

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**January 15, 2015**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on January 15, 2015 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Clifton called the meeting to order, followed by Opening Prayer led by Pastor Leon Stanley, and then led those attending in the Pledge of Allegiance to the Flag. Council members present were: Mickey Edwards, Edward Johnson, Scott Stacy, and James Williams. Councilmember Paul Oddo was absent. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

Johnson moved to approve the minutes of the regular Council Meeting of December 18, 2014. Stacy seconded the motion. Williams abstained. Motion carried unanimously.

Mayor Clifton called for nominations of Mayor Pro Tem for 2015. Stacy moved to nominate Ed Johnson as Mayor Pro Tem for 2015. Edwards seconded the motion. Motion carried unanimously.

**Recognition and Presentations:**

Mayor Clifton called on Historical Concepts for a presentation of West Fayetteville Planned Community District.

Brian Wismer, Director of Community Development stated we have been working on the master land use and zoning plan for the West Fayetteville annexed property and have been working with Historical Concepts in PTC to refine this document. We have received input from stakeholders and will soon bring this before Council for an official hearing. This is an informal presentation to receive and give feedback before the official hearing.

He introduced Mr. Ryan Yurcaba from Historical Concepts who then gave a presentation on the West Fayetteville Planned Community District.

**Public Hearings:**

Mayor Clifton called Consider Ordinance #0-22-14 – Rezone Property at Cobblestone Blvd. from C-3 (Highway Commercial) to RMF-15 (Multi-Family Residential) – Public Hearing and 1<sup>st</sup> Reading.

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

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

All Council Members and Mayor Clifton responded no.

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

All Council Members and Mayor Clifton responded no.

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

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

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

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

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

Brian Wismer, Director of Community Development introduced Will Kilgore with Mesa Capital Partners to discuss the rezoning plans.

Mr. Kilgore discussed the rezoning plans for 33 townhomes in Cobblestone Fayette.

Mr. Wismer stated the applicant is requesting to rezone 5.89 acres along the east side of Cobblestone Boulevard from C-3 (Highway Commercial) to RMF-15 (Multi-Family Residential) to allow for the development of 33 townhouses. The subject property is located behind the existing BP service station on East Lanier Avenue and is the last undeveloped portion of the existing Cobblestone Apartments property to the south. Adjoining properties and zoning are as follows:

- To the north is the BP service station zoned C-3.
- To the south is the existing Cobblestone Apartments zoned RMF- 15.
- To the east is the Oakbrook subdivision, a single family residential community zoned R-30 PUD.
- To the west is Phase II of Cobblestone Apartments zoned RMF-15.

He added, at the November 18, 2014 meeting, P&Z Commissioners reviewed this proposal and gave an unfavorable recommendation to Mayor and Council by a split vote of 3-2.

Although the proposed development is different from the original use planned for this property (residential vs. commercial), the property to the east of the subject property was also granted a zoning different from its originally intended use as development patterns were established and market conditions changed. The subject property is adjacent to other RMF-15 property and if approved, will be developed and managed as one project. The parcel will utilize the existing entrance into the neighborhood from Hwy 54 and become part of that larger development.

Based on the findings within the Comp Plan and the limited use of the property as currently zoned, staff supports an approval of the rezoning as requested.

Public Comments were taken by Fayetteville residents Jim Anderson, Annette Chambers, Lulu Svec, Teresa Woods, Joyce Westbrook, Emily Gurry, President of Oakbrook HOA, Ernest Duffy, Tom Lamb, and Myra Anderson. All were against the zoning.

Mayor Clifton stated this was posted for 1<sup>st</sup> Reading.

Mayor Clifton called Consider Ordinance #0-1-15 – Hood Ave. Connector/Hwy. 92 Realignment Project – Public Hearing.

Ray Gibson, City Manager stated the Hood Avenue Connector/State Route 92 Road Realignment Project requires the City to acquire right-of-way to certain residential and commercial properties resulting in the relocation of existing roadway and the creation of new roadway. The project in some cases, because of the required building setbacks from the right-of-way, will cause buildings or uses to become nonconforming under the existing City Zoning Code.

The attached Ordinance, if approved, will allow the City to grant variances to the affected parcels in which existing uses will be nonconforming because of the location of existing improvements to new or relocated right-of-way. The requested variances are as follows:

- **Parcel 6 Address: 190 Forest Avenue** - Variance only for the existing structure. Any future development on the subject property will have to meet the requirements of the City Zoning Code (Zoned R-22).
- **Parcel 5 Address: 195 Hood Avenue** - Variance only for the existing structure. Any future development on the subject property will have to meet the requirements of the City Zoning Code (Zoned R-22).
- **Parcel 8 Address: 185 Hood Avenue** - Variance only for the existing structure. Any future development on the subject property will have to meet the requirements of the City Zoning Code (Zoned R-22).
- **Parcel 13 Address: 450 N. Glynn Street** - Variance only for the existing structure. Any future development on the subject property will have to meet the requirements of the City Zoning Code (Zoned C-3).
- **Parcel 115 Address: 245 N. Glynn Street** - The C-2 setbacks along the north property line of Parcel 15, along with the new right-of-way to be known as Easterbrook Way, are to have a variance of twenty feet (20') from the right-of-way line of the new right-of-way to be known as Easterbrook Way. This variance will remain in place for all future developments on the subject property.
- **Parcel 16 Address: 365 to 409 Fayette Place** - Variance only for the existing structure (structure as shown on plat). Any future development on the subject property will have to meet the requirements of the City Zoning Code (Zoned C-2).
- **Remnant of Parcel 19 Address: Between 123 and 185 Kathi Avenue** - The required C-1 buffer of thirty feet (30') for property lines shared with R-30 zoned property is reduced to ten feet (10'). In addition, the maximum impervious surface area is increased from 60% to 75%.
- **Remnant of Parcel 31 Address: East of Fayette Place Shopping Center** - All property lines within the DR 15 zoned parcel are reduced to ten feet (10').
- **Parcel 14 Address: Hudson Plaza, North Glynn Street** - The C-2 setbacks on the south property line of Hudson Plaza, along the new right-of-way to be known as Easterbrook Way, will be reduced to twenty feet (20').

Mayor Clifton questioned that this does not require two readings.

Mr. Gibson concurred, only one reading required.

There was one public comment asking about commencement date and building details of the project and also applauding the project.

Williams moved to approve Ordinance #0-1-15 – Hood Ave. Connector/Hwy. 92 Realignment Project. Stacy seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Resolution R-1-15 – Hood Ave. Connector/Hwy. 92 Realignment Project (Parcel 8 Agreement) – Public Hearing.

Ray Gibson, City Manager stated the Hood Avenue Connector/State Route 92 Road Realignment Project requires the City to acquire right-of-way to certain residential and commercial properties resulting in the relocation of existing roadway and the creation of new roadway. The project in some cases, because of the required building setbacks from the right-of-way, will cause buildings or uses to become nonconforming under the existing City Zoning Code.

He said the resolution will allow the City to enter into a monetary agreement with the property owners of Parcel 8, Catherine Mask Renaud and Beverly Mask Estes, whereby the City of Fayetteville will pay \$15,000.00 for 5,019 square feet of property adjacent to the right-of-way on Hood Avenue along with a permanent maintenance easement of 955 square feet.

There were no public comments.

Johnson moved to approve Resolution R-1-15 – Hood Ave. Connector/Hwy. 92 Realignment Project (Parcel 8 Agreement). Edwards seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Ordinance #0-2-15 – FY 2015 Budget Amendment – Public Hearing and 1<sup>st</sup> Reading.

Mike Bush, Director of Finance and Administration stated this budget amendment is in addition to an upcoming mid-year budget. This one is in part to settle a compression issue which will be effective February 1<sup>st</sup>.

This ordinance is to amend Fiscal Year 2015 General Fund, Water and Sewer Fund, Hotel/Motel Tax Fund, Vehicle Rental Excise Fund, Main Street Tourism Fund, and the Downtown Development Authority budgets.

Included in the General Fund and Water Fund amended budget is a salary increase due to the compression situation that has been going on for the last several years with no raises, affecting staff at all levels.

A summary of the amended budgets is as follows:

<b>Fund</b>	<b>Original Budget</b>	<b>Amended Budget</b>
General Fund	\$ 10,313,182	\$ 10,667,935
Water and Sewer Fund	\$ 7,361,774	\$ 7,396,819
Hotel/Motel Tax Fund	\$ 176,000	\$ 225,000
Vehicle Rental Excise Tax Fund	\$ 76,000	\$ 121,000
Main Street Tourism Fund	\$ 506,620	\$ 555,620
Downtown Development Authority	\$ 491,535	\$ 536,535

There were no public comments.

Mayor Clifton stated this is posted for 1<sup>st</sup> Reading.

**New Business:**

Mayor Clifton called Consider Resolution R-2-15 – Noise Abatement Recommendation for the Wastewater Treatment Plant.

Chris Hindman, Director of Public Services stated our noise engineering consultant has performed sound readings at two times to record the sound levels at the wastewater treatment plant and the adjacent community of Lakeside on Redwine. Through the study it was discovered that when the south blower is operating the frequency range of the peak frequency shifts. We believe that this shift in frequency is causing the complaint from the community. As such staff has worked with the consultant to come up with three options to reduce the noise levels from the plant.

Option 1- would be the construction of an 8 foot high “L” shaped wall specifically designed to absorb sounds with a reduction of 12-15 dBA. Also, 500 square feet of sound absorbing panels would need to be installed inside of the south blower building with a 3-4 dBA reduction and designed to specifically lower the frequency range of 63 and 125 Hz which is what we believe is causing the complaint from the community. Estimated cost of the project is \$33,680.

Option 2- - would be the construction of a 12 foot high “L” shaped wall specifically designed to absorb sounds with a reduction of 12-15 dBA. Also, 500 square feet of sound absorbing panels would need to be installed inside of the south blower building with a 3-4 dBA reduction and

designed to specifically lower the frequency range of 63 and 125 Hz which is what we believe is causing the complaint from the community. Estimated cost of the project is \$48,000.

Option 3- would be the addition of silencers installed at the south blower building. These silencers would turn northward. Also, 500 square feet of sound absorbing panels would need to be installed inside of the south blower building with a 3-4 dBA reduction and designed to specifically lower the frequency range of 63 and 125 Hz which is what we believe is causing the complaint from the community. Estimated cost of the project is \$53,000.

Mr. Hindman continued, after reviewing the results with our consultant staff recommends that the City proceed with Option 2 of the study which consists of building a 12 foot high wall with sound absorbing ratings per the studies specification. Per the study Option 1 should minimize the noise levels and reduce the frequency impact of the blowers as the City currently operates the blowers. With anticipated heavier flows coming into the plant for treatment in the near future the blowers will need to be run for longer periods thus Option 2 is recommended.

If approved staff will pay for the project out of the repairs and maintenance budget for the wastewater plant.

Mr. Hindman introduced Frank Artusa, a noise consultant with ART USA who explained the testing process and answered questions from council staff, and residents.

Doug Gonsalves, Water and Sewer Operations Manager was also on hand to answer questions.

Public comments were heard by Lakeside on Redwine residents: Ardith Tarpley, Jim DesLaurien, Alonzo Wilkins, John Sackett, Jill Grill, Jake Anderson, and Kevin Grill. The City Clerk also received several pages of emails from Lakeside residents urging council to fix this noise abatement problem.

Williams moved to not approve R-2-15 as written, but to authorize staff to proceed with the bid process to include the best option for correction. Edwards seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Sign Variance Request – Banks Crossing.

Brian Wismer, Director of Community Development stated Staff has received a sign variance request for a ground sign from Planet Fitness, a new tenant at the Banks Crossing shopping center. Specifically, the applicant requests to build a 10.64 square foot sign on the existing landscape wall sign that fronts Hwy 85 in front of the clock tower monument.

The existing landscape wall sign currently has signage for three major tenants of the center (Kroger, JC Penney, and Guitar Center). The total signage of the three tenants is approximately 55 square feet. This amount exceeds the allowable square footage for a planned center, but was granted a

variance by City Council in February 2005. The variance specifically granted by Council provided signage spaces for three major tenants, per their submittal at that time, and was subsequently built to that specification. This planned center has since changed ownership. Mr. Wismer added there is little to justify the granting of this variance and it would be appropriate to deny the variance as requested.

Johnson moved to deny the Sign Variance request at Banks Crossing for Planet Fitness. Stacy seconded the motion. Motion carried 3-1. For denial – Johnson, Stacy, and Edwards. For approval – Williams.

Mayor Clifton called Consider Resolution R-3-15 – to Create Council Committees in the areas of Community and Economic Development, Public Services, Financial Administration, and Public Safety.

Ray Gibson, City Manager stated over the last few months there have been issues that have arisen leading the Mayor and Council to form a committee to review each respective issue. Given that the City Charter does not outline the requirement for the creation of Council Committees, management believes it is in the best interest that the Mayor and Council create the following committees to review policy and project issues that are forwarded to them by the Mayor and Council:

- **Community and Economic Development Committee**: This Committee hears matters relating to community development, zoning, historic preservation, building codes, block grants, housing projects, workforce development, business improvement districts, city public relations, industrial park development and marketing, revenue bonds, and cultural arts.
- **Public Services Committee**: This committee hears matter relating to the physical services provided by the city such as street and alley maintenance, solid waste collection and recycling, sewer including the waste water treatment plant, water, storm water management, and facilities maintenance.
- **Finance Administration Committee**: This Committee considers appropriations, finances, taxation, revenues, labor relations, professional development, personnel, pensions and other benefits, insurance, audits and the city budget.
- **Public Safety Committee**: This Committee is concerned with issues brought forth from the fire, police, emergency management services departments as well as traffic control, emergency medical services and parking.

Each Committee shall consist of three Councilmembers, appointed by the Mayor and affirmed by the City Council, the Department Director or designee, and the City Manager. The Mayor shall also appoint a Councilmember as the Chairman for each committee. The term of the Councilmembers of

each Committee shall be two years, subject to their terms as council members with new appointments being made in January of even numbered years. The Committees shall meet at the request of the Mayor and Council or at the request of the Chairman of each respective committee. Said meetings shall meet all the requirements of the State of Georgia's Open Meetings Law.

Mr. Gibson said we could make the assignments at the February council meeting.

Stacy moved to approve Resolution R-3-15 – to Create Council Committees in the areas of Community and Economic Development, Public Services, Financial Administration, and Public Safety. Johnson seconded the motion. Motion carried unanimously.

### **Consent Agenda:**

Mayor Clifton called for approval of Consent Agenda – Consider Board Appointments for Planning & Zoning Commission, Ethics Board, Main Street Tourism Association, Downtown Development Authority, and Art & Architectural Advisory Committee.

Anne Barksdale, City Clerk stated, during the month of December, the City actively solicited applications from volunteers interested in serving on the various boards. Applications were received for the various positions along with interest from current board members in continuing to serve. A selection committee consisting of two councilmen, Scott Stacy and Ed Johnson, Community Development Director Brian Wismer, and City Clerk Anne Barksdale considered both new applications and current board members for the various positions and have made a recommendation to the City Council for each position.

She summarized the board appointments as follows:

Planning & Zoning: Post 1 – Sarah Murphy, Post 3 – Steve Gulas, Post 5 – Mike Menchinger

Ethics Board: Jim Poff, Desmona Fletcher

Main Street Tourism Association: Vicki Turner, Cam Williams, Emily Poole

Downtown Development Authority: Clark Ninneman, Sam Burch, Len Gough

Art & Architectural Advisory Committee: John Reeves

Ms. Barksdale also thanked Bill Talley, Bob Barnard, Trigg Dalrymple, and Danish Kurani for their past service.

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

### **City Manager and Staff Reports:**

Ray Gibson, City Manager stated departmental reports are out for council's review.

He said the apparatus bay at Fire Station 93 is now complete.

Mr. Gibson said our code enforcement is working on complaints for illegal signs around town.

He added most of Council and Staff will be attending the Mayor's Day conference which is January 23<sup>rd</sup> – 26<sup>th</sup> in Atlanta.

Chris Hindman, Public Services Director announced that they chose as one of their public community outreach programs (which is part of the NPDES Phase II Permitting for Stormwater requirements) the stormwater drain marking program to mark drains for "no dumping". He said three Girl Scouts helped out in December to mark 30 drains to help correct this problem. Mr. Hindman said he appreciates their help and wanted to recognize their efforts.

### **City Council and Committee Reports:**

Councilman Johnson thanked all the city officials that responded to take part in the upcoming Martin Luther King, Jr. annual parade and festivities on Monday, January 19th.

### **Mayor's Comments:**

Mayor Clifton said last Friday he attended the 2<sup>nd</sup> Annual Chick-fil-A Charity Gala at Pinewood Studios. With 600 people in attendance they raised nearly \$1M. Thanks to all who participated.

He said tomorrow some Council and Staff will be attending the annual Fayette Chamber Awards luncheon where their new president will be announced.

Mayor Clifton asked to please keep Councilman Paul Oddo in your prayers as he prepares to undergo surgery.

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

Respectfully submitted,

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Anne Barksdale, City Clerk