is absent from or tardy for four or more meetings within any twelve-month period, such absences shall be deemed to be cause for the review of that member's continued service as a Planning Commissioner. In such

event, the Chair or staff shall submit the attendance issue to Mayor and City Council for their review.

IV. Officers, Quorum and Affirmation of Motions:

A. Officers: Elections for officers will occur at the Planning Commission's first regular voting meeting of each calendar year.

1. Chair: The Planning Commission shall elect one of its members as Chair, who will serve for one year or until a successor is elected. The Chair shall preside over meetings and shall decide all points of order and procedure, unless otherwise directed by a majority of the Planning Commission, subject to these bylaws and to any relevant provision of the Code. Any points of order not determined thereby shall be decided in accordance with the rules set forth in Webster's New World Robert's Rules of Order: Simplified and Applied, 2nd Edition. The Chair shall appoint any committees found necessary to facilitate any business before the Planning Commission. The Chair shall direct the city planning department staff ("Staff") to prepare the agenda for each meeting.

2. Vice Chair: The Planning Commission shall elect one of its members as Vice Chair, who will serve for one year or until a successor is elected. The Vice Chair shall serve as acting chair of the Planning Commission in the absence of the Chair. Upon the resignation or disqualification of the Chair, the Vice Chair shall assume the position of Chair for the remainder of the unexpired term. In such event, the Planning Commission shall elect a new Vice Chair at its next regular meeting.

3. If neither the Chair nor the Vice Chair is present for a meeting, then the Planning Commission shall elect on the record at such meeting, a member who is present to serve as temporary acting chair for that meeting only.

B. Quorum: To constitute a quorum for the transaction of business, there shall be required to be present at any meeting of the Planning Commission at least four (4) ~~voting~~ members, which may include the Chair. If said quorum is not present, the Planning Commission may not take action on any matter.

C. Decisions of the Planning Commission: The decisions of the Planning Commission shall be by majority vote of the members present and voting, a quorum being present. The Chair can make and/or second motions ~~but and~~ shall ~~not only~~ vote ~~except~~ in cases of a tie vote by the other commissioners. If the Vice-Chair or temporary acting Chair is presiding over a meeting, the same rule shall apply. In the event of a member's abstention based on a conflict of interest or other disqualification, the abstention shall count as if that member were absent and the number of persons necessary for a majority shall be reduced accordingly without affecting the quorum. Recommendations to the Mayor and Council shall be for the approval, approval with

conditions, or denial of an application. Final decisions on applications or matters before the Planning Commission shall be approved, approved with conditions, or denied. Items may be tabled and, when tabled, shall be held until the next regularly scheduled voting meeting unless otherwise specified in the vote to table such item. Decisions of the Planning Commission shall be made in accordance with the standards established in the Code and by applicable state and federal laws.

V. Bylaws and Rules of Procedure:

The membership of the Planning Commission may adopt rules of procedure and by-laws not in conflict with the provisions of Sections 2-167 through Section 2-174, or any other applicable provision, of the Code. Such rules and bylaws shall be submitted to and approved by City Council prior to their adoption. Notice of intent to adopt or amend rules of procedure and by-laws, together with the content of the proposed rules and/or amendment, shall be distributed in writing to each member of the Planning Commission no less than three (3) days prior to the meeting at which the vote to adopt or amend is taken. Adoption by majority of the membership of the Planning Commission shall be required to amend or adopt rules of procedure and bylaws.

VI. Meetings:

The Chair shall establish the day, time and place for the Planning Commission's regularly scheduled monthly meeting. All meetings of the Planning Commission shall be open to the public. However, members of the public shall not address the Planning Commission until invited to do so by the Chair. Regular meetings of the Planning Commission shall be held monthly. Called meetings may be held, as needed, pursuant to the provisions of Section VI.B. of these bylaws.

A. The regular meeting schedule for the Planning Commission, as established by the Chair, are held at Council Chambers, Fayetteville City Hall, 240 S. Glynn Street, Fayetteville, GA 30214.

B. Called meetings may be held as needed at the call of the Chair, or in the Chair's absence the Vice-Chair. Notice of a called meeting shall be given to all members not less than twenty-four (24) hours prior to the time set for the meeting. Any member may, however, waive notice of a meeting in writing. The Staff shall also notify the newspaper which serves as the legal organ of any called meeting at the same time as the members are notified. A notice shall be placed in a public location at the meeting site indicating the time, date, location and agenda for the called meeting. Only those items listed on the published agenda shall be considered at the called meeting.

C. Emergency Meetings may be called by the Chair when special circumstances occur and are so declared by the Planning Commission. The first item of business at an emergency meeting shall be to establish special circumstances for the

meeting. The Planning Commission may hold a meeting with less than twenty-four (24) hours notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances, including notice to the newspaper serving as the legal organ or other newspaper. The Planning Commission shall immediately make the information available upon inquiry to any member of the public. Reasonable attempts shall be made to notify all members at their home telephone as soon as possible of an emergency meeting. Nature of notice and reason for emergency shall be recorded in the minutes.

D. Cancellation of meetings: Whenever there is no business before the Planning Commissions, the Chair may dispense with a regular meeting by giving reasonable notice to all members. The newspaper which serves as the legal organ shall be notified of any cancellation of meetings at the same time as members are notified. A notice shall be placed in a public location at the meeting site indicating that the meeting has been cancelled. Whenever the City of Fayetteville has closed its governmental offices due to inclement weather, then any meetings of the Planning Commission for that day shall be cancelled.

E. Adjourned meetings: Should the Planning Commission not complete the business before it, the Chair may adjourn a meeting and schedule a continuation of the same meeting until the agenda has been completed. However, the continuation of an adjourned meeting must meet the same requirements for notice of a special called meeting.

F. Committee Meetings and Special Work Sessions: Committee meetings and work sessions of the Planning Commission may be called by the Chair of the Planning Commission or, in the case of committee meetings, by the chair of the committee. These meetings, while informal in nature, shall be open to the public and shall meet the same requirements for notice and posting of the agenda or announcement of the meeting as for voting meetings. Minutes of committee meetings are not required.

G. Minutes and Agendas:

1. Minutes: The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Minutes shall, at a minimum, include the decisions of the Planning Commission, a statement of the subject matter being considered, a record of all votes, and the grounds for the decision of the Planning Commission. Minutes will be prepared by the Staff, and, after adoption by the Planning Commission, said minutes shall be filed with the clerk of the city and shall be public record no later than immediately following the next regular meeting.

2. Agenda: The Secretary, at the direction of the Chair, shall prepare the agenda for each meeting. Members of the Planning Commission and the Mayor and Council shall receive copies of the agenda of a regularly scheduled meeting

no less than twenty-four (24) hours prior to such meeting. The normal order of business at each regularly scheduled meeting will be:

- i. Determination of quorum
- ii. Election of acting chair, if necessary
- iii. Approval of minutes of the previous meetings(s)
- iv. Old business
- v. New business
- vi. Other business
- vii. Staff reports
- viii. Adjournment

All agendas are subject to change. No prepared agenda insures public review of any particular item, nor does an agenda necessarily represent a full listing of projects to be reviewed. The Agendas shall be available upon request and shall be posted at the meeting site, as far in advance of the meeting as reasonably possible, but shall not be required to be available more than two (2) weeks prior to the meeting and shall be posted at a minimum, at some time during the two week period immediately prior to the meeting. Failure to include an item on the agenda which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

VII. Conflict of Interest:

The Planning Commission shall be governed by the provisions of the Official Code of Georgia Section 36-67A-1 et seq., and as follows:

A. Definitions: As used in this section the following definitions shall apply:

1. “Applicant” means any person who appears before the Planning Commission and any attorney or other person representing or acting on behalf of a person who applies for an appeal, a variance, or any other action that the Planning Commission has the duty to consider in the application of its powers.

2. “Business entity” means any corporation, partnership, limited partnership, firm, limited liability company, franchise, association, trust, or other entity organized under the laws of the State of Georgia or any other state.

3. “Campaign contribution” means a “contribution” as defined in paragraph (6) of O.C.G.A. Section 21-5-3 et seq.

4. “Financial interest” means any direct ownership interest of the total assets or capital stock of a business entity where such ownership interest is ten percent (10%) or more.

5. “Member of the family” means the spouse, mother, father, brother, sister, son, or daughter of a Planning Commission member.

6. “Opponent” means any person who opposes an application request or any attorney or other person representing or acting on behalf of a person who opposes a proposed Planning Commission action.

7. “Oppose” means to appear before, discuss with, or contact, orally or in writing or by other means, any local government or local government official and argue against any item under consideration by the commission.

8. “Person” means an individual, partnership, committee, association, corporation, labor organization, business entity, or any other organization or group of persons.

9. “Property interest” means the direct ownership of real property and includes any percentage of ownership less than total ownership.

10. “Real property” means any tract or parcel of land and, if developed, any buildings or structures located on such land.

B. A Planning Commission member who knows or reasonably should know that he or she has one or more of the following interests shall immediately disclose the nature and extent of such writing, to the Chair:

1. Has a property interest in any real property affected by a Planning Commission action which the Planning Commission will have the duty to consider and or make recommendation on; or

2. Has a financial interest in any business entity which has a property interest in any real property affected by a Planning Commission action which the Planning Commission has the duty to consider and/or make recommendation on ; or

3. Has a member of the family having any interest described in paragraph 1 or 2 of this subsection?

A Planning Commission member who has one or more of the interests defined in paragraph 1, 2 or 3 of this subsection shall disqualify himself or herself from voting on the agenda item under consideration. The disqualified Planning Commission member shall not take any other action on behalf of himself or herself, or any other person, to influence action on that application. To that end, the disqualified Planning Commission member shall not make presentations to the Planning Commission, speak to the Planning Commission on behalf of or in opposition to an item under consideration, or present written argument in favor of or in opposition to members of the Planning Commission, with the exception of any materials contained as part of the official

application. The disqualified Planning Commission member shall further exclude himself or herself from the portion of the meeting in which the matter is discussed, considered and voted upon by the Planning Commission. The disclosures provided for in this subsection shall be a public record and available for public inspection at any time during normal working hours.

If a motion cannot be passed because one or more Planning Commission members have a conflict of interest, then the item shall be sent to the Mayor and Council without prejudice, recommendation or decision.

VIII. Code of Conduct:

Each member of the Planning Commission shall adhere to the following code of conduct:

A. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;

B. Never discriminate by the dispensing of special favors or privileges to any one, whether or not for remuneration;

C. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her duties as a Planning Commission member;

D. Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit;

E. Expose corruption wherever discovered;

F. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;

G. Never accept any economic opportunity under circumstances where he or she knows or should know that there is a substantial possibility that the opportunity is being afforded him or her with intent to influence his or her conduct in the performance of his or her official duties;

H. Never engage in other conduct that is unbecoming to a member or that constitutes a breach of public trust;

I. Never take any official action with regard to any matter under circumstances in which he or she knows or should know that he or she has a direct or indirect monetary interest in the matter or in the outcome of such official action.

IX. Planning Commission Policy Regarding Site Visits and Communications Received Outside the Hearing or Decision-Making Process:

A. Members of the Planning Commission shall not decide how they will vote on a matter pending before the Planning Commission until after the conclusion of the evidentiary proceeding on the application.

B. Planning Commission members shall avoid the appearance of premature decision-making by adhering to the following rules of conduct. If by virtue of a site visit or communications outside the meeting, a Planning Commission member obtains what he or she considers to be pertinent information concerning a matter under review and such information is not presented at the hearing or meeting on the matter, such Planning Commission member shall disclose such information on the record, at the Planning Commission meeting, and all parties present shall be given a chance to respond.

X. Hearings.

A. Public Notice of Hearings. The Planning Commission shall give public notice of a hearing to consider a preliminary or phase approval of planned neighborhood development, zoning variance, extension, enlargement, annexations or continuance of nonconforming use and special exception, zoning applications, or on any other matter which the City Council or the law requires public notice, in a newspaper designated as the official organ for the City of Fayetteville, at least fifteen (15) days prior to the date of the public hearing.

B. Who May Appear? Any party may appear at the public hearing in person or by agent or by attorney.

C. Decision. The decision of the Planning Commission shall be made by a public vote and shall constitute a recommendation to the City Council, unless the City Council provides otherwise in its ordinances. The Planning Commission shall reach a decision following a public hearing by the next regularly scheduled meeting.

XI. Rules of Procedure:

The Planning Commission shall use such rules of procedure associated with a particular matter as set forth in any applicable section of the Code of the City of Fayetteville. In the absence of specific rules of procedure, the following will be utilized:

A. At Planning Commission meetings, the following procedure will be followed regarding items before the Planning Commission that are not part of an official administrative hearing:

1. City staff will present their report and recommendations on each request and application.

2. The applicant or petitioner will be given an opportunity to present the matter and respond to any issues raised by staff.

3. Public input will be received from any individuals or groups that wish to speak in favor of a request.

4. Public input will be received from any individuals or groups that wish to speak in opposition to a request.

5. The City Staff shall be given an opportunity to respond to any issues raised by any member of the public.

6. The applicant or petitioner will be provided an opportunity to respond to any issues raised by a member of the public.

7. The public input session will close and no additional public comments will be accepted unless requested by the Planning Commission.

8. The Planning Commission members will discuss the request and ask questions, if any, of the applicant or city staff. At the discretion of the Chair, Planning Commission members may ask for further information from members of the public who spoke during the public input session.

9. The Planning Commission will then entertain a motion and take a vote on the application or request.

10. Motions can be for approval, approval with conditions, to table, or to deny the application or request.

11. Change this paragraph to reflect the full content of the required notice per 36-67.As required by O.C.G.A. Section 36-67A-3c, any person wishing to speak in opposition to a rezoning who has, within two years immediately preceding the filing of the rezoning being opposed, made campaign contributions aggregating \$250.00 or more to a local government official of the City of Fayetteville, that person shall have the duty to file a disclosure with the City showing: (1) the name and official position of

the local government official to whom the campaign contribution was made; and (2) the dollar amount and description of each campaign contribution made by such person to the local government official and the date of each such contribution. Such disclosure shall be filed at least five calendar days prior to the first hearing on the rezoning application by the Planning Commission.

12. A sign-in sheet will be prepared for each meeting. Any person speaking to the Planning Commission shall state his or her name and address for the record and shall write that name and address on the sign-in sheet. Speakers will address all comments to the Planning Commission and not to the applicant or other members of the audience.

13. The following time limits for speakers shall be observed unless extended at the discretion of the Chair:

i. The applicant and representatives of the applicant – no more than ten (10) minutes.

ii. A specified interest group shall have a total of no more than ten (10) minutes.

iii. Any individual who wishes to speak for or against an application or issue shall have a maximum of three (3) minutes to address the Planning Commission.

iv. The applicant will be allowed to clarify any issues during public comment and shall have a minimum of two (2) minutes and maximum of 10 minutes to do so.



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Mike Bush, Director of Finance
Carleetha Talmadge, Assistant Director of Finance

FROM: Chris Hindman, Director of Public Services

DATE: 8/16/2016

SUBJECT: Resolution R-32-16 Recommendation

Staff has reviewed Task Order Form 167E for the work required to complete the 2016 Annual Report from ISE that is mandated by the EPD to be completed each year to be in compliance with the City's NPDES Phase II Municipal Separate Storm Sewer System (MS4) stormwater permit. The GA EPD requires the City to submit the annual report on or before December 31, 2016. The work outlined in the TOF will address necessary requirements set forth by EPD. The total cost of the project will be \$49,940 and the money will come out of the stormwater operating budget. This is higher than previous compliance years due to EPD requiring that a visual inspection of the stormwater infrastructure take place each year. To meet this mandate, we have broken the City's stormwater infrastructure into 5 sectors with each sector being inspected from December 2012-December 2017.

City staff has relied on the engineering consultant with previous compliance years through the Engineering Design Services Contract which was last approved on March 15, 2013. Staff is requesting that we be allowed once again to use this approved contract for these compliance services.

I am recommending approval of TOF #167E to release Integrated Science and Engineering to begin work on the Annual Report. I have attached the TOF for your review.



Task Order Form

1039 Sullivan Road, Suite 200, Newnan, GA 30265
(p) 678.552.2106 (f) 678.552.2107

To: Chris Hindman
Company: City of Fayetteville
Address: 240 South Glynn Street
Fayetteville, GA 30214

Date: July 21, 2016
From: Wade Burcham, P.E.
Copy to:

Project: 2016 NPDES Phase II Permit Compliance Activities TOF #: 167E

BACKGROUND

Integrated Science & Engineering, Inc. (ISE) has prepared this Task Order Form (TOF) in accordance with our Engineering Design Services Contract dated March 15, 2013. The City wishes to implement programs described in its National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) Permit Stormwater Management Plan (SWMP), as approved on September 13, 2013 in order to maintain compliance with the City's NPDES Phase II Municipal Separate Storm Sewer System (MS4) stormwater permit. This TOF is formulated to address the completion of those tasks within the SWMP that have a deadline on or before December 31, 2016, and which will not be completed in-house by City staff.

Please note that the scope of work outlined herein does not address all of the NPDES Phase II compliance elements for 2016, and the City staff will have to implement the other compliance tasks not addressed in this TOF unless otherwise authorized. Please refer to the City's NPDES Phase II SWMP and the City's 2015 Annual Report for additional information.

SCOPE OF SERVICES

Task 1 – Annual Report Production for Delivery to EPD

ISE will work with City staff to collect information on programs implemented during the 2016 reporting year. ISE will then develop an Annual Report for the City. ISE will meet with City staff to discuss the Annual Report, and solicit comments from staff to assist with report preparation. On behalf of the City, ISE will submit the Annual Report to the EPD by the due date of February 15, 2017. EPD comments to the Annual Report will be addressed by ISE on a time and expense basis.

Deliverables:

- 2 copies of the 2016 Annual Report

Task 2 – MS4 Inspection

During the development of the SWMP, the City was divided into 5 sectors that are to be inspected over the course of the permit (Dec 2012 – Dec 2017). The purpose of the sectors is to ensure that over the course of the permit, the entire MS4 is inspected.

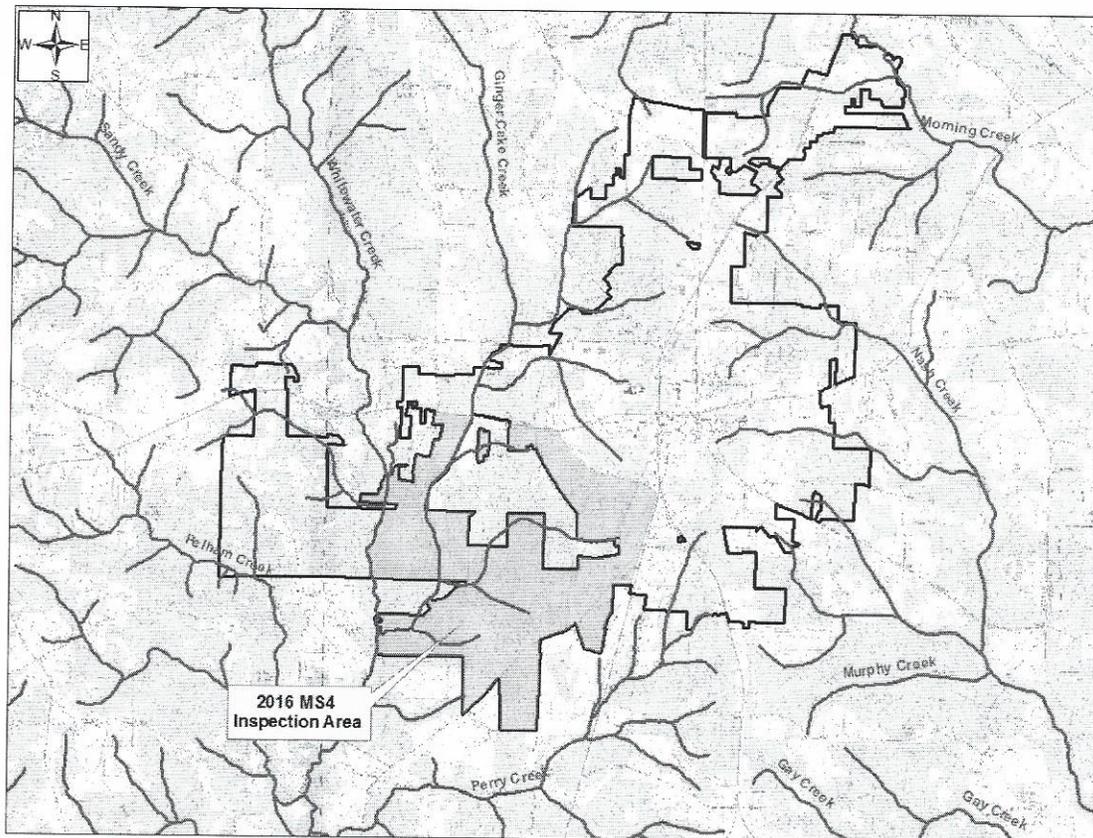
For the 2016 reporting period, ISE will inspect all MS4 stormwater structures within shaded area shown on the figure below. As in previous reporting periods, the results of the stormwater structure inspections will be tabulated on a spreadsheet for inclusion into the City's stormwater annual report. Following the completion of

Task Order Form

field inspection activities, a copy of the spreadsheet will be provided to the City so the City may assess and schedule any potential maintenance and/or repair activities.

Additionally, ISE will provide a copy of the database to the City in a GIS format of the updated MS4 information. ISE will also take pictures of all structures as well as photograph all accessible pipes to evaluate structural conditions. It is estimated that there are approximately 1,351 structures to be inspected.

2016 MS4 Inspection Area



Deliverables:

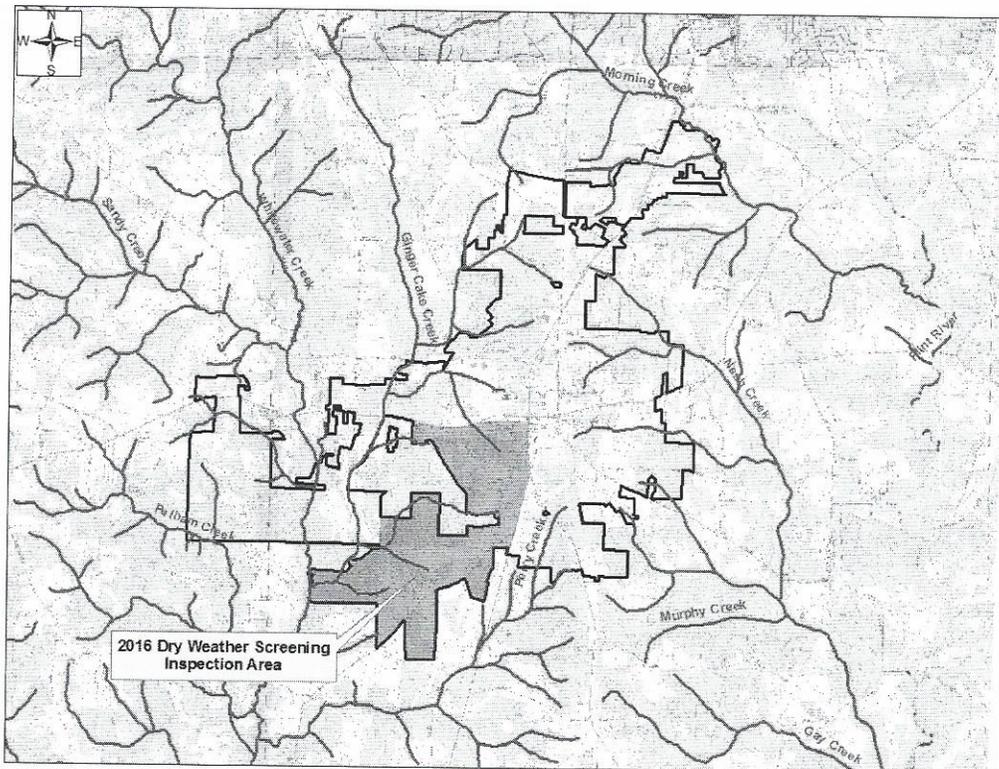
- GIS Geodatabase of inspected MS4 structures
- Excel Database of inventoried structures with condition assessment

Task 3 – Dry Weather Screening

ISE will conduct Dry Weather Screening of outfalls for the City of Fayetteville in 2016. The City has previously developed dry weather screening procedures and a checklist for this NPDES compliance activity. ISE will use the EPD approved procedures and checklist to conduct the reporting period's dry weather screening of outfalls. It is estimated that there are approximately 72 outfalls within the 2016 dry weather inspection area.

Task Order Form

2016 Dry Weather Screening Area



If necessary, ISE staff will perform source tracing hourly not to exceed 3 hours of field time for each event conducted.

Deliverables:

- Completed dry weather screening checklists – ready for submittal to EPD
- Map of dry weather screening locations – ready for submittal to EPD

Task 4 – Detention Pond / WQ Device Map & Inspection

BMP E3 requires that the City inspect 25% of the detention ponds identified in BMP E1 per year over the course of the permit starting in 2014. As such, ISE will work with the City to identify 1 public (i.e. City owned pond) and 1 private pond from the City's inventory of ponds (from BMP E1). ISE will then conduct an inspection of the ponds and prepare an inspection form summarizing the findings of the inspection as well as prepare a letter to the owner of the pond outlining recommended maintenance activities.

Task 5 – Unnamed Tributary to Nash Creek Stream Walk

ISE will conduct a stream walk of the unnamed tributary of Nash Creek as required in the City's impaired waters plan and its major tributaries within the jurisdictional limits of Fayetteville to identify potential pollution sources that could influence the levels of coliform bacteria and / or sediment loadings in the water and classify these sources as manmade or naturally occurring. Any illicit discharges discovered as part of this effort will be reported to the City for enforcement under the City's illicit discharge prohibition ordinance or referred to the adjacent jurisdiction (if located outside of the jurisdictional area of Fayetteville). A brief report will be compiled following the completion of the work including on field documentation.

Task Order Form

Task 6 – Impaired Waters Plan Annual Reports

Following completion of sampling for the City's annual long term monitoring program (completed under a separate authorization), ISE will prepare a summary report for the sampling along with other compliance data from the City's SWMP program in support of the Impaired Waters Plans for Morning Creek and the unnamed tributary to Nash Creek which will be included in the annual report in Task 1.

Deliverables:

- Impaired Waters Monitoring & Implementation Report for Morning Creek
- Impaired Waters Monitoring & Implementation Report for Unnamed Tributary of Nash Creek

Task 7 – Municipal Facility Inspection

BMP F9 requires the City to inspect 100% of Municipal facilities over the course of the permit. In 2013, the City developed a list of all City facilities. The list needs to be reviewed and updated if any new facilities have been added. During the reporting period the City is required to inspect 25% of the facilities on the inventory. As such, ISE will inspect one facility during the reporting period.

Task 8 – Pre-Submittal Planning Meeting

ISE staff will meet with City staff prior to the end of the permit year to discuss the SWMP and ensure that all tasks are discussed and properly planned. It is anticipated that the meeting will be conducted at the Public Works facility at a time to be determined. The purpose will be to plan any final efforts and ensure that documentation of the tasks is planned to avoid any confusion prior to the end of the permit year.

SCHEDULE

ISE will complete Tasks 2 through 5 and 7 by the regulatory deadline of December 31, 2016 and Tasks 1 and 6 by February 15, 2017.

FEE ESTIMATE

In accordance with our Engineering Design Services Contract dated March 15, 2013, ISE anticipates the scope of work detailed above can be performed on a lump sum basis for the fees detailed below.

<u>Task Description</u>	<u>Fee</u>
Task 1 – Annual Report Production for Delivery to EPD	\$7,040 (Lump Sum)
Task 1A – Address EPD Comments	\$3,320 (Hourly, if Required)
Task 2 – MS4 Inspection	\$31,000 (Lump Sum)
Task 3 – Dry Weather Screening	\$2,360 (Lump Sum)
Task 3A – Dry Weather Flow Testing	\$1,090 (Hourly, if Required)
Task 4 – Detention Pond / WQ Device Map & Inspection	\$1,380 (Lump Sum)
Task 5 – Unnamed Tributary to Nash Creek Stream Walk	\$1,570 (Lump Sum)
Task 6 – Impaired Waters Plan Annual Reports	\$1,040 (Lump Sum)
Task 7 – Municipal Facility Inspection	\$285 (Lump Sum)
Task 8 – Pre-Submittal Planning Meeting	\$855 (Lump Sum)
	<u>\$49,940</u>

Task Order Form

AUTHORIZATION

As our authorization, please sign in the space provided below.

City of Fayetteville

Integrated Science & Engineering, Inc.

Signature: _____

Signature: Wade Burcham

Name: _____

Name: Wade Burcham, P.E.

Title: _____

Title: Senior Engineer

Date: _____

Date: July 21, 2016

RESOLUTION R-32-16

RESOLUTION OF THE CITY OF FAYETTEVILLE TO APPROVE THE ENGINEERING SERVICES FOR THE 2016 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT COMPLIANCE

WHEREAS, the City of Fayetteville in the best interest of its citizens has approved an Engineering Services Contract with Integrated Science Engineering which includes services pertaining to compliance with the National Pollutant Discharge Elimination System (NPDES) administered through the Georgia Environmental Protection Division (GA EPD); and

WHEREAS, the City of Fayetteville relies on the Engineering Consultant to perform such tasks due to the engineering requirements outlined in complying with the permit; and

WHEREAS, the City of Fayetteville has received and reviewed Task Order Number 167E which outlines the necessary scope of services required needed to meet the compliance items outlined by GA EPD in the amount of \$49,940; and

IT IS HEREBY RESOLVED by the Mayor and Council of the City of Fayetteville that the Compliance Cost in Task Order Form Number 167E is approved and that the City Manager is authorized to sign the Task Order Form for Engineering Services.

SO RESOLVED this 1st day of September, 2016.

EDWARD J. JOHNSON, JR., MAYOR

ATTEST:

ANNE BARKSDALE, CITY CLERK