City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
September 21, 2023

Call to Order

The Mayor and City Council of Fayetteville met in regular session on September 21, 2023, in the Council Chambers at City Hall. Council members present were Darryl Langford, Joe Clark, Niyah Glover, Rich Hoffman. Scott Stacy was absent. The City Attorney present was Priya Patel. Staff members present were City Manager Ray Gibson and City Clerk Valerie Glass. Mayor Ed Johnson called the meeting to order at 6:00 p.m.

Opening prayer was delivered by Council Member Langford followed by the Pledge of Allegiance

Hoffman moved to approve the agenda as presented. Clark seconded the motion. Motion carried unanimously.

Hoffman moved to approve the Called City Council Meeting minutes for August 17, 2023. Clark seconded the motion. The motion carried unanimously.

Hoffman moved to approve the Regular City Council Meeting minutes for August 17, 2023. Glover seconded the motion. The motion carried unanimously.

Hoffman moved to approve the Called City Council Meeting minutes for August 24, 2023. Clark seconded the motion. Langford abstained. The motion carried 4-0-1.

Public Hearing:

Mayor Johnson called for consideration of Ordinances #0-23-23 - (Annexation) and #0-26-23 (Rezoning) - Amendments and clarifications to the conditions of annexation and zoning as they relate to the property owned by the National Acquisition Company, LLC and known as the QTS Data Center tract. The subject conditions were adopted on June 30, 2022, when the property was annexed into the city limits and zoned BP Business Park. The property is located at 1435 Highway 54 West.

Director of Community and Economic Development David Rast explained that these proposed ordinances would repeal and replace #0-14-22 and #0-15-22 which were the original ordinance approved for the annexation and rezoning of this property. This is necessary for modification and clarification of the terms set forth in these agreements as they pertain to buffers, access points, easements, and site development stipulations.

There were no public comments.

Hoffman moved to repeal #0-14-22 and replace with the approval of #0-23-32 as it pertains to the annexation. Clark seconded the motion. The motion carried unanimously.

Hoffman moved to repeal #0-15-22 and replace with the approval of #0-26-32 as it pertains to the rezoning. Langford seconded the motion. The motion carried unanimously.

Mayor Johnson called for the next item: Consider Ordinance #0-24-23 - Clarification of recently adopted amendments to Section 13(f) of The Villages at Lafayette Development Agreement specifically as it relates to appliances that may be permitted within an all-suites hotel (Parcel No. 0523 107).

Mr. Rast stated the presented amendments to the Development Agreement for the Home2Suites hotel would permit additional appliances, such as a dishwasher, in the hotel rooms along with larger refrigerators. However, it will not be permitted for mounted stoves and/or cooktops to be installed within the guestrooms and will also not be permitted for the hotel to offer special weekly, monthly, or yearly rates. Mr. Rast stated that the applicant is aware of and has agreed to these new terms, therefore the staff is recommending approval.

Citizen Ava Vanheyningen asked if the hotel was going to be allowed to provide hot plates for guests to use in the rooms for cooking.

Mr. Rast stated that the hotel would be allowed to have hot plates for the guests to use in the rooms.

Ms. Vanheyningen asked the Council if there is concern about hot plates being available for guests to cook in the rooms.

Mayor Johnson stated that he does not have concern with hot plates as much as he had concern for installed stove tops and their potential to start fires. A hot plate is more controlled and less likely to cause a major fire.

Darryl Baker represented his client, Home2Suits, and thanked the Council's willingness to work with them. He clarified that the modifications to the refrigerator size would not be significant, as they do not want full size refrigerators but rather the medium size that would be larger than the standard "mini fridge". He also stated that the request for dishwashers to be allowed within each room is merely for sanitation purposes, as the rooms will be stocked with dishware that will need to be properly cleaned.

Hoffman asked Mr. Baker if he anticipated his client returning with further amendment requests to the development agreement.

Mr. Baker stated that he does not believe there will be any further requests.

There were no further public comments.

Hoffman moved to approve #0-24-23. Langford seconded the motion. The motion carried unanimously.

Mayor Johnson called for a vote on the tabling of Ordinance #0-27-23 - Request to rezone a 2.6-acre parcel located at 245 New Hope Place from R- 40 Single-family Residential to C-4 High Intensity Commercial (Parcel no. 05380100090) which the applicant has requested to be tabled.

Hoffman moved to table #0-27-23. Clark seconded the motion. The motion carried unanimously.

New Business:

Mayor Johnson called the first item of New Business: Resolution R-41-23 – Authorization for City Staff to transmit proposed local amendments to the Georgia State Minimum Standard Plumbing Code to the Georgia Department of Community Affairs (DCA) for review.

Mr. Rast stated that the Metropolitan North Georgia Water Planning District, which the city is part of, recently sent out notification of changes that are being made to their water resources management plan. One of the changes being proposed is amendments to the plumbing code. To adopt the amendments to the plumbing code, the City would first need to forward the proposed amendments to the Department of Community Affairs for approval. Mr. Rast stated that some amendments listed would be rather difficult to enforce; therefore, if approval is received from DCA, staff would review the list and only select to adopt the amendments that are possible for the City of Fayetteville to enforce.

There were no public comments.

Clark moved to approve R-41-23. Glover seconded the motion. The motion carried unanimously.

Mayor Johnson called the next item: Resolution R-42-23 - Engineering Services for the 2023 National Pollutant Discharge Elimination System Permit Compliance.

Director of Public Services Chris Hinman stated that GA EPD requires the city to submit the Annual Report from ISE each year to remain in compliance with the City's NPDES Phase II Municipal Separate Storm Sewer System (MS4) stormwater permit. The 2023 Annual Report from ISE is due on or before February 15, 2024. Staff has reviewed the Task Order Form 217E for the work required to complete the report that will address necessary requirements set forth by EPD. The total cost of the project will be $44,900.00 and the money will come out of the stormwater operating budget. Mr. Hindman stated he recommends approval of TOF #217E to release Integrated Science and Engineering to begin work on the Annual Report.

There were no public comments.

Hoffman moved to approve R-42-23. Langford seconded the motion. The motion carried unanimously.

Mayor Johnson called: Resolution R-44-23 – Authorization for a 4-month time extension to Strongwater Package Store as it relates to an existing license for retail package sale of distilled spirits for off-premises consumption.

Planning and Zoning Manager Julie Brown presented the applicant's request for a 4-month time extension for the Strongwater Package Store to complete the construction at 605 North Jeff Davis Drive. She explained that the City's alcohol ordinance requires that licensees be open for business within 12 months of receiving their approval, or the license will be revoked unless an extension is granted by the City Council. Construction of the building is more than 60% complete but their current alcohol license will expire on October 6, 2023. Therefore, granting a 4-month time extension will allow the applicant to renew and maintain their alcohol license in good standing and be open for business before the end of the year.

There were no public comments.

Hoffman moved to approve R-44-23. Langford seconded the motion. The motion carried unanimously.

Consent Agenda:

Mayor Johnson read the Consent Agenda Items and called for a vote.

- R-40-23 - Contract with Truist Bank for Purchase Cards.
- R-43-23 - Personnel Policy Manual Revisions.
- R-45-23 - Request to reclassify approved budget addition to a new job classification in Public Services.
- R-46-23 - Updated Contract with Falcon Design Consulting for Engineering Services.
- R-47-23 - New Contract with Tom Siliven for the purpose of Management Services of the Fayetteville Amphitheater.

Hoffman moved to approve the Consent Agenda. Clark seconded the motion. The motion carried unanimously.

City Manager and Staff Reports:

City Manager, Ray Gibson announced and congratulated the City of Fayetteville Municipal Court on their receipt of the Clearance Rate Excellence Award from the Judicial Council of Georgia.

Mr. Gibson then announced the upcoming events:

- Upcoming Concerts:
  - Yacht Rock Schooner, September 23rd
  - Marshall Tucker Band, September 29th
  - LoCash, October 14th
- Coffee with a Cop on September 28th at ROAM at Trilith
- Woof Stock on September 30th at City Center Park
- Faith & Blue on October 7th at City Center Park
- Paint the City Pink on October 11th a walk for Breast Cancer Awareness around City Center Park and the Square
- Bi-Annual Shred and Recycle Day on October 14th at City Center Park

Mayor's Comments:

Mayor Johnson announced the Dragon Boat Race on Saturday, September 23rd held by Peachtree City Rotary where Fayetteville Police and Fire will be competing.

Executive Session:

Hoffman moved to approve adjournment for Executive Session to discuss Real Estate and Potential Litigation. Stacy seconded the motion. The motion carried unanimously.

Clark moved to return to Regular Session. Hoffman seconded the motion. The motion carried unanimously.

Hoffman moved to adjourn the meeting. Clark seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Valerie Glass, City Clerk