

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
July 17, 2014

Call to Order

The Mayor and City Council of Fayetteville met in regular session on July 17, 2014 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Clifton called the meeting to order, followed by opening prayer and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Mickey Edwards, Edward Johnson, Paul Oddo, Scott Stacy and James Williams. Staff members present were City Manager Joe Morton and City Clerk Anne Barksdale.

Johnson moved to approve the minutes of the regular Council Meeting of June 19, 2014. Stacy seconded the motion. Motion carried unanimously.

Stacy moved to approve the minutes of the Called Meeting of July 10, 2014. Oddo seconded the motion. Motion carried unanimously.

Public Hearings:

Mayor Clifton called Consider #0-6-14 – Underground Marking Standards.

Chris Hindman, Director of Public Services presented an update to the previously discussed White Lining Ordinance from June. He said the ordinance states the purpose of white lining is to allow everyone involved with the dig site to know the exact location of the proposed excavation, adding that white lining the excavation site is an excellent way to assist the utilities or utility locators in marking lines in the work area right the first time and in less time. This technique eliminates speculation by the locator about where the excavation will take place and will often enable the utility or its agent to locate faster and more accurately. He said in short, pre-marking the area and the extent of the intended excavation can reduce delays and the time it takes to perform the locate.

There were no public comments.

Johnson moved to approve #0-6-14 – Underground Marking Standards. Edwards seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-9-14- Proposed Water and Sewer Rate Increase – 2nd Reading.

Ellen Walls, Director of Finance and Administrative Services stated Staff is recommending an amendment to the City of Fayetteville Water and Sewer Ordinance Section 86-62 Basic Rates, Charges, and Billing. This ordinance has been amended to increase the water and sewer fees for residential, senior, and commercial customers. This increase is based upon the current Consumer Price Index of 2.4%. The table below shows a comparison of the current rates to the proposed amended rates:

Type	Current Minimum	Proposed Minimum	Current per 1,000 gallon rate	Proposed per 1,000 gallon rate
Res Sewer	16.65	17.05	2.98	3.05
Senior Sewer	14.14	14.49	2.98	3.05
Com Sewer	29.20	29.90	2.98	3.05
Res Water	14.83	15.19	2.97	3.04
Senior Water	12.61	12.91	2.97	3.04
Com Water	27.21	27.86	2.97	3.04

The average residential water and sewer bill will increase by 1.32 cents; the minimum residential water and sewer bill will increase by .76 cents.

There were no public comments.

Stacy moved to approve #0-9-14- Proposed Water and Sewer Rate Increase. Johnson seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-10-14 – Amendment to Chapter 82, Article IX – Motorized Carts – 2nd Reading.

Julie Brown, Planner stated revisions to our ordinance were put in place in an effort to synchronize the County’s regulations with regulations currently existing in other jurisdictions within Fayette County. Part of the ordinance is to recognize reciprocity between operating permits issued elsewhere in the County so that individuals are not required to carry separate registrations. The proposed revisions will help to ensure that the same rules apply to motorized carts regardless of location within the County-wide path network.

The key revisions are as follows:

1. The City will honor cart permits issued anywhere else in the County, and vice-versa.
2. Holders of a valid learner’s permit shall be permitted to operate a cart.
3. Individuals at least 12 years of age shall be permitted to operate a cart, as long as they are accompanied in the front seat by a licensed driver aged 18 or older.
4. Update of the authorized street listing to include Lafayette Avenue.

She said Staff agrees with the changes to the ordinance as proposed and recommends approval in order to provide consistency between the City and its neighboring jurisdictions.

Public comment made by Larry Dell concerning the size of and availability of sidewalks leading into the downtown area on the major highways; will golf carts be allowed on sidewalks less than 7'. He asked that Council table this to study options.

Joe Morton, City Manager explained that Staff could review ordinance to look at feasibility and options, with the possibility of adding additional sidewalks to the approved list, mainly the ones along Highways 85, 314, and 54 that lead into downtown to see if golf carts could have access to those areas.

Stacy moved to table #0-10-14 – Amendment to Chapter 82, Article IX – Motorized Carts until the next meeting. Edwards seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-11-14 – Revisions and Updates to Chapter 18 – Buildings of the Fayetteville City Code – 2nd Reading.

Greg Taliercio, Building Official stated Staff recently examined the City's building permit fee schedule in comparison to neighboring and similar jurisdictions to the City. The current fee schedule has been in place for over 15 years, unadjusted for changes made within the department and patterns of building activity. He said Staff feels that the proposed permit fee increases are reasonable and necessary for the future funding of the department while still remaining competitive with surrounding areas.

There were no public comments.

Edwards moved to approve #0-11-14 – Revisions and Updates to Chapter 18 – Buildings of the Fayetteville City Code. Williams seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-13-14 – FY 2015 Budget – 2nd Reading.

Joe Morton, City Manager, Lynn Robinson and Ellen Walls, Directors of Finance and Administrative Services reviewed the proposed FY 2015 Budget.

Mr. Morton stated the Budget package has been updated based on the discussions at the City Council Budget Work Session held on July 10, 2014.

Lynn Robinson and Ellen Walls explained, after direction from Council at the called work session, we were able to come up with a total savings after updating all funds of \$548,700. This includes no proposed millage rate, holding at 3.9260.

FY 2015 Budget Summary of all Funds –

General Fund	\$ 10,313,182
Water and Sewer Fund	\$ 6,280,189
Capital Projects Fund	\$ 1,465,654
Impact Fee Fund	\$ 247,045
SPLOST Fund	\$ 70,000
Consficated Assets Fund	\$ 45,500
Hotel Motel Tax Fund	\$ 176,000
Vehicle Excise Tax Fund	\$ 76,000
Cemetery Trust Fund	\$ 8,500
Solid Waste Fund	\$ 653,860
Downtown Development Authority	\$ 438,213
Main Street Tourism Fund	\$ 506,620
Total all Funds	\$ 20,280,764

There were no public comments.

Williams moved to approve #0-13-14 – FY 2015 Budget. Oddo seconded the motion. Motion carried unanimously.

Mayor Clifton called #0-12-14- Amendment to Chapter 86 – Stormwater – 2nd Reading.

Ellen Walls, Director of Finance and Administrative Services stated Staff is recommending an amendment to the City of Fayetteville Water and Sewer Ordinance Section 86-105 Stormwater service charges/fees. This ordinance has been amended to increase the stormwater fees based upon ERU's. This increase is based upon the projects presented in the CIP and financing at 2.3% interest with GEFA over a twenty (20) year period. The ERU rate would go from \$2.95 to \$4.37 which increases the ERU by \$1.42. She said the standard residential bill will increase by \$1.42 per month.

There were no public comments.

Johnson moved to approve #0-12-14- Amendment to Chapter 86 – Stormwater. Stacy seconded the motion. Motion carried unanimously.

Mayor Clifton called R-7-14 – Updated Building Permit Fee Schedule.

Greg Taliercio, Building Official stated Staff recommends adoption of the revised building permit fee schedule and amendments to the code via Resolution R-7-14.

There were no public comments.

Johnson moved to approve R-7-14 – Updated Building Permit Fee Schedule. Oddo seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Special Exception for Hertz Corporation to Operate a Rental Car Business at 270 North Glynn Street, and to Amend Existing Conditions Placed upon 272 North Glynn Street.

Julie Brown, City Planner explained the applicant is requesting a Special Exception to operate a rental car business at 270 North Glynn Street, and to have an existing condition removed from the special exception currently in place on the adjacent property at 272 N. Glynn Street. The subject property is located in the Main Street Historic District and is zoned C-3 (Highway Commercial). It is surrounded by other auto related businesses including The Wave 3 Minute Car Wash, Allan Vigil Ford, and Mr. Transmission.

She said the proposed car rental facility would lease 1,500 square feet of the 8,500 square foot retail-commercial center known as the Main Street Promenade, which is currently 52% occupied. The Hertz Corporation would employ three (3) full time employees at this location and keep a fleet of five (5) vehicles on hand. Overflow vehicles will be moved offsite by drivers as needed. No vehicles would be washed on site; the Hertz Corporation would utilize The Wave 3 Minute Car Wash located next to the Main Street Promenade to wash the rental fleet.

Staff review brought forth comments relating to the appropriateness of an additional auto-related use in the Main Street district, parking of the rental fleet, and where the vehicles would be washed.

Staff also discovered an existing set of conditions placed on the adjacent property (272 N. Glynn) by City Council in April of 2001 that also binds the subject property. One of the conditions stated that the applicant, “nor its successors shall apply for a special use permit on the lot immediately in front of the lot under consideration”. Staff has consulted with the City Attorney and has determined that the applicant simply needs to petition the City for an amendment to that existing special exception placed on the adjacent property, as part of their request.

Special exceptions are neither absolutely permitted as a matter of right nor prohibited in particular zoning districts. Such uses of property are permitted as generally compatible with the zoning district, but not in every location therein, nor without certain standards or other requirements or conditions met. Uses that require special exceptions are potentially incompatible with uses usually allowed in the particular district or particularly incompatible with nearby or contiguous districts.

She stated on June 24, the Planning & Zoning Commission made a favorable recommendation to Mayor and Council for the proposed Special Exception and amendment to the existing conditions on the adjacent parcel. This recommendation came subject to the following conditions recommended below by Planning Staff.

Staff is extremely cautious about any new auto-related businesses locating within the Main Street historic district, as it may run contrary to the walkability and pedestrian-scaled goals set forth in the Code and Comprehensive Plan. In this case, the requested special exception for operating a rental car facility may not be incompatible for the following reasons:

1. The small scale of this business (maximum of five vehicles on-site) prevents it from becoming too imposing at this location. The applicant also has a predetermined off -site location available for overflow vehicles.
2. With Allan Vigil Ford as its largest customer, the transporting of vehicles will have minimal impact on roads/traffic.
3. Engaging a neighboring business for car wash services is economically beneficial and eliminates aesthetic and environmental concerns of washing on-site.

Considering these factors, Staff supports an approval for the special exception with the following conditions.

- a. No more than five vehicles may be parked on site overnight.
- b. On-site Car washing is prohibited.
- c. This special exception shall be non-transferable to subsequent tenants/owners.

Staff also supports an approval for the deletion of condition #4 to the current special exception on the adjacent parcel (272 N. Glynn Street), which states the following:

4. In consideration of granting a special use permit, the Applicant does hereby state and declare that neither it nor its successors shall apply for a special use permit on the lot immediately in front of the lot under consideration.

There were no public comments.

Oddo moved to approve Special Exception for Hertz Corporation to Operate a Rental Car Business at 270 North Glynn Street, and to Amend Existing Conditions Placed upon 272 North Glynn Street. Williams seconded the motion. Motion carried unanimously.

Old Business:

Mayor Clifton called Consider Three (3) Year Extension of the Existing Intergovernmental Agreement (IGA) for Permitting and Inspection Services in the West Fayetteville Area.

Joe Morton, City Manager stated based upon the Mayor and Council discussion and consensus on this issue at the FY 2015 Annual Budget Work Session on July 10, 2014 that the City should begin

providing these services in the West Fayetteville Area, staff recommends that Council not approve this agreement. He added, Fayette County has offered to provide a ninety (90) day extension to the current IGA for Permitting and Inspections to allow the City to transition in providing these services. Staff recommends City Council approve this agreement under new business.

Williams moved to not approve Three (3) Year Extension of the Existing Intergovernmental Agreement (IGA) for Permitting and Inspection Services in the West Fayetteville Area. Johnson seconded the motion. Motion carried unanimously.

New Business:

Mayor Clifton called Consider Ninety (90) Day Extension of the Existing Intergovernmental Agreement (IGA) for Permitting and Inspection Services in the West Fayetteville Area.

Joe Morton, City Manager said based upon the Mayor and Council discussion and consensus at the FY 2015 Annual Budget Work Session on July 10, 2014 that the City should begin providing these services in the West Fayetteville Area, staff recommends approval of a ninety (90) day extension to the existing IGA for Permitting and Inspections as offered by Fayette County to allow the City to transition in providing these services. He added, under this extension the County would continue to provide inspection services for existing permits and the City would provide permitting and inspection for any new permits. Staff recommends that the Mayor be authorized to execute the amended IGA.

Stacy moved to approve and authorize Mayor to sign contract for Ninety (90) Day Extension of the Existing Intergovernmental Agreement (IGA) for Permitting and Inspection Services in the West Fayetteville Area. Oddo seconded the motion. Motion carried 4-1. For – Stacy, Oddo, Edwards, Williams; Against – Johnson.

Mayor Clifton called Consider Council Authorization for City and County staff to Discuss Amendments to Fire Automatic Aid Practices and Service Delivery Strategy.

Joe Morton, City Manager and Alan Jones, Fire Chief explained that based on Fayette County's letter of July 14, 2014, in response to Mayor Clifton's letter of July 11, 2014, we are requesting authorization from Council to permit appropriate staff personnel to engage with Fayette County staff to evaluate and develop recommendations for changes to the current automatic aid practices and Service Delivery Strategy Agreement between the City of Fayetteville and Fayette County. Mr. Morton added, if successful we will submit any changes for final approval through an updated intergovernmental agreement.

Johnson moved to approve Council Authorization for City and County staff to Discuss Amendments to Fire Automatic Aid Practices and Service Delivery Strategy. Stacy seconded the motion. Motion carried unanimously.

Consent Agenda:

Mayor Clifton called for approval of Consent Agenda –

- Consider Approval of Bid Award for Building Permit Software
- Consider Adjustments to Pay Scale and Classification Plan – Beginning FY 2015
- Consider Approval of City Manager Position Announcement and Selection Schedule

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

City Manager and Staff Reports:

Joe Morton, City Manager stated staff is working diligently on the clear cutting issue at Weatherly Drive and Highway 54 East. Greg Taliercio, Building Official added he is working with the city attorney to see what the next step will be. No citations have been issued as of yet. Chris Hindman, Public Services Director stated we will bill the owner for the hydrant and culvert damage; the burden of repairing and replacing trees and buffers will be on the property owner.

Mayor's Comments:

Mayor Clifton thanked Finance Directors Lynn Robinson and Ellen Walls for their many years of excellent service to the City of Fayetteville and that they will be missed. He wished them well on their new endeavors.

Mayor Clifton handed out a book to Council on School Reform.

Public Comments:

Public comments received by Fayette Montessori School leader, Weatherly Subdivision residents, and Bay Branch resident on the atrocities of the clear cutting at Weatherly Walk and Highway 54 East.

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

Respectfully submitted,

Anne Barksdale, City Clerk