



FAYETTEVILLE CITY COUNCIL

Gregory C. Clifton, Mayor
Paul Oddo Jr., Mayor Pro Tem
Larry Dell
Mickey Edwards
Edward Johnson
Walt White

STAFF

Joe Morton, City Manager
Anne Barnard, City Clerk

MEETING LOCATION

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

MEETING TIME

Regular Session 1st and 3rd Thursday
of each month 7:00 p.m.

MAYOR AND COUNCIL OFFICE

Fayetteville City Hall
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Fayetteville, Ga. 30214

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Agenda
Fayetteville City Council Meeting
September 6, 2012
7:00 P.M.

Call To Order Followed By The Pledge Of Allegiance To The Flag

1. Approval Of Minutes Of The Previous Meeting

RECOGNITIONS AND PRESENTATIONS:

2. Recognition of Brian Wismer as Georgia Downtown Development Professional
3. Turtle Study – Dennis Chase, Fayette High School Students
4. Proclamation – Sharpsburg Remembrance
5. Proclamation – Constitution Week
6. Presentation – The Moms Club of Fayetteville – Church Street Park Update

PUBLIC HEARINGS:

7. Consider Ordinance #0-16-12 – Amendment to Code of Ordinances Chapter 94, Section 442 – Non- Conforming Uses – 2nd Reading
8. Consider Ordinance #0-17-12 – Amendment to Code of Ordinances Chapter 94, Enactment of Section 177 – Flea Markets – 2nd Reading
9. Consider Ordinance #0-18-12 – Amendment to Code of Ordinances Chapter 94, Section 16 – Non- Conforming Uses – 2nd Reading
10. Consider Ordinance #0-19-12 – Amendment to Code of Ordinances Chapter 10, Alcoholic Beverages and Chapter 94, Zoning – Public Hearing and 1st Reading
11. Consider Ordinance #0-20-12 - Amendment to Out of Store Marketing Ordinance – Public Hearing and 1st Reading

NEW BUSINESS:

12. Consider Resolution R-16-12 - Private Sector Solutions to Atlanta Traffic Congestion

REPORTS AND COMMENTS:

13. City Manager And Staff Reports
14. City Council and Committee Reports
15. Mayors Comments
16. Public Comments

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
August 16, 2012

Call to Order

The Mayor and City Council of Fayetteville met in regular session on August 16, 2012 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Clifton called the meeting to order and lead those attending in the Pledge of Allegiance to the Flag. Council members present were Mickey Edwards, Ed Johnson, Paul Oddo, Walt White and Larry Dell. Staff members present were City Manager Joe Morton and Acting City Clerk Ellen Walls.

Dell moved to approve the minutes of the regular Council Meeting of August 2, 2012. Johnson seconded the motion. Motion approved by Edwards, Johnson, Dell, and Oddo with White abstaining. Motion carried.

Public Hearings:

Mayor Clifton called Consider Ordinance #0-15-12 – Amendment to Chapter 36 – Development Impact Fees – 2nd Reading. Brian Wismer requested this item be moved further down the agenda to allow time for Bill Ross, Consultant to arrive and answer any questions Mayor and Council may have. Motion made by Dell to move this item further down on the agenda, White seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Ordinance #0-16-12 – Amendment to Code of Ordinances Chapter 94, Section 442 – Non-Conforming Uses – 1st Reading

It was discovered that the City Code has some ambiguous language in Section 94-442 relating to what nonconforming buildings can be rebuilt after a catastrophic event.

The preceding section, 94-441, *Continuance of nonconforming uses*, establishes guidelines for both buildings and structures to be able to continue operation in a nonconforming state. However, the following section 94-442, *Continuance of a building occupied by a nonconforming use*, only addresses buildings, and not structures. The omission of *structures* from this section could reasonably lead to the interpretation that accessory structures of nonconforming uses would not be permitted to be rebuilt, whereas the main building could be rebuilt.

Staff can see no reason why the term “structure” was intentionally omitted from Section 94-442. It is our interpretation that the intent of the Nonconforming Uses section is to allow existing businesses, specifically nonconforming ones, to continue to operate that

business, and to be able to rebuild all components of that business after a catastrophic event, within the guidelines specified in the ordinance.

Also, during Staff research on this issue, it was discovered that we have conflicting language as it relates to how long a nonconforming business can sit vacant before it loses its “grandfathered” status. Section 94-16 allows a six-month window, whereas Section 94-441 allows for one full year. Due to the complexities inherent with starting or restarting a business, Staff believes that one year is the more appropriate timeline to allow. Consequently, Staff recommends that Section 94-16 be repealed to eliminate the inconsistency in the Code.

Staff sees no adverse effects to the public from these changes and recommends approval of the proposed amendments relating to the Nonconforming Uses ordinance.

Dell asked why the City would want a building or structure rebuilt to non-conforming standards. Brian responded that staff did not change any of the existing ordinance involving rebuilding after a catastrophic event. Staff is asking for uniformity in the length of time the business may be allowed to rebuild.

White asked, but they must rebuild to our current standards, correct. Brian replied, No, not if they rebuild within the time period allowed.

Mayor Clifton asked how catastrophic is even defined. Brian replied that any event that causes the loss of over 50% of the structure is considered catastrophic.

Johnson also asked for clarification over the allowed length of time a non-conforming business would be allowed to rebuild and remain non-conforming. Brian replied currently a conflict within the ordinance where one section allows six (6) months and another section allows twelve (12) months exists. Staff is asking for the allowance to be uniform at twelve (12) months.

Dell pointed out that non-conforming signs are required to come into compliance with current City ordinances in the event of replacement or rebuilding. He asked why there are two different standards.

Morton replied that staff would follow up with the City Attorney to review these two ordinances.

There were no public comments

Posted for 1st Reading.

Brian Wismer informed the Mayor and Council that the City’s consultant Bill Ross had arrived whenever they were ready to proceed with the ordinance on impact fees.

Mayor Clifton called Consider Ordinance #0-15-12 – Amendment to Code of Ordinances Chapter 36 – Development Impact Fees – 2nd Reading

Bill Ross with Ross + Associates stated that one of the questions Brian had asked him to research was how many other cities and counties were using the modified or simplified schedule like the one being presented to the City. Mr. Ross said this schedule is unique and to his knowledge, the only one he knows of being used. He feels that once other jurisdictions find out about it, there will be others to follow. The revision incorporates the proposed rate and fee schedule in place of the existing one.

A flat percentage reduction was applied to all categories to offset increases resulting from the combining of some categories. What has resulted is a proposed new fee structure with fewer categories that require less interpretation and analysis. The number of use categories has been reduced down to 29 (from 68). The overall fees are also reduced for nearly all land use categories.

Morton pointed out that this approach also eliminates the partial exemptions currently found within Sec. 36-7 of the ordinance.

There were no public comments.

Motion made by White to approve Ordinance #0-15-12 – Amendment to Code of Ordinances Chapter 36 – Development Impact Fees. Dell seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Ordinance #0-17-12 – Amendment to Code of Ordinances Chapter 94, Enactment of Section 177 – Flea Markets – Public Hearing and 1st Reading.

At the 2012 City Council Retreat, Staff was given direction to look at how other municipalities regulate flea markets, and to use their best practices to develop such an ordinance for Fayetteville.

Flea markets have existed in other communities for years, but due to the economy and job market, it has more recently become a popular business model for people seeking alternative methods to generate income. While the City is sympathetic to the current business climate, the establishment of flea markets often brings a negative perception to the commercial properties where they locate. It is regularly perceived by the public as the decline of that commercial development and the surrounding area, thereby causing further economic decline. In the City, flea markets have also created the need for ongoing staff inspections due to code violations and general safety concerns that must be addressed as vendor accommodations are continually modified. Lastly, Staff has fielded numerous citizen complaints and concerns about the flea markets currently in the City, which shows that they do not have the support of the community.

In an effort to fairly address these issues, staff has drafted the attached Flea Market ordinance. It is not the intent to prohibit flea markets in the City, but rather to provide

formal guidelines that will ensure that the quality of life in Fayetteville is maintained by establishing high standards of performance for this business type. The ordinance sets parameters for zoning; requires licensing and documentation of vendors and managers (promoters); establishes interior design criteria that will create a safe and aesthetically pleasing environment to customers; and prohibits vendor sales in the parking lot.

Wismer also explained law enforcement's concern with the need to control buying by vendors from walk-ins.

Staff feels that these regulations are necessary to uphold the general health and welfare of the community and recommends approval of the proposed Flea Market ordinance.

Morton advised that Mr. Haverty, current owner of a flea market, had been notified of the pending ordinance. Mr. Haverty has expressed concerns over some of the proposed changes. Mr. Haverty is unable to attend this council meeting but plans to attend the next.

Dell expressed concern on the parking lot issues with appropriate driving areas, loading and unloading issues with Mr. Haverty's business. It was asked if the fenced in garden area could be designated as a loading/unloading area, it is something that should be considered.

Oddo asked how buying among the vendors would be enforced. Brian explained that people walking in with merchandise would not be allowed to approach vendors to sell their merchandise. This business should be strictly for vendors to set up and sale their merchandise. This would eliminate the possibility of stolen merchandise being brought in and sold.

Public comments – Alberta Lucas asked about zoning restrictions on flea markets. Brian explained that the City could not prohibit the business of flea markets but through zoning have better control of where they are located within the City.

Posted for 1st Reading.

Mayor Clifton called Consider proposed 2012 Millage Rate – Public Hearing

Ellen Walls presented the Mayor and Council with staff's recommendation with the proposed millage rate for 2012. Staff is recommending a millage rate of 3.882 for calendar year 2012 as indicated on the form PT32.1 – Computation of Millage Rate Rollback and Percentage Increase in Property Taxes. This millage rate is a little less than the rollback millage rate of 3.920. The millage equivalent of reassessed value is a deficit of -.479 mills over fiscal year 2011's mill rate. The digest for calendar year 2012 decreased -12.34% over calendar year 2011 for the reassessment of existing real property. Other changes to taxable digest increased by .98% for calendar year 2012 over calendar year 2011. Therefore, the overall digest decreased by -11.36%.

General Fund's millage rate will be 3.078 mills and Capital Projects Fund's millage rate will be .804 mills for the 2012 digest. A mill will be worth \$703,784 which equates to total digest taxes of \$2,732,090. In comparison to 2011 total digest taxes this is a decrease of (\$132).

There were no public comments.

Motion made by Dell to approve the proposed 2012 millage of 3.882 as recommended. White seconded the motion. Motion carried unanimously.

Old Business:

Mayor Clifton called for discussion of Fayette Chamber Strategy Leadership Visit to Franklin, TN. Joe Morton reminded Mayor and Council that this item had been presented at the last council meeting by Virginia Gibb and the decision was made to table this item until all council members could be present. Motion was made by Johnson to send Mayor Clifton, Brian Wismer, and Walt White to represent the City of Fayetteville. White declined the offer. Johnson amended his motion to send Mayor Clifton, Brian Wismer, and one other council member to be determined later. White seconded the motion. Motion carried unanimously.

New Business:

Mayor Clifton called Consider Resolution #R-14-12 – Approval of Revisions to 2012-2013 Pay Scale and Summary of Organizational Changes.

Joe Morton presented to Mayor Council proposed changes to the existing Pay Scale and recommended organizational changes with existing personnel within the City of Fayetteville.

The City staff periodically reviews and proposes changes to the Pay Scale. Several changes are being proposed at this time as a result of staff review and as associated with several organizational changes due to the recent Early Retirement Program. The proposed organizational changes maximize the utilization of our human resources and provide additional career advancement opportunities for employees. The City's overall staffing level will remain the same with these proposed changes. The changes to the 2012-12 Pay Scale along with the organizational changes are summarized below:

Proposed 2012-213 Pay Scale Changes:

Grade 10

- Maintenance Worker – This position is not used and is being removed from the Pay Scale. The minimum hiring range is at Maintenance Worker I.

Grade 17

- Accounting Coordinator – This position is not used and is being removed from the Pay Scale.

Grade 18

- Mechanic – This position is being added back into the Pay Scale due to a need within the Public Services Division for this position. This position will be filled from within the division.

Grade 19

- Engineering Technician Trainee – This position is not used and is being removed from the Pay Scale.

Grade 20

- Senior Maintenance Crew Leader – This position is not used and is being removed from the Pay Scale.

Grade 22

- Senior Engineering Technician – This position is not used and is being removed from the Pay Scale.

Grade 23

- Chief Code Enforcement Officer – This position is not used and is being removed from the Pay Scale.
- Chief Engineering Technician – This position is not used and is being removed from the Pay Scale.

Grade 24

- Administrative Services Supervisor – Duties have been included in the new Office Manager position (Grade 28) as part of Finance and Administrative Services reorganization.
- Public Works Crew Supervisor – Duties have been included in the new Public Works Operations Manager position (Grade 28) as part of Public Services reorganization.
- Water and Sewer Customer Service Supervisor – Duties have been included in the new Office Manager position (Grade 28) as part of Finance and Administrative Services reorganization.

- Water Distribution Collection Supervisor – Position title has been changed to Water and Sewer Field Operations Supervisor (Grade 24) as part of Public Services reorganization.
- Water Technical Services Supervisor – Duties have been assumed by other Water and Sewer supervisory positions.
- Water/Wastewater Plant Supervisor – Duties have been included in the Water and Sewer Operations Manager position (Grade 28) as part of Public Services reorganization.

Grade 28

- Assistant Director of Public Works – Position title has been changed to Public Works Operations Manager (Grade 28) as part of Public Services reorganization.
- City Clerk/Administrative Services Supervisor – Supervisory duties have been included in the new Finance and Administrative Services Office Manager position (Grade 28) as part of Finance and Administrative Services reorganization.
- Finance and Administrative Services Office Manager – Upgraded position established as part of Finance and Administrative Services reorganization.
- Public Works Operations Manager – Upgraded position established as part of Public Services reorganization.

Grade 29

- A blank grade has been inserted to minimize compression between grades/positions. No increase in salaries occurred as a result of this change.

Grade 30

- Deputy Director of Water and Sewer – Duties have been included in the Water and Sewer Operations Manager position (Grade 28) as part of Public Services reorganization.
- Director of Planning and Economic Development – Position has been upgraded to Director of Community Development (Grade 33) as part of Public Services and City Engineer duties reorganization. This position is consistent with other Director level positions.

Grade 33

- City Engineer – Duties of City Engineer and Director of Public Services have been separated as part of Public Services reorganization.
- Director of Community Development – Position has been upgraded from Director of Planning and Economic Development (Grade 30) as part of Public Services and City Engineer duties reorganization.
- Director of Public Services – Duties have changed as a part of the Public Services and City Engineer duties reorganization.

Grade 34

- Director of Finance and Administrative Services/Assistant City Manager – Assistant City Manager duties (including Acting City Manager duties) have been included in this position.

Summary of Organizational Changes: (See attached organizational charts)

Finance and Administrative Services Division:

- The position of Office Manager (Grade 28) has been established and will oversee the accounting, customer service and utility billing functions. Carleetha Talmadge is being promoted from Accounting Supervisor (Grade 24).
- Kristy Johnston is being promoted from Accounting Clerk (Grade 17) to Accounting Supervisor (Grade 24).
- Linda Stephens is being promoted from Customer Service Representative (Grade 15) to Water and Sewer Billing Coordinator (Grade 18).
- Karen Austin is being promoted from Maintenance Worker II (Grade 14) to Customer Service Representative (Grade 15).

Public Services Division

- Separation of Public Service Director and City Engineer responsibilities. Both positions will remain in Grade 33.
- Promotion of Chris Hindman from Water and Sewer Operations Manager (Grade 28) to Public Service Director over Water/Sewer/Stormwater and Public Works (Grade 33).
- Promotion of Jermaine Taylor from Public Works Crew Supervisory (Grade 24) to Public Works Operations Manager (Grade 28).
- Promotion of Doug Gonsalves from Water/Wastewater Plant Supervisory (Grade 24) to Water and Sewer Operations Manager (Grade 28).

Community Development Division

- Establishment of Community Development Division (previously Planning and Economic Development) responsible for Economic Development, Planning and Zoning, Main Street, DDA, Building and Code Enforcement and GIS.
- Promotion of Brian Wismer from Director of Planning and Economic Development (Grade 29) to Director of Community Development (Grade 33).

Staff recommends approval of Resolution #R-14-12 amending the City of Fayetteville 2012-13 Pay Scale.

Public Comments: Charlie Watts asked if the positions being removed from the pay scale involved personnel losing their jobs. Morton explained that some of the positions were vacant, others were being combined, and some were being expanded but no one had been forced from their employment.

Mayor Clifton reminded Mr. Watts that the Early Retirement Incentive Program was strictly a volunteer program and many of these changes were made based upon position evaluations after their retirement.

Orlando Castro asked if this reorganization addressed the need within the Police Department to have more police personnel. He expressed concern over Fayetteville's need to make sure law enforcement had adequate staff to provide the service level necessary. Mayor Clifton replied that although monies were tight, almost 70% of the City's budget is dedicated to Public Safety, which includes Police and Fire. Hopefully, in the future more LOST funds will be available to the City to address some of the Police Department issues, but raising property taxes was not a viable option.

Motion made by Johnson to approve Resolution #R-14-12 – Approval of Revisions to 2012-2013 Pay Scale and Summary of Organizational Changes. Dell seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Resolution #R-15-12 – Support Repeal of Penalty Provisions in Transportation Investment Act (TIA) of 2010 (TSPLOST).

Joe Morton stated that this Resolution was prepared by staff after consultation with the Mayor and several Council Members and encourages our State Legislators to repeal the penalty provisions in the Transportation Investment Act (TIA) of 2010 otherwise known as the TSPLOST. The penalty provisions will now require that local governments in the Metro Atlanta Region (and other regions that failed to pass the TSPLOST) to contribute a thirty (30%) percent match on state transportation projects as compared to the previous match of ten (10%) percent. This will significantly increase the City of Fayetteville's costs on transportation grants including the annual GDOT LMIG, which we use each year for resurfacing and other projects. Staff recommends approval.

Dell stated that in the future before recommending to people to vote against something the full truth should be disclosed when making that recommendation. The public had a right to know that if the TSPLOST did not pass that the local governments would be required to contribute 30 % instead of the normal 10% to participate in local grant programs.

Dell made a motion to approve Resolution #R-15-12 – Support Repeal of Penalty Provisions in Transportation Investment Act (TIA) of 2010 (TSPLOST). Motion seconded by White. Motion carried unanimously.

City Manager and Staff Reports –

Joe Morton advised that Charles Stanley’s Retirement Party is scheduled for September 5; Council’s retreat goals had been updated and were available for review; Brian Wismer was handling arrangements for the campaign on Redevelopment Authority Powers Referendum, which will include sending out flyers in the utility bills. Joe Morton stated he would be updating the Mayor and Council on the Fayette County Development Authority meeting. He also reminded everyone of the Grass Roots concert and Market Day this Saturday.

Mayor’s Comments

Mayor Clifton stated he would be providing information on private sector travel solutions, which would include Jpods.

Dell moved to adjourn. Motion seconded by Johnson. The motion carried unanimously.

Respectfully submitted,

Ellen Walls, Acting City Clerk



CITY OF FAYETTEVILLE
INTEROFFICE MEMORANDUM

TO: Mayor and City Council

FROM: City Manager

CC: City Clerk
Director of Community Development

DATE: August 27, 2012

**SUBJECT: Recognition of Brian Wismer, Director of Community Development, as
Georgia Downtown Development Professional**

On Wednesday, August 22nd, Brian Wismer received certification at the annual Georgia Downtown Association conference in LaGrange for earning the designation of *Georgia Downtown Development Professional*. Brian completed a written and oral exam, as well as requirements for continuing education to earn this award.



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

CC: City Manager

FROM: Chris Hindman

DATE: August 24, 2012

SUBJECT: Eastern Box Turtle Study – PK Dixon Property

Dennis Chase, a local biologist, has been working with high school students studying the eastern box turtle migration at the PK Dixon property. The City has allowed Mr. Chase and the students access to the site to perform this project. The students who participated in the project would like to share their results with Mayor and Council and will be presenting a short presentation which outlines their overall findings.

Eastern Box Turtle Population Study

Kasmyne Pender, Jonathan Fernandez, and Anna Gehring: Fayette
County High School Students

Dennis Chase: Field Biologist

Gini Ann Loeffler: Fayette County High Science Teacher

Overview

From May to present students from Fayette County High participated in an Eastern Box Turtle study with Mr. Dennis Chase and Mrs. Gini Ann Loeffler. Students collected population information through tagging and physical statistical measurements of each turtle. Four turtles were equipped with radio transmitters. GPS instruments were used on these four turtles to locate as well as give statistical information for graphing and plotting of location and migratory patterns of each turtle. This information helped us to do more studies of causes of migration such as habitat, predator/prey relationships, and eating habits.

Students also identified rare and threatened plant species that are only found in this region of Fayette County. Correlations are being made between plant species, turtle migrations, and feeding habits.

Species Information

Terrepenes Carolinae- Eastern Box Turtle

Information

- It is the most popular terrestrial turtle to be kept as a pet
- It is estimated that they can live to be over 80 years old
- One of the few turtles that can completely close their shells by the use of hinging plastron pieces

Affected Area

- The study was performed at the Gingercake/Whitewater Creek area more specifically close to where the creeks diverge.
- This area is owned by the City of Fayetteville and can only be accessed with the permission of the City.

Student Study

Kasmyne Pender

Migration vs. Human Interaction

- In our area of study loss of habitat was not an issue but there were instances when a few of our turtles migrated towards human interaction.
- Threats: car tracks in the woods that showed frequent visitations, and landfills fairly close to the turtle's habitat
- Other issues include fragmentation - parts of the turtles habitat being separated by land (neighborhoods) for humans.
- From this the turtle's habitat gradually confers to smaller areas for them to eat, sleep, etc.
- This may either cause the eastern box turtle migration patterns to decrease to a smaller home range where there is less food, shelter or potential mates.
- Or it may cause the turtles to migrate to where their necessities are. which may be outside of their habitat leading to human interaction.

Student Study

Jonathan Fernandez

Problem

- Many turtles have been found with bacterial damage to the carapace.
- This bacteria excretes Keratinolytic Proteins which breakdown the turtle's shell
- Once it has reached the bone the turtle has exposed blood vessels and nerve endings
- Many times this leads to death from disease
- The goal of the project was to identify this bacteria and then find an environmentally safe way to remove the bacteria to prevent further damage

Student Study

Jonathan Fernandez continued

What is keratinolysis?

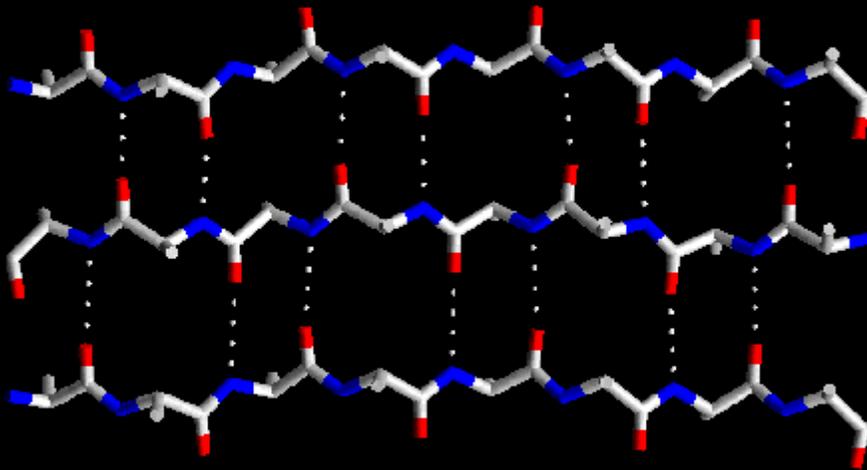
- Keratinolysis can be broken down into two parts:
- "Keratin", the molecule being broken down, and "lyse", from both Greek and Latin meaning loosening.
- Another form of lysis is hydrolysis where electric current causes water to break down into oxygen and hydrogen gases.
- Keratinolysis targets the sulfur bonds that form the backbone of the keratin molecule and thusly the rest of the molecule falls apart.

Pictures

Jonathan Fernandez

Antiparallel Beta-Sheet

(White dots indicate hydrogen bonds)



Can you identify the amino- and carboxy- termini of the strands?



Student Study

Anna Gehring

When I started doing the turtle project I was really only doing it so I could have a cool story to tell when I got back to school; but as time went on and we started learning more about the turtles and their habits I became really interested in them.

My mom is a kindergarten teacher and everything I learned about the turtles I passed on to her so she could tell her students about them. She was able to tell her students that there are black turtles, and that turtles do indeed move very fast.

Pictures



We believe this is Blackberry Lily or a plant that is closely related
(*Belamcanda chinensis*)



Onsite spider lily specimen
(*Hymenocallis liriosme*)

PROCLAMATION

SHARPSBURG REMEMBRANCE

WHEREAS; Fayette County is located in the State of Georgia, and with the State of Georgia being one of the original 13 Confederate States of America during the War Between the States; and

WHEREAS; Fayette County sent nearly one-thousand of her sons to military service for the Confederacy from population of approximately seven-thousand citizens, a number that represented approximately 14% of the Fayette County population; and

WHEREAS; At least three-hundred and seventy-nine soldiers made the ultimate sacrifice, a figure of 38% lost; and

WHEREAS; In comparison to the population of Fayette County in 2010, those percentages would represent over 14,000 young men going to fight with 5,510 deaths; and

WHEREAS; The South and Georgia especially, remembers the years of 1861-1965 during this, the 150th Anniversary of those years; as it is called the Sesquicentennial Anniversary Years; and

WHEREAS; On September 17, 1862, at the battle of Sharpsburg, Maryland, 42 Fayette Countians were killed or wounded, marking the single bloodiest day in Fayette County history; and

WHEREAS; September 17, 1862 is also the single bloodiest day in American history; and

WHEREAS; it is indeed fitting to remember the men of the Fayette Rifle Grays, The Fayette Rangers, The Bethsaida Rifle Guards, The Huie Guards, and The Fayette Planters who fought with what their great Chieftain Robert E. Lee described as “unsurpassed courage, and fortitude”.

NOW THEREFORE, I Gregory C. Clifton, Mayor, on behalf of the City of Fayetteville, do hereby proclaim September 17, 2012 as “Sharpsburg Remembrance Day”, and a day to be observed with quiet reflection, and respect for those that fought so hard for their beliefs, their homes, and their families.

So Proclaimed this 6th day of September 2012.

Gregory C. Clifton, Mayor

ATTEST:

Anne Barnard, City Clerk

PROCLAMATION
CONSTITUTION WEEK

WHEREAS: September 17, 2012, marks the two hundred twenty fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebration which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23, 2011 as Constitution Week.

NOW, THEREFORE WE the Mayor and City Council of the City of Fayetteville, Fayette County, Georgia do hereby proclaim the week of September 17 through 23, 2012 as **CONSTITUTION WEEK** and ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Fayetteville to be affixed this 6th day of September in the year of our Lord two thousand and twelve.

Gregory C. Clifton, Mayor

ATTEST:

Anne Barnard, City Clerk



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Joe Morton, City Manager

FROM: Ellen Walls, Interim Director of Finance and Admin

DATE: August 15, 2012

SUBJECT: Mom's Club – Church Street Park

Christina Sherstad, Mom's Club representative, would like to share with the Mayor and Council the club's success in obtaining sufficient funds to replace playground equipment at Church Street Park.

This local club noticed the playground equipment at Church Street Park needed updated equipment. Instead of expecting the City to find the funds to replace this equipment, this club made a commitment to the community to find the funds necessary to make Church Street Park a more pleasant play time experience. Brian Wismer and the Main Street Department provided guidance through this process.

Through their efforts, they have been able to raise enough funds to purchase the equipment and the City will be assisting with installation.



August 20, 2012

Dear City Council,

On behalf of the MOMS Club® of Fayetteville, GA, we would like to update you on our progress with the Church Street Park Improvement Project that Brian Wismer shared with you a few months ago.

In March the MOMS Club® of Fayetteville began fundraising for the largest service project we have undertaken; the renovation of the Church Street Park. The first stage of the project involved raising approximately \$20,000 to purchase three large scale, ADA-compliant pieces of playground equipment as well as playground-grade surfacing. Over the past several months we have been working hard fundraising with the help of the local community and businesses such as: Chick-fil-a, Upscale Pizza, Belk, Yo-Tops and Chuck E Cheese. We also organized fundraisers such as: a consignment sale, a 'tattoo stand' at the Southern Ground Amphitheater 'Moovie' Night, several bake sales and a community yard sale. Local church groups have helped us, too, with fundraising done by the Edgefield Baptist Church, and Square Foot Ministries' Impact Group providing cosmetic improvements to the park. Grants for the project have been received from: Clothes Less Traveled, Coweta Fayette EMC's Round Up Fund, and Resurgens Orthopaedics Group. We are happy to announce that with all this community help, we have completed the fundraising for the playground equipment in just over four months.

We will be attending the upcoming September 6, 2012 City Council meeting to discuss the features of the park. We are ready to coordinate the purchase of the equipment and begin the organization of volunteers for the installation. We look forward to donating the new playground to the City of Fayetteville in the next few months.

We are currently in discussions with Bob Barnard who has volunteered to serve as the project manager for the installation of the playground equipment. He is assisting us with securing the necessary equipment and supplies. We recently also met with Chris Hindman and Jermaine Taylor regarding the upkeep of the park as we know this new equipment will increase the usage of the space.

We plan to continue fundraising to complete our vision of creating a gathering place for the entire community. We hope in the future to improve the picnic area, basketball court, parking, and accessibility to the sites' new amenities.

Here are a few quick facts about our organization The MOMS Club of Fayetteville, GA serves the 30214/30215 zip code area and is the local chapter of the International MOMS Club a 501(c)(3) non-profit support group for moms. We provide socialization for moms and kids as well as performing service projects in our local areas. The first MOMS Club (Moms Offering Moms Support) was started in 1983 by a stay at home mom in California. The Fayetteville chapter was chartered in 1998 and currently our membership includes over 30 local mothers and over 70 children.

The community support we received has been overwhelming, and the MOMS Club is so thankful to be able to work on such a great project in such a wonderful community. Thank you again your support, it is truly appreciated.

Sincerely,

Christina Sherstad and Sara Van Etten

MOMS Club® of Fayetteville Park Committee Co-Chairs

Attachments: Church Street Park Brochure, BYO Playground Structures Proposal, Detailed Installation information



Beyond Your Ordinary

Beyond Your Ordinary is not just a tagline, it is our commitment to excellence and total customer satisfaction. Since 1999, we have helped tens of thousands of customers create Beyond Your Ordinary playgrounds around the world. This commitment to our customers has helped us become one of the fastest growing playground equipment distributors in the United States.

1-800-853-5316

WWW.BYOPLAYGROUND.COM

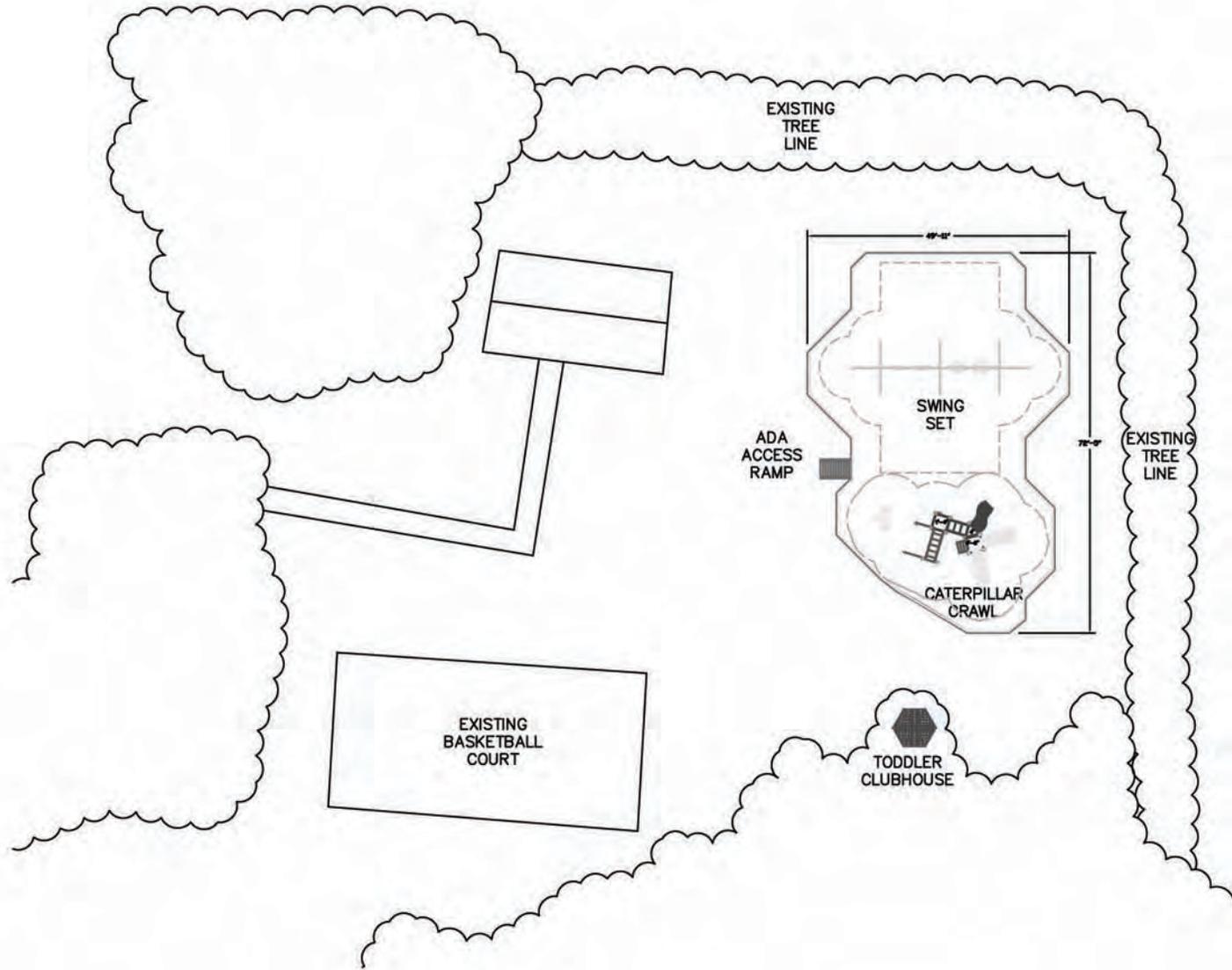


Complies to CPSC
Complies to ASTM
Complies ADA

Playground Area:
2,570 sf

Overall Ground Space:
49'-11" x 72'-5"

Border Timbers:
54 Timbers
1 ADA Ramp



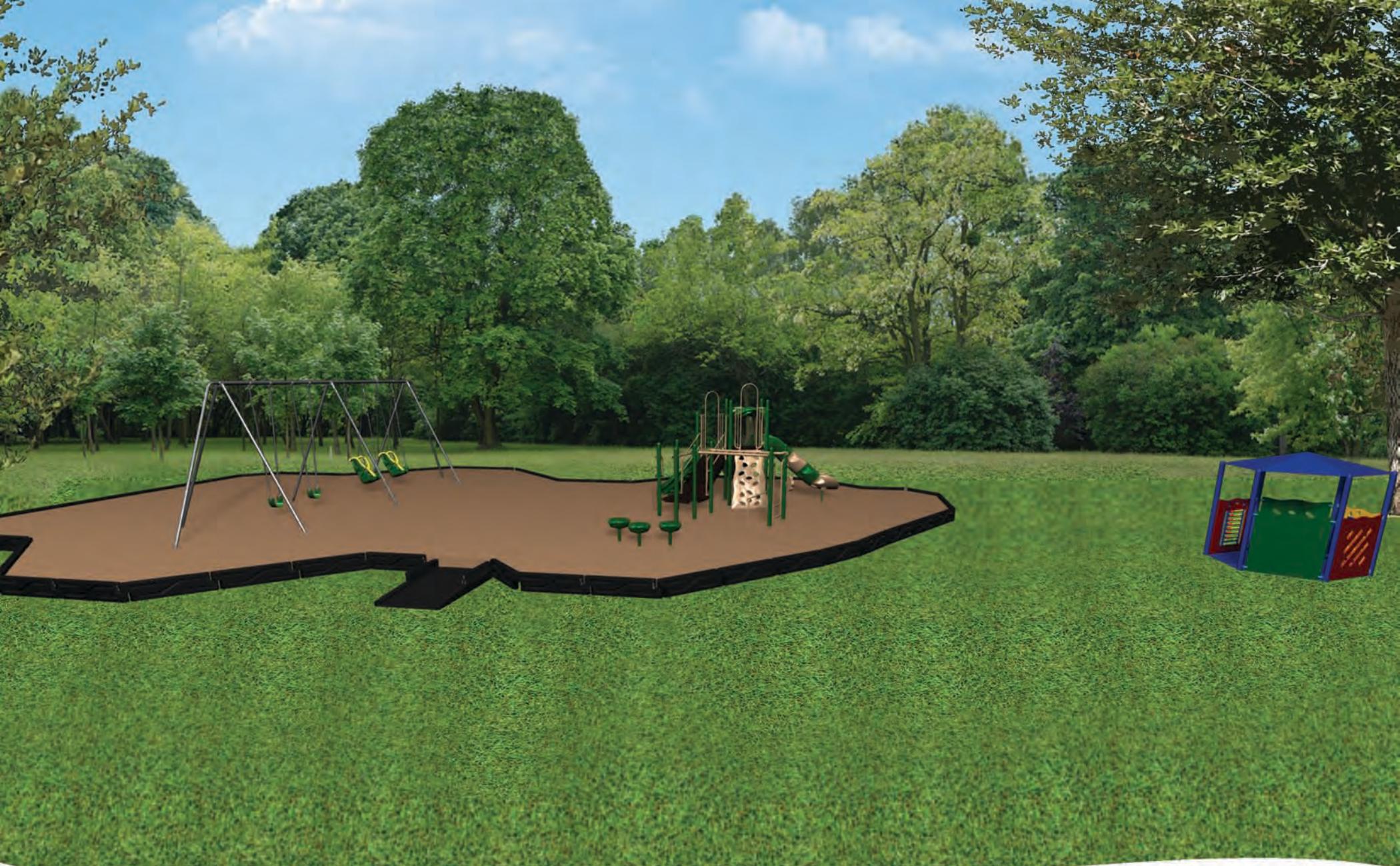
Date:
1/5/2012

Scale:
3/32" = 1'-0"
Intended For Print
On 8.5"x11" Paper

Fayetteville MOM's Club

To accept that you have the appropriate space available for the installation of equipment indicated above, please sign and return.
Age Range: 2-12 • Fall Height: 10' • Capacity: 35 Children • Total Activities: 15 • Total Accessible Activities: 13





Fayetteville MOM's Club

Colors above are for representational purposes only. Actual colors may vary slightly.
Posts: Green • Metals: Tan • Slides: Green & Tan • Inclined Wall Climber: Tan • Rain Wheel: Tan • Apex Climber: Green • Button Steps: Green
Swing Set: Galvanized Posts & Green Seats • Toddler Clubhouse: Color Palatte Per Manufacturer





Fayetteville MOM's Club

Colors above are for representational purposes only. Actual colors may vary slightly.
Posts: Green • Metals: Tan • Slides: Green & Tan • Inclined Wall Climber: Tan • Rain Wheel: Tan • Apex Climber: Green • Button Steps: Green
Swing Set: Galvanized Posts & Green Seats • Toddler Clubhouse: Color Palatte Per Manufacturer





Beyond
Your
Ordinary

PROPOSAL

Proposal #:	21779
Sales Person:	Chris Woodward
Date Created:	03/09/2012
Date Modified:	03/12/2012

Bill To:

Fayetteville International MOMS Club
100 Dover Ct
Fayetteville, GA 30215

Ship To:

Fayetteville International MOMS Club
100 Dover Ct
Fayetteville, GA 30215

Qty	Product	Price	Discount	Total
1	<p>Caterpillar Crawl 4145-PP Come Out of Your Cocoon and Play!Caterpillar Crawl will have the little ones leaping on the button steps, crawling on the climbers, and flying down the slides. Building strength, endurance and balance, kids will emerge with enhanced fitness skills as they play. Caterpillar Crawl includes 2 Slides, 2 Climbers, overhead ladder, and numerous independent play events. Designed to develop upper & lower body strength while enjoying the benefits of invigorating recess activities. * Full payment with orders is required to receive 100% match. Orders with approved credit will receive 45% off list price.Commercial grade components specifically engineered to resist corrosion, fading and mildew.Designed in compliance with public playground safety standards (ASTM & CPSC).Meets ADA guidelines and allow inclusive play for all children.Hundreds of color combinations available to turn any playground into a stimulating play environment.</p>	\$16,816.00	\$8,408.00	\$8,408.00
1	<p>Toddler Clubhouse 116-LT The Toddler Clubhouse is a perfect outdoor experience. It provides little ones a clean contained environment to play and learn while providing easy caregiver access and visibility.</p> <p>Age: 9 to 36 months Use Zone: 8' x 8' Capacity: Up to 12 Children Weight: 400 lbs Colors are as shown.</p>	\$3,690.00	\$0.00	\$3,690.00
1	<p>Standard Commercial Swing Set 1505-PL The Standard Swing Set is a perfect addition to any playground. It promotes upper body and leg strength, while also building agility. The swing set has 2-3/8" legs and Top Rail.</p> <p>Seats: 4 Use Zone: 36' x 32' Weight: 305 lbs Custom Colors Available</p>	\$1,302.00	\$0.00	\$1,302.00

114	<p>Wood Playground Mulch BYO-510Z IPEMA certified to meet ASTM, CPSC, and ADA playground surfacing standards. Engineered wood fiber (EWF) playground safety surfacing is manufactured from natural fibers, and is designed to reduce injuries on playgrounds, and provide a stable, resilient surface for trails. It is a 100% natural product and contains no chemicals or artificial ingredients. Fresh wood is utilized than cannot be made into lumber. Environmentally safe. Meets non-flammability standards.</p>	\$17.00	\$0.00	\$1,938.00
54	<p>Playground Border 4ft x 12in 2805-CW-BLK Recycled Plastic 4'L x 12"H Landscape Timbers These plastic landscape timbers surround your playground area with a no-maintenance alternative to wood. They help keep playground surfacing in place. Made from recycled plastic.</p>	\$35.00	\$0.00	\$1,890.00
1	<p>Accessible Playground Ramp 2027-CW-Black It's easy access with this durable ramp. The versatile ramp works perfectly as a transition way between play areas.</p> <p>Height: 12" Weight: 165 lbs</p> <p>Color: Black Color Options Available at an additional cost</p>	\$715.00	\$0.00	\$715.00

POC: Sara Van Etten, 678489-8384, e-mail: sawalve@hotmail.com

Sub Total: \$17,943.00
Sales Tax: \$0.00
Shipping: \$1,969.11
Total: \$19,912.11

Thank you for the opportunity to quote your playground project.

Prices are valid for 30 days. We accept Visa, Mastercard, Discover, personal & business checks and purchase orders from government entities. All items must be paid for in advance of order.

To accept this proposal, sign, date and return: _____

Printed name: _____ Title: _____ Date: _____



- **BETTER PRICING & SELECTION**

If you can find it on a playground, we probably sell it. Because we have one of the largest supplier networks in the industry, we can offer a better selection and better pricing than our competitors. Our nationwide certified installation combined with our comprehensive equipment selection allows us to offer you a turn-key playground solution.

- **BEYOND YOUR ORDINARY SERVICE**

Before, during and after your purchase you can count on our team of friendly and knowledgeable playground sales consultants, designers and project managers to help you create the perfect playground.

- **FREE IN-HOUSE CUSTOM DESIGN SERVICE**

Our team of expert playground designers can customize any playground to fit your color preference, budget, space, capacity and target age group.

- **SAFETY YOU CAN RELY ON**

All of the equipment we offer meets the rigid commercial playground equipment safety standards of the American Society of Testing Materials and the Consumer Product Safety Commission. Our professional installers and our sales staff are Certified Playground Safety Inspectors.

- **BEYOND YOUR ORDINARY WARRANTY**

Our commercial grade equipment will handle long-term, outdoor use. Our manufacturers offer a LIFETIME WARRANTY on steel posts, a 15 YEAR WARRANTY on steel decks and a 10 YEAR WARRANTY on play structure plastic components.

- **ACCESSIBLE PLAYGROUND DESIGN**

We believe playgrounds should be accessible to all children, with or without disabilities. Our playground designers can help you not only stay in compliance with the federal Americans with Disabilities Act, but also make your playground the wonderful and exhilarating experience that ALL children crave.



1-800-853-5316

WWW.BYOPLAYGROUND.COM

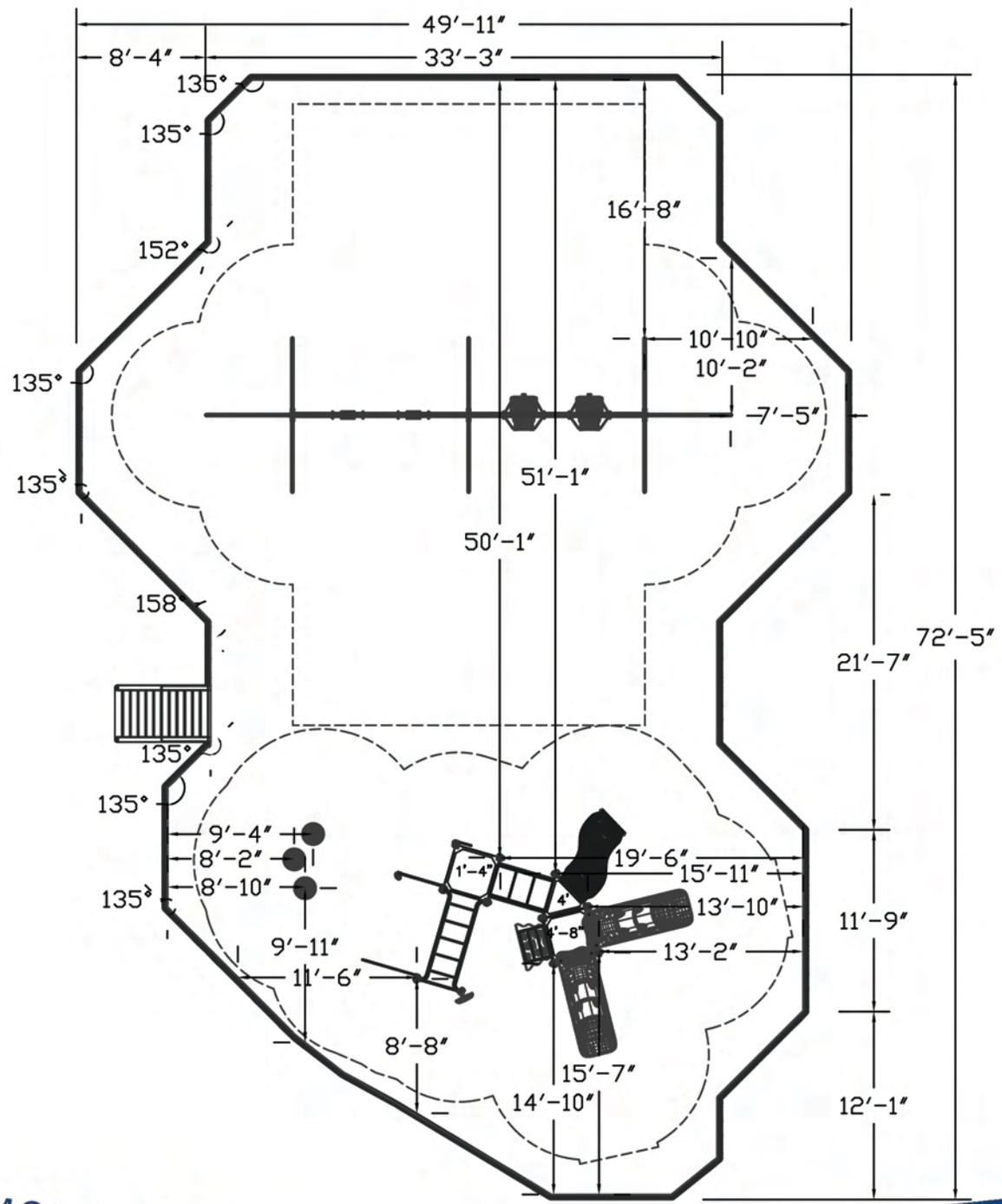


Complies to CPSC
Complies to ASTM
Complies ADA

Playground Area:
2,570 sf

Ground Space:
49'-11" x 72'-5"

Border Timbers:
54 Timbers
1 ADA Ramp



Date:
7/24/2012

Scale:
3/32" = 1'-0"
Intended For Print
On 8.5"x11" Paper

Fayetteville MOM's Club

Height of Structure: 10' • Highest Deck: 4'-8" • Necessary Vertical Clearance From Any Obstructions is 84" Above Highest Deck



**BIPOD SWING FRAME - 8'
TWO BAY
#90015402XX**

USER GROUP: 2 - 12 years

RECOMMENDED CREW: 3 people

TOOLS REQUIRED:

1/4" Allen Head Tool

Level

Tape measure

Auger / Post hole digger / Shovel

String

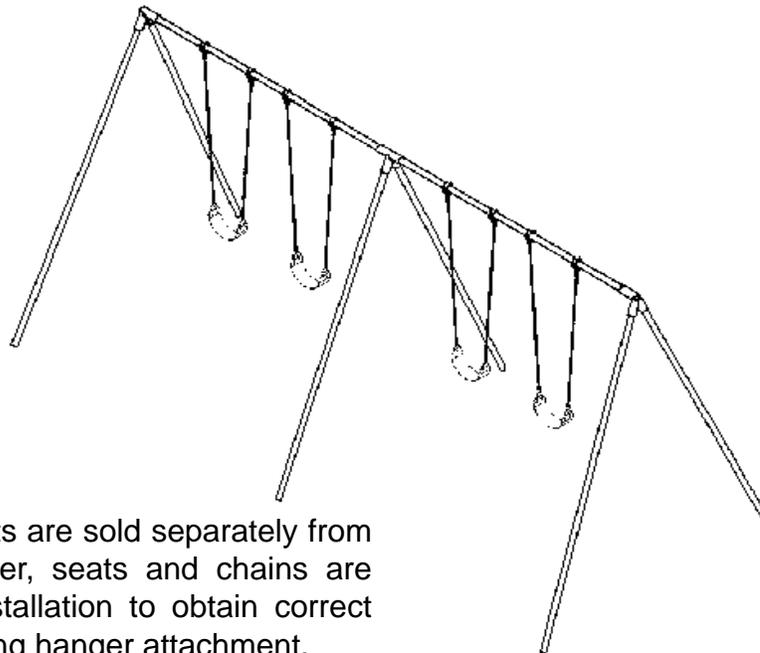
High speed 3/8" electric drill *w/clutch*

NOTE: Use of any other driver may result in damage to tool and/or hardware!

INSTALLATION TIME: 2 hours

CONCRETE REQUIRED: 42 cubic feet

NOTE: Concrete must have a minimum rating of 2,500 psi and must be mixed per manufacturer's recommendations.



NOTE:

Swing chains and seats are sold separately from swing frames. However, seats and chains are needed at time of installation to obtain correct measurements for swing hanger attachment.

PRE-INSTALLATION CHECK:

Compare all items received to the packing list. Notify your local sales representative immediately if any parts are missing or damaged.

**We are not responsible for items discovered missing
after 72 hours from time of delivery!**

Before beginning installation, make sure that you have read and understand the Installation Introduction manual that was supplied to you. If you did not receive a copy, or if you have a question regarding anything covered in this manual, contact your local sales representative.

STEP 1

Refer to PLAN VIEW and FOOTING LAYOUT to locate position of swing frame.

STEP 2

Excavate footing as shown in FOOTING LAYOUT and FOOTING DETAIL. Place a 2" spacer block in the bottom of each hole.

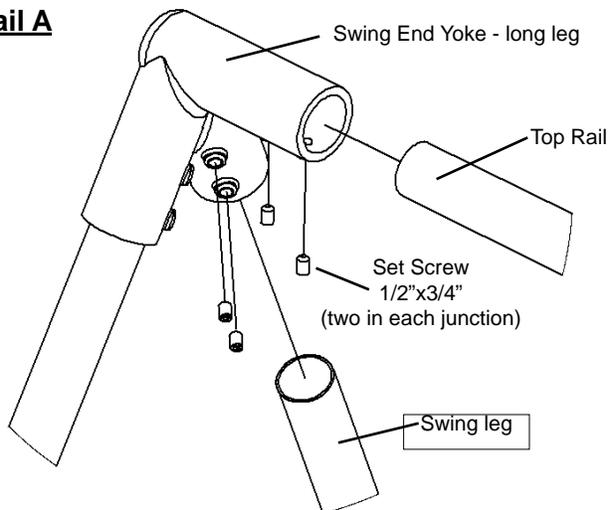
STEP 3

Select two top rails of swing frame (2-3/8"x132") and three swing yokes (two end yokes and one center). Insert top rails fully into longest leg of each swing yoke, then install and tighten set screws (see Detail A and B).

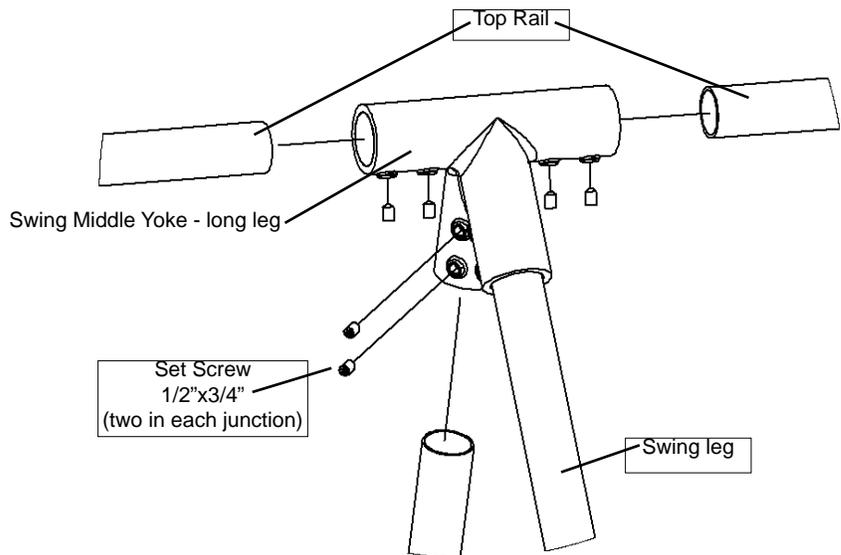
STEP 4

Select six swing legs (2-3/8"x144") and top rail assembly. With top rail assembly laying on ground, insert swing legs fully into legs of swing yokes. Install and tighten set screws (see Detail A).

Detail A

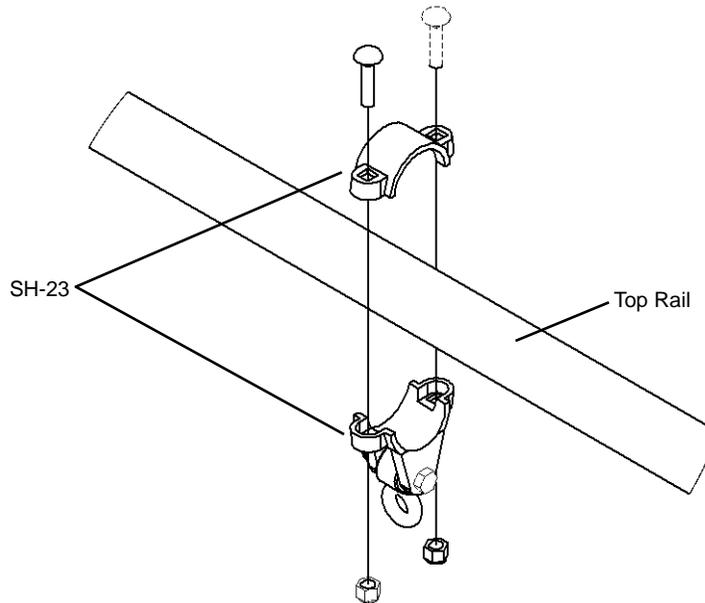


Detail B



STEP 5

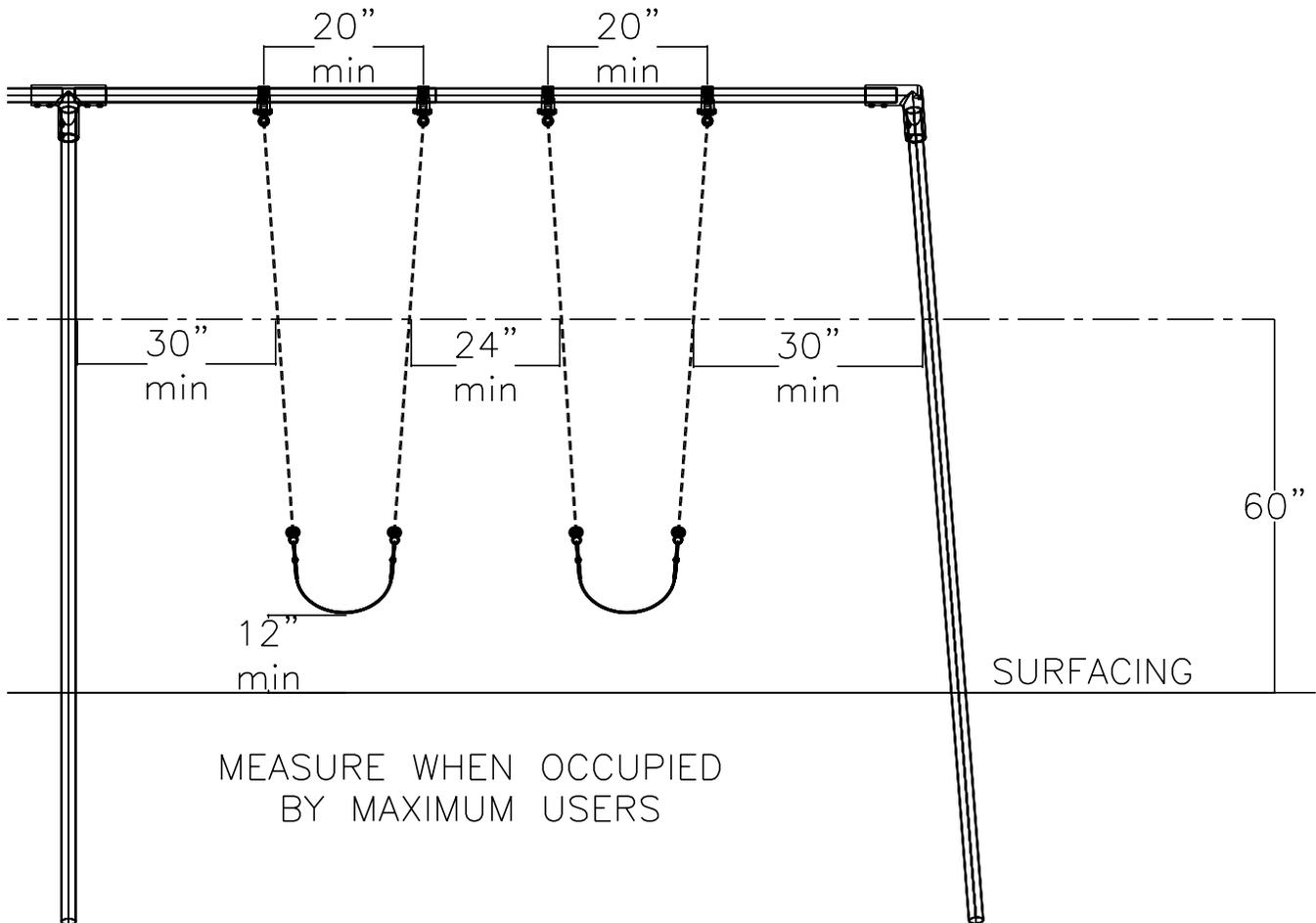
For each bay, select four swing hanger assemblies (SH-23's). Attach SH-23's to top rail so that center of SH-23's for each swing are at least 20" apart (see Detail B). **NOTE:** All other side to side measurements will need to be set and verified after swing seats are installed (swing seats and chains are sold separately).

Detail B

STEP 6

Verify that swing frame is level and plumb in footings and that it is at correct height. Center of top bar needs to be 96" above finished surfacing. Pour concrete in footings to correct level. **NOTE:** Concrete must have a minimum rating of 2,500 psi and must be mixed per manufacturer's recommendations. Fill remainder of hole with dirt. Allow concrete to harden for at least 48 hours before use!

STEP 7

Install appropriate age level sticker on swing frame. Full bucket seats require a 2-5 label - all other seats require a 5-12 label. For safety reasons, do not attach swing chains or seats to swing frame until playground is ready to open. **NOTE:** Swing seats and chains sold separately.



Measure up 60" from top of finished surfacing. Run string line from end to end of swing frame at this height.

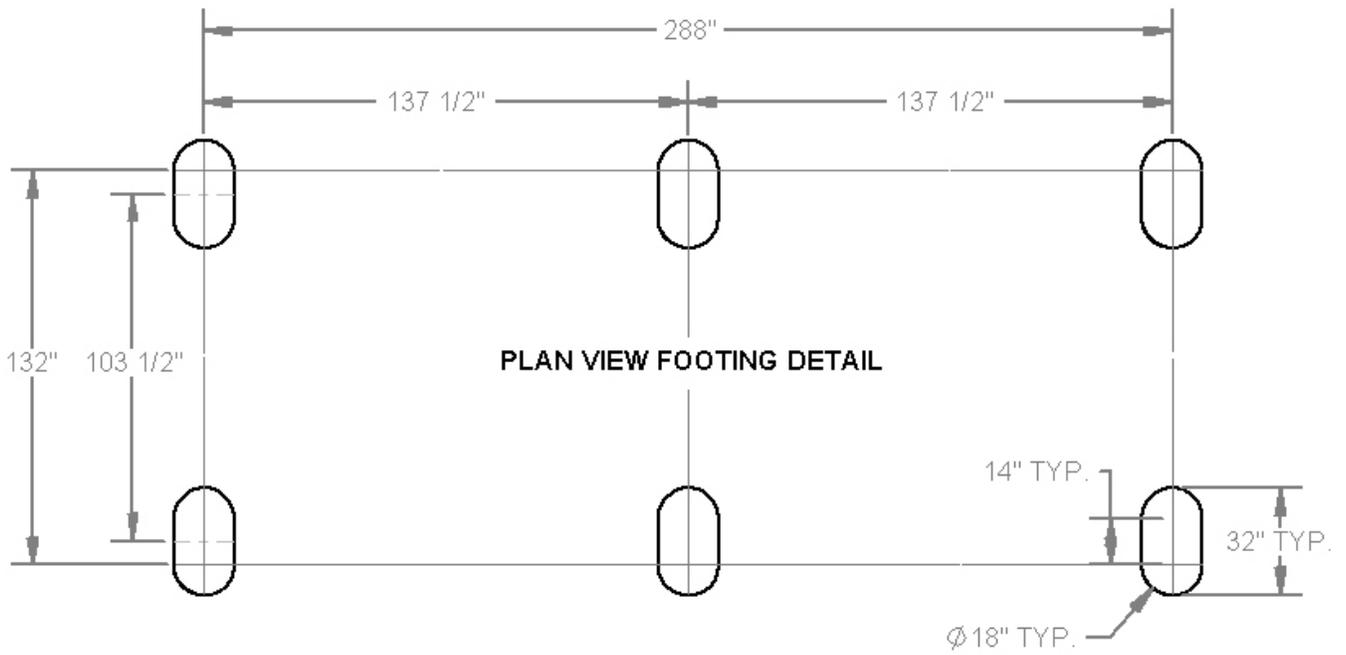
The horizontal distance between adjacent to-fro swings at rest shall be no less than 24" when measured at 60" above the protective surfacing.

The horizontal distance between the supporting structure and the adjacent to-fro swing seat shall be no less than 30" when measured at 60" above the protective surfacing.

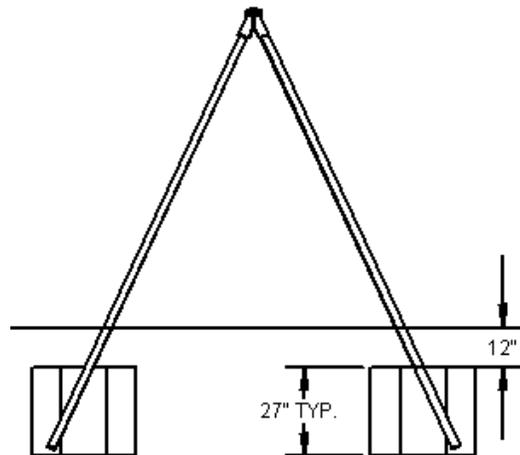
Also, once seats are installed, they must be at least 12" above the finished surfacing.

NOTE: All of these measurements need to be taken when swings are occupied by maximum users.

SWING DETAIL



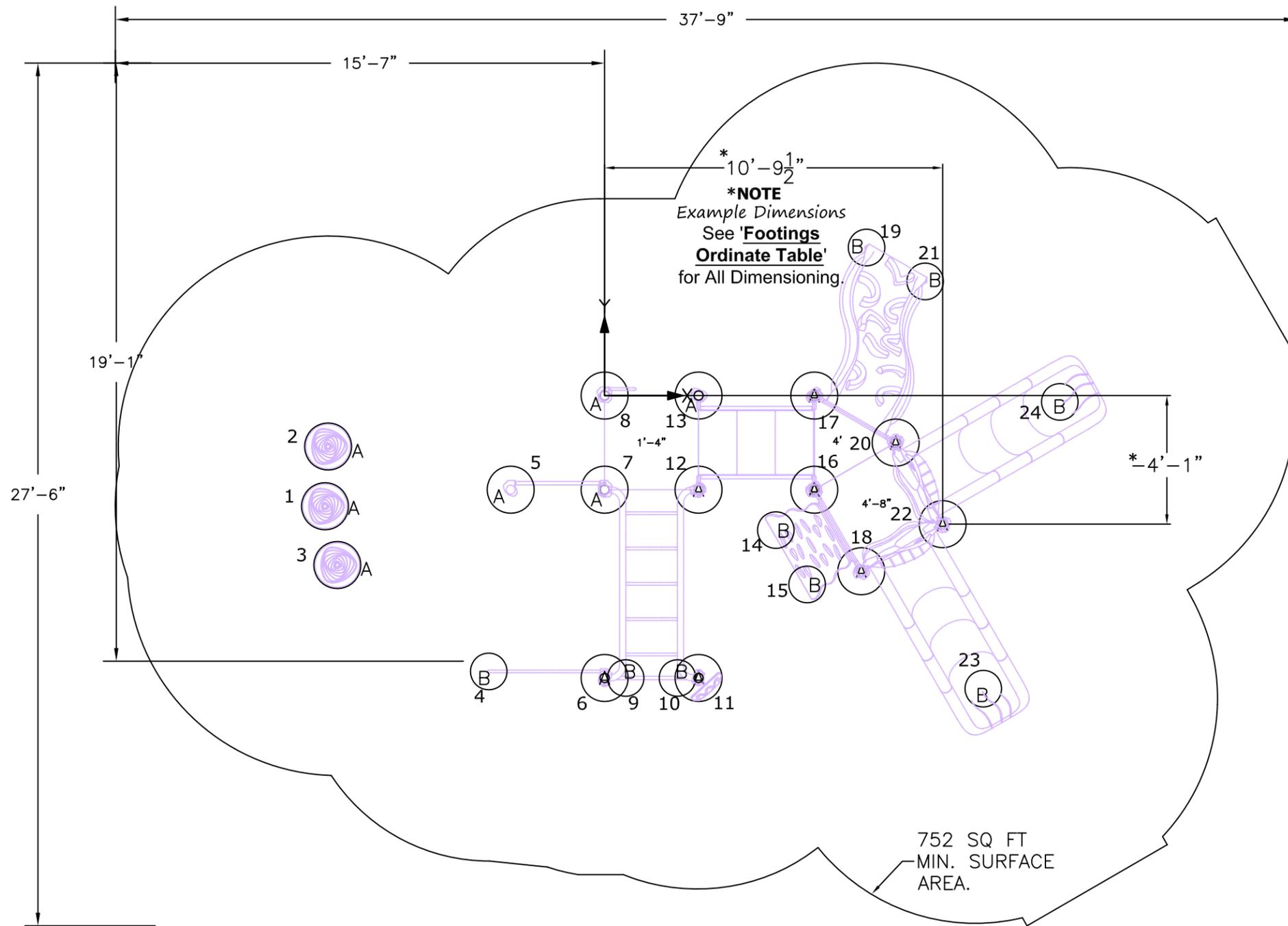
OVERHEAD / SIDE VIEW OF FOOTING



FOOTING DETAIL



Adrian First Church of the Nazarene
Adrian, MI 49221



ORDER #2081603

FOOTINGS TABLE			
TYPE	DIAMETER/SIDE	DEPTH	QTY.
A	1'-6" [45.72cm]	2'-6" [76.20cm]	15
B	1'-2" [35.56cm]	2'-6" [76.20cm]	9

FOOTINGS ORDINATE TABLE			
HOLE	X	Y	DIAG
1	-8'-11"	-3'-6 1/2"	9'-7"
2	-8'-10"	-1'-7 1/2"	9'-0"
3	-8'-6 1/2"	-5'-5"	10'-1"
4	-3'-8 1/2"	-8'-9 1/2"	9'-6 1/2"
5	-3'-0"	-3'-0"	4'-3"
6	0'-0"	-9'-0"	9'-0"
7	0'-0"	-3'-0"	3'-0"
8	0'-0"	0'-0"	0'-0"
9	0'-8"	-9'-0"	9'-0 1/2"
10	2'-4"	-9'-0"	9'-3 1/2"
11	3'-0"	-9'-0"	9'-6"
12	3'-0"	-3'-0"	4'-3"
13	3'-0"	0'-0"	3'-0"
14	5'-5 1/2"	-4'-3 1/2"	6'-11 1/2"
15	6'-5 1/2"	-6'-0"	8'-10"
16	6'-8 1/2"	-3'-0"	7'-4"
17	6'-8 1/2"	0'-0"	6'-8 1/2"
18	8'-2 1/2"	-5'-7"	9'-11"
19	8'-4 1/2"	4'-8 1/2"	9'-7"
20	9'-3 1/2"	-1'-6"	9'-5"
21	10'-3"	3'-7 1/2"	10'-10 1/2"
22	10'-9 1/2"	-4'-1"	11'-6 1/2"
23	12'-1"	-9'-4"	15'-3 1/2"
24	14'-6 1/2"	-0'-2 1/2"	14'-6 1/2"

Adrian First Church of the Nazarene
50 Industrial Drive
Adrian, MI 49221

BYO Playground

This play equipment is recommended for children ages 2-5 or 5-12

Minimum Area Required: 37'-9" x 27'-6"
Scale: 1/4" = 1'-0"
This drawing can be scaled only when in an 11" x 17" format

IMPORTANT: Never install play equipment over hard, unresilient surfaces such as asphalt, concrete, or compacted earth. It is the owner's responsibility to ensure the "minimum area required" contains an appropriate amount of resilient material to cushion accidental falls.

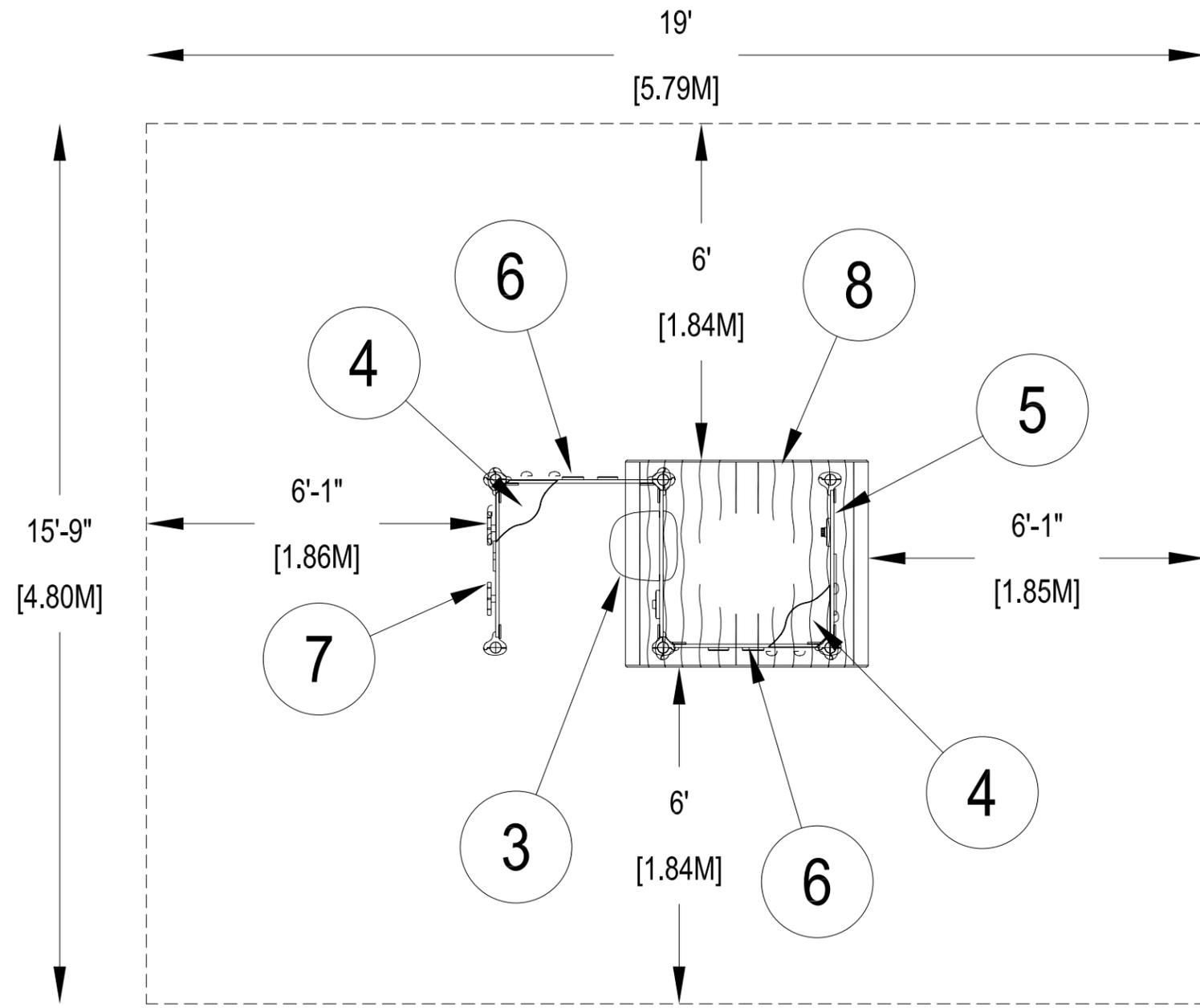
It is the manufacturer's opinion that the structure shown herein complies with current ada standards concerning accessibility if used with proper accessible surfacing and together with other necessary ground level play equipment.

Drawn By: J.Swiecichowski/njs
Date: 1/30/2012; 3/30/2012
Drawing Name: 675-63412
4145-PP



401 Chestnut St., Ste. 310
Chattanooga, TN 37402
800-727-1907
www.playandpark.com





PERIMETER: 70' (21,34M)
PER ASTM/CPSC USE-ZONE

PLAYWORLD™

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Playworld™ is a brand of Playworld Systems®, Inc.

PROJECT NO: PD-SHOP	REV: G	DATE: 23-NOV-09
SYSTEM: TODDLERTOWN		SCALE: NOT TO SCALE
SITE PLAN		DRAWN BY: CHIP ZECHMAN

Playworld Systems, Inc.
1000 Buffalo Road
Lewistown, PA
17837-9795 USA

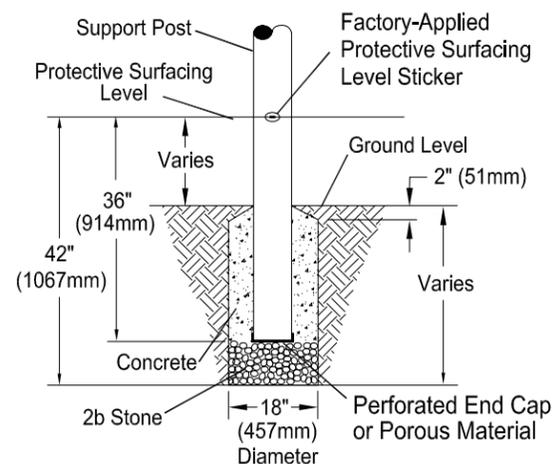
VILLAGE SHOP

2010 CATALOG

*Playground Supervision Required

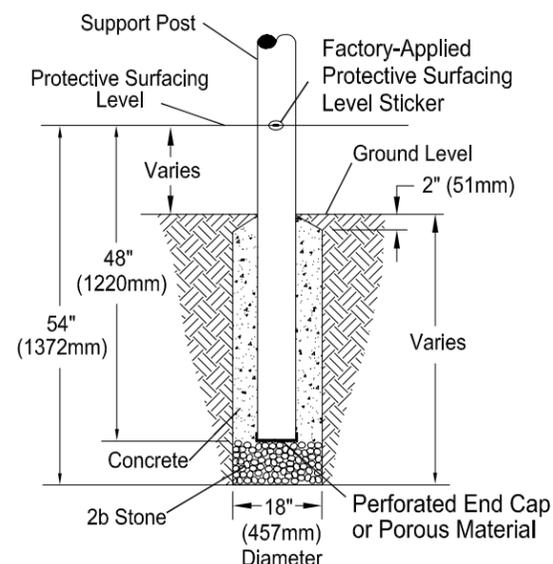


2007 PLAYSYSTEM



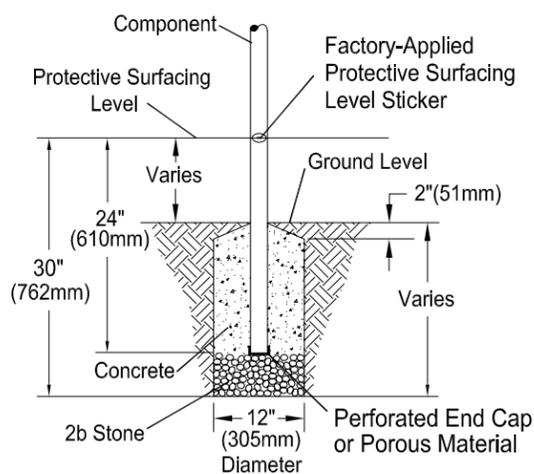
DETAIL 1

Support Post, Spiral Slide and
RockBlocks Post Footing Detail



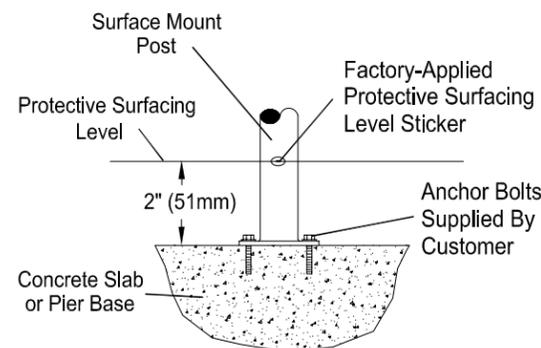
DETAIL 2

GroundZero, Cantilever and "T"
Post Footing Detail



DETAIL 3

Component Footing Detail



DETAIL 4

Surface Mount Detail

NOTES:

- 1) Paved surfaces, such as asphalt and concrete, are not acceptable for use under your structure.
- 2) It is the consumer's responsibility to check with local utilities prior to excavating footings for any underground utility lines that may exist within the installation area.
- 3) It is the consumer's responsibility to check local soil conditions and drainage within the site area. Inquire with local contractors for appropriate recommendations.
- 4) If the structure is to be installed across uneven terrain, maintain the support post mark for protective surfacing level at the lowest grade. Adjust other footings accordingly.
- 5) The base of footings must be below frost lines.
- 6) Do not encase the bottom of support posts in concrete. Place all posts directly on packed stone.
- 7) Assemble the entire structure before pouring concrete unless specifically instructed to do so in the individual component installation instructions.
- 8) Read completely the installation instructions provided with your structure prior to beginning construction.

FOOTING LEGEND

- = COMPONENT FOOTING (DETAIL 3)
- = SPIRAL SLIDE CENTER POST FOOTING (DETAIL 1)
- = SUPPORT POST FOOTING (DETAIL 1 or 4)
(112" (2845mm) INDICATES POST LENGTH)
- = CANTILEVER, "T" POST, AND COMPONENT POST FOOTING (DETAIL 2)
(ZZCH1850 INDICATES PART NUMBER)
- = GROUND ZERO POST FOOTING (DETAIL 2)
(144" (3658mm) INDICATES POST LENGTH)

PROJECT NO: -----	REV: --	DATE: 06-DEC-06
----------------------	------------	--------------------

SCALE: NOT TO SCALE

FOOTING DETAIL	DRAWN BY: TECH SALES
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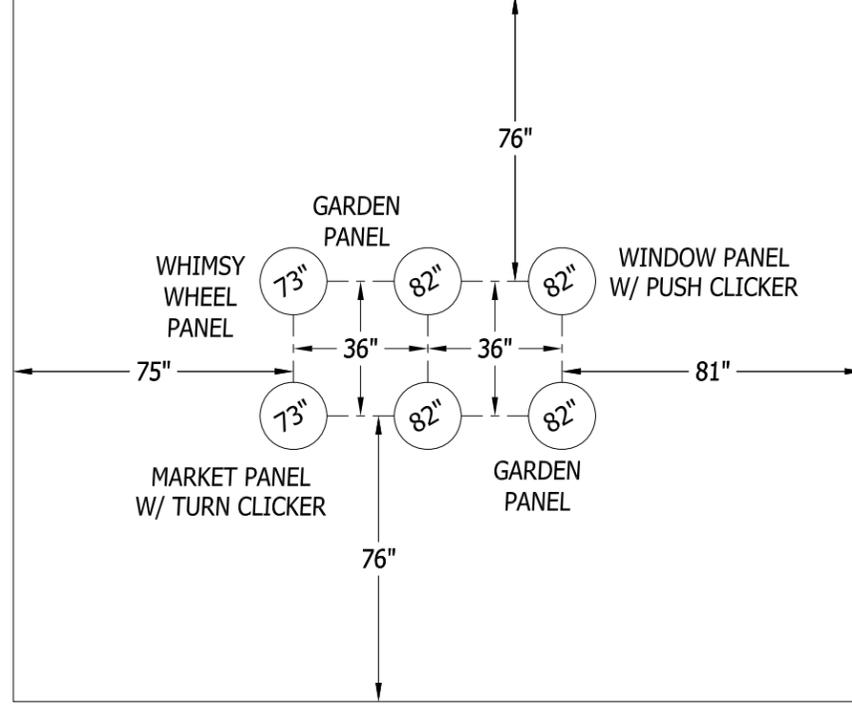
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POST FOOTING DETAILS

PLAYMAKERS / CHALLENGERS

Playworld Systems, Inc.
1000 Buffalo Road
Lewisburg, PA
17837-9795 USA

*Playground Supervision Required



PLAYWORLD™

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PROJECT NO: PD-SHOP	REV: G	DATE: 23-NOV-09
SYSTEM: TODDLERTOWN		SCALE: 1/4" = 1'-0"
FOOTING PLAN		DRAWN BY: CHIP ZECHMAN

Playworld Systems, Inc.
1000 Buffalo Road
Lewisburg, PA
17837-9795 USA

FOOTING LEGEND

	= COMPONENT FOOTING (DETAIL 3)
	= SPIRAL SLIDE CENTER POST FOOTING (DETAIL 1)
	= SUPPORT POST FOOTING (DETAIL 1 or 4) (112" INDICATES POST LENGTH)
	= CANTILEVER TT POST AND COMPONENT POST FOOTING (DETAIL 2) (ZC#11680 INDICATES PART NUMBER)
	= GROUND ZERO POST FOOTING (DETAIL 2) (144" INDICATES POST LENGTH)

VILLAGE SHOP

2010 CATALOG

Church Street Park



The MOMS Club ® of Fayetteville, is currently organizing community support and seeking assistance in raising funds to improve the Church Street Park. This wonderful park area located just off Main Street in Fayetteville is underused by the local community. The current playground equipment is over 20 years old and in a state of disrepair.



**The MOMS Club®
(Moms Offering Moms Support) of
Fayetteville, Georgia is a local chapter
of the International MOMS Club,
a non-profit, non-denominational
support organization for mothers.**

**To learn more about our group please
contact us at
fayettevillemoms@
gmail.com**

Photos of new playground equipment courtesy of
BYO Recreation

Special thanks to our friends at



FAYETTE PRINTING

A DIVISION OF MICROFILM ATLANTA, INC.

770-460-5288

**740 G. North Glynn Street
Fayetteville, GA 30214**

**Help
Improve
Your
Community
Park**

*Sponsored by the
MOMS Club®
Fayetteville, GA*

**Church Street
Park
Improvement
Project**



Note from the City of Fayetteville

“Fayetteville Main Street and the City of Fayetteville are fully supportive of the Fayetteville MOMS Club fundraising initiative to improve the facilities at Church Street Park. The results of their efforts will create a wonderful outlet for young families to enjoy an age-appropriate playground not otherwise available in Fayetteville. Please help them reach their goals for this much needed project.”

Brian Wismer
Director of Planning & Economic Development
Main Street Fayetteville/DDA/Villages
Amphitheater



Church Street Park

Planned Improvements

We are asking for your financial support to help us reach our goal. We aim to create a neighborhood gathering place where all members of the community can enjoy the outdoors at an accessible, family-centered park with a variety of playground equipment.

Several improvements for the park are planned including:

- Installing new playground equipment that meets current ADA guidelines
- Creating a toddler friendly area so the younger children in our community have a safe place to play. This toddler area will be the only one of its kind in Fayetteville.
- Improving the City of Fayetteville’s only existing public basketball courts
- Adding seating and trash receptacles to create a covered picnic area under the existing pavilion
- Improving parking and accessibility to park amenities



facebook

“Like” our page

Church Street Park Improvement Project
www.facebook.com/churchstreetpark

You will be able to follow our progress and learn about upcoming fundraising events

DONATIONS

[http://
fayettevillemoms.webs.com/
parkproject.htm](http://fayettevillemoms.webs.com/parkproject.htm)

Questions

[churchstreetparkproject@
gmail.com](mailto:churchstreetparkproject@gmail.com)



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Joe Morton, City Manager

CC:

FROM: Brian Wismer, Director of Planning & Economic Development

DATE: August 3, 2012

SUBJECT: Consider revisions to Sec. 94-442 Nonconforming Uses, Ordinance 0-16-12

During recent discussions with representatives from RaceTrac Petroleum, Inc. (RaceTrac) about possible annexation of their property into the City of Fayetteville, it was discovered that the City Code has some ambiguous language in Section 94-442 relating to what nonconforming buildings can be rebuilt after a catastrophic event.

The preceding section, 94-441, *Continuance of nonconforming uses*, establishes guidelines for both buildings and structures to be able to continue operation in a nonconforming state. However, the following section 94-442, *Continuance of a building occupied by a nonconforming use*, only addresses buildings, and not structures. The omission of *structures* from this section could reasonably lead to the interpretation that accessory structures of nonconforming uses would not be permitted to be rebuilt, whereas the main building could be rebuilt.

Staff can see no reason why the term “structure” was intentionally omitted from Section 94-442. It is our interpretation that the intent of the Nonconforming Uses section is to allow existing businesses, specifically nonconforming ones, to continue to operate that business, and to be able to rebuild all components of that business after a catastrophic event, within the guidelines specified in the ordinance.

Although this was brought to our attention by RaceTrac, it should not be construed as an accommodation to one specific business. Occasionally, ambiguities or inconsistencies that exist in the Code are not discovered until a specific situation comes forward that must be interpreted against the intent of the Code. Council’s decision on this item shall in no way be construed as a vote for or against any future application for annexation into the City, but merely a clarification of ambiguous language.

Staff sees no adverse effects to the public from these changes and recommends APPROVAL of the proposed amendments relating to the Nonconforming Uses ordinance.

Proposed Ordinance: 0-16-12
Subject Matter: Amendment to Section 94-442 of Code (Continuance of a building occupied by a nonconforming use)
Date First Presented at Council Public Meeting: August 16, 2012
Date of Public Hearing Before City Council: August 16, 2012
Date of Second Reading and Adoption: September 6, 2012

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-16-12
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville (the “City”) has determined that certain language is inconsistent with the intent of Section 94-442 of the City’s Code; and

WHEREAS, these amendments are necessary to remove ambiguity pertaining to the rebuilding of nonconforming commercial development; and

WHEREAS, the City of Fayetteville does hereby ordain the following amendment to Section 94-442, “Continuance of a building occupied by a nonconforming use.”

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

ARTICLE ONE

The City of Fayetteville’s Nonconforming Uses ordinance, as codified at Section 94-442 of the City’s Code of Ordinances, is hereby amended by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

Sec. 94-442. - Continuance of a building occupied by a nonconforming use.

A building or structure occupied by a nonconforming use at the time of the enactment or amendment of this chapter may be retained except that it shall not be:

- (1) Altered or rebuilt except in conformance with this chapter but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
- (2) Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction unless reconstruction is initiated within six months of incurring damage and completed within one year of incurring damage. Nonconforming uses may not be enlarged in the process of reconstruction or replacement.

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.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 6th day of September, 2012, by the following voting for adoption:

ATTEST:

Gregory C. Clifton, Mayor

Paul Oddo, Jr., Mayor Pro Tem

Anne Barnard, City Clerk

Larry Dell, Council Member

Mickey Edwards, Council Member

Edward Johnson, Council Member

Walt White, Council Member



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Joe Morton, City Manager

CC:

FROM: Brian Wismer, Director of Planning & Economic Development

DATE: August 27, 2012

SUBJECT: Consider Enactment of Flea Market Ordinance 0-17-12

At the 2012 City Council Retreat, Staff was given direction to look at how other municipalities regulate flea markets, and to use their best practices to develop such an ordinance for Fayetteville.

Flea markets have existed in other communities for years, but due to the economy and job market, it has more recently become a popular business model for people seeking alternative methods to generate income. While the City is sympathetic to the current business climate, the establishment of flea markets often brings a negative perception to the commercial properties where they locate. It is regularly perceived by the public as the decline of that commercial development and the surrounding area, thereby causing further economic decline. In the City, flea markets have also created the need for ongoing staff inspections due to code violations and general safety concerns that must be addressed as vendor accommodations are continually modified. Lastly, Staff has fielded numerous citizen complaints and concerns about the flea markets currently in the City, which shows that they do not have the support of the community.

In an effort to fairly address these issues, Staff has drafted the attached Flea Market ordinance. It is not the intent to prohibit flea markets in the City, but rather to provide formal guidelines that will ensure that the quality of life in Fayetteville is maintained by establishing high standards of performance for this business type. The ordinance sets parameters for zoning; requires licensing and documentation of vendors and managers (promoters); and establishes interior design criteria that will create a safe and aesthetically pleasing environment to customers.

Per the recommendation from the City Attorney, Staff has removed the proposed Section 94-177.8 which assigns parameters for out of store marketing. Staff will address this concern in a separate ordinance amendment.

Staff feels that these regulations are necessary to uphold the general health and welfare of the community and recommends APPROVAL of the proposed Flea Market ordinance.

Proposed Ordinance: 0-17-12
Subject Matter: Enactment of Section 94-177 of Code (Flea Markets)
Date First Presented at Council Public Meeting: August 16, 2012
Date of Public Hearing Before City Council: August 16, 2012
Date of Second Reading and Adoption: September 6, 2012

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-17-12
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville (the “City”) has determined that to serve the needs of the community certain regulations are needed to specifically address “Flea Markets” in the City’s Code; and

WHEREAS, police supervision of flea market sales are difficult to monitor, and have the potential to provide opportunities for sale of stolen merchandise; and

WHEREAS, regular and frequent staff inspections of flea markets are necessary to ensure compliance with City fire, police, and building codes; and

WHEREAS, lives and property are endangered by traffic created by flea markets which have been unregulated and uncontrolled and by vehicles for which provisions for safe ingress and egress have not been made by flea market operators; and

WHEREAS, the aesthetic quality and economic value of both commercial and residential areas surrounding flea markets as well as the economy of the city can be adversely affected by the unregulated operation of flea markets; and

WHEREAS, these regulations are necessary to further the general health and welfare of the community; and

WHEREAS, the City of Fayetteville does hereby enact the following Section 94-177, “Flea Markets” to the City’s Code.

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

ARTICLE ONE

There is hereby ordained and enacted the following language, and the same shall be codified at Section 94-177 of the City's Code of Ordinances, to wit:

Sec. 94-177. Flea Markets

Sections 94-177 through 94-177.8 shall hereafter be known and cited as the "flea market ordinance".

Sec. 94-177.1. - Definitions.

The following words or terms used herein shall be defined as follows:

Flea market: Any licensed business whereby there is operated a center for shopping among collected flea market vendors selling merchandise to the public from marketing booths, stalls, tables, and similar displays in marketing configurations and arrangements for the sale of new and used merchandise. Flea markets shall not include antique stores, art galleries, jewelry stores, coin shops, consignment stores, farmers' markets, city-sponsored events, or other businesses where the vendor therein is not operating centers for sales from stalls, booths, tables, and other similar displays or where the vendor therein is not operating among a collection of vendors or renting or securing individual space within an overall operation.

Flea market promoter: Any person operating, maintaining and promoting flea markets.

Flea market vendor: Any person operating among collections of other flea market vendors for retail sales to the public of new and used merchandise in collected marketing among a collection of similar vendors. All businesses in the city which meet the definition of flea market above shall be subject to the provisions and regulations of these businesses as hereinafter set forth.

Sec. 94-177.2 – Special Conditions.

Flea markets, as classified herein, may be allowed in the zoning districts, hereinafter designated, only upon the granting of a special exception. In considering a special exception application for a flea market, the general criteria at Section 94-12(a)(2) of the city's Code shall be used. Flea markets are only allowed in C-3, and M-1 zoning districts.

Sec. 94-177.3. - License application; fee.

After receiving a special exception from the planning and zoning commission, flea market promoters shall make application, on a form provided, to the city and receive a license to engage in the business within the city limits. Due to the extensive amount of City resources required to ensure compliance with fire, police, and building code regulations, flea market promoters shall pay a regulatory fee of two thousand dollars (\$2,000.00) per year for said license,

payable at the time of annual filing for a business and occupation license. All flea market vendors and promoters shall also be subject to the business and occupation tax in accordance with Sec. 46-74 et seq. of the City Code.

Sec. 94-177.4. - Suspension and revocation of license; appeals; penalty.

The City Manager or designee, may, for cause, suspend a license of any person pending herein, after proper notification and hearing. The license holder may appeal an adverse decision to the governing body at the next regular meeting. At said hearing, the governing body may remove the suspension, continue the suspension or revoke the license hereunder.

Sec. 94-177.5. - Condition of license.

As a condition for a license hereunder, the licensee agrees to allow a representative of the chief of police to remain in or around such person's place of business whenever such place of business shall be open to the public.

Sec. 94-177.6. - Duties of flea market promoter and vendors.

(a) Flea market promoters shall keep regularly written records, giving name and description of each vendor, such vendor's place of residence and street address. Such records shall be made available to the city for inspection, whenever requested.

(b) It is the flea market promoter's due responsibility to determine that vendors have a proper business license from the city and that said license is properly displayed at each vendor's location. The flea market promoter shall, on a regular basis, inspect the merchandise offered for sale by all flea market vendors operating on the premises to ensure compliance with local regulations.

(c) Flea market vendors are only permitted to sell merchandise and services. Any used merchandise for sale must be items brought in from another location. Flea market vendors shall not be permitted to buy or barter for merchandise from the public while on the property of the flea market.

Sec. 94-177.7. - Minimum design criteria.

Flea markets shall meet the following design criteria, and it shall be the duty of the flea market promoter to ensure compliance with the following items.

1. Flea market must have a centralized public entrance/exit.
2. All interior walkways must remain free and clear of vendor displays and merchandise.

3. Walls.
 - a. Walls separating vendor spaces/booths may be either wood stud or metal stud covered in drywall.
 - b. Wire caging or chain-link fencing is not permitted as a wall or barrier.

All interior structures for vendor booths/stalls must be permitted and approved by the City's building inspector.

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.

ARTICLE FIVE

The repeal or deletion of any language of any prior ordinance by this ordinance shall constitute former language of the City Code ("Former Language") and shall not be construed or held to be repealed as to any offense committed against such Former Language or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted ordinance ("New Language") takes effect, save only that proceedings thereafter shall conform to the New Language, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, and applied to any judgment announced after the New Language takes effect.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 6th day of September 2012, by the following voting for adoption:

ATTEST:

Gregory C. Clifton, Mayor

Anne Barnard, City Clerk

Paul Oddo, Jr., Mayor Pro Tem

Larry Dell, Council Member

Mickey Edwards, Council Member

Edward Johnson, Council Member

Walt White, Council Member



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Joe Morton, City Manager

CC:

FROM: Brian Wismer, Director of Planning & Economic Development

DATE: August 27, 2012

SUBJECT: Consider revisions to 94-16 Nonconforming Uses, Ordinance 0-18-12

During recent staff research, it was discovered that we have conflicting language as it relates to how long a nonconforming business can sit vacant before it loses its “grandfathered” status. Section 94-16 allows a six-month window, whereas Section 94-441 allows for one full year. Due to the complexities inherent with starting or restarting a business, Staff believes that one year is the more appropriate timeline to allow. Consequently, Staff recommends that Section 94-16 be repealed to eliminate the inconsistency in the Code.

Should Council decide that the time frame should be six months instead of one year, then Staff recommends making the amendment to Section 94-441 to reflect this, but still recommends repealing Section 94-16, which would become redundant and is out of place from the non-conforming uses section.

Proposed Ordinance: 0-18-12
Subject Matter: Amendment to Section 94-16 of Code (Continuance of a nonconforming use)
Date First Presented at Council Public Meeting: August 16, 2012
Date of Public Hearing Before City Council: August 16, 2012
Date of Second Reading and Adoption: September 6, 2012

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-18-12
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, Section 94-16 and Section 94-441 of the City's Code have conflicting language pertaining to discontinuance of nonconforming uses; and

WHEREAS, the City of Fayetteville does hereby the repeal of Section 94-16, "No legality to nonconforming uses."

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

ARTICLE ONE

Section 94-16 of the Code of Ordinances of the City of Fayetteville is hereby repealed, in its entirety and said Section 94-16 of the Code of Ordinances is hereby deleted in its entirety.

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.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 6th day of September, 2012, by the following voting for adoption:

ATTEST:

Gregory C. Clifton, Mayor

Paul Oddo, Jr., Mayor Pro Tem

Anne Barnard, City Clerk

Larry Dell, Council Member

Mickey Edwards, Council Member

Edward Johnson, Council Member

Walt White, Council Member



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Joe Morton, City Manager

CC:

FROM: Brian Wismer, Director of Community Development

DATE: August 27, 2012

SUBJECT: Consider Amendments to Alcohol Ordinance 0-19-12

At the 2012 City Council Retreat, Staff presented several ideas for consideration that impacted the current alcohol ordinance. After much discussion, Staff was given direction to create a set of proposed amendments to the City's alcohol ordinance that borrowed from the best practices of other communities for consideration.

The proposed amendments will address multiple issues:

First, definitions have been created to identify newer business establishments that are becoming increasingly popular including wine bars, wine tasting rooms, brewpubs, and microbreweries to name a few.

Second, conditions were created to establish how and where these types of businesses could locate within the City. It was determined that these businesses are most appropriate within the Main Street Historic District, and only by special exception.

Third, adjustments were made to the City's requirements for restaurants to maintain a 75/25 ratio of food to alcohol sales. This has been reduced to 60/40 which will address concerns from the business community and also assist with restaurant business recruitment.

Fourth, serving hours have been extended by one hour on Saturday and Sunday nights so that the cutoff time is 12:59am, seven days a week. It has been determined that this will not put any additional strain on City law enforcement resources, as they are currently accustomed to a 12:59am cutoff five days of the week, and are familiar with enforcement at these times. It will also help restaurants to compete with neighboring communities that currently have later serving hours.

Next, conditions have been created to allow for wine tasting events, which have also become popular in other communities for the purposes of promoting Georgia wines and holding

educational classes for such. It can also be used as an effective tool for non-profit fundraising purposes.

Furthermore, conditions for malt beverage tastings are created only in specific instances where “growlers” (a large bottle sealed from a malt beverage tap and sold to the public) are sold in a retail setting for off-premises consumption. Stores that sell growlers specialize in craft and micro brewed beer that can be largely unfamiliar to the general public. The ability to offer samples has been shown in other communities to be an effective way to promote sales of such offerings. Like wine tastings, this ordinance would allow for sampling in conjunction with potential purchases, as well as in an educational class setting.

Lastly, a text amendment has been created to allow applicants for an alcohol handling permit to not automatically be disqualified for prior convictions. Instead, if the applicant has a clean record for the last five years, they shall now be able to be considered for a permit.

After extensive research, Staff feels that these proposed amendments will be beneficial to the City’s economic development and recruitment efforts and will allow certain businesses in other communities to now consider Fayetteville in their expansion plans. It also furthers the goals that are defined in the City’s Comprehensive Plan for the Main Street Historic District. Because of these positive impacts, Staff recommends APPROVAL of the proposed amendments to the alcohol ordinance.

Proposed Ordinance: 0-19-12
Subject Matter: Amendment to Chapter 10 -Alcoholic Beverages
Date of Published Notice of Public Hearing: August 22, 2012
Date First Presented at Council Public Meeting: September 6, 2012
Date of Public Hearing Before City Council: September 6, 2012
Date of Second Reading and Adoption: September 20, 2012

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-19-12
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville (the “City”) recognizes that newer types of alcohol manufacturing and retail establishments, such as wine bars, microbreweries, brewpubs and beer growler stores, are becoming more popular in the region; and

WHEREAS, the legislature of the State of Georgia has enacted certain legislation to encourage the manufacture and sale of wine within the state according to the Farm Wineries legislation of O.C.G.A. 3-6-21.1; and

WHEREAS, the City has determined that promotion of wine grown from Georgia Farm Wineries can contribute to local economic development and tourism; and

WHEREAS, the City has elected to regulate and apply conditions to such establishments in order to protect the general welfare of the community; and

WHEREAS, the City has elected to assign such establishments to certain zones and overlays within the City limits; and

WHEREAS, the City has determined that the current hours of operation for on-premises consumption of alcohol can be increased without jeopardizing the safety of its citizens or increasing the demand on local law enforcement; and

WHEREAS, the City has determined that the current regulations for food to alcohol sales ratios can be a deterrent to downtown business recruitment; and

WHEREAS, the City does not desire to unduly penalize an applicant for alcoholic beverage handling who has not had a criminal conviction in recent years; and

WHEREAS, the City of Fayetteville does hereby ordain and adopt the following amendments to Chapter 10, “Alcoholic Beverages”, and Chapter 94, “Zoning”.

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

ARTICLE ONE

The City of Fayetteville’s Alcohol ordinance, as codified at Section 10-1 of the City’s Code of Ordinances, is hereby amended to add the following definitions, to be codified alphabetically with existing definitions:

Brewpub means a fully licensed restaurant where beer or malt beverages are manufactured and sold on the premises as an accessory use. Limited retail sales for on-premise consumption in draft form and wholesale distribution are permitted in accordance with O.C.G.A. 3-5-36.

Farm winery means a winery which makes at least 40 percent of its annual production from agricultural produce grown in the state where the winery is located and is further defined in O.C.G.A. 3-6-21.1

Growler means either a 32 or 64 ounce bottle that is used to hold beer 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.

Microbrewery means a manufacturer of malt beverages for wholesale sales only, and producing less than 15,000 barrels annually. Microbreweries may conduct promotional tours and offer free samples of malt beverages in accordance with O.C.G.A. 3-5-38.

Retail sale for off-premises consumption refers to the selling of alcoholic beverages for consumption elsewhere and not on the site of sale; however shall not prohibit wine or malt beverage sampling as permitted by this Chapter.

Retail sale for on-premises consumption refers to the selling of alcoholic beverages for consumption at the site of the sale.

Wine bar means a fully licensed restaurant, with a floor area not exceeding 2,000 square feet, which sells alcoholic beverages, not including distilled spirits, with a primary focus on wine sales by the glass.

Wine tasting event means a special event where wine sampling can occur, typically 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, or as a non-profit fundraiser.

Wine tasting room means an outlet, authorized by the State of Georgia, for the promotion of a Georgia farm winery's wine by providing samples of such wine to the public and

providing for retail wine sales in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

ARTICLE TWO

The City of Fayetteville's Alcohol ordinance, as codified at Section 10-31 of the City's Code of Ordinances, is hereby amended by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

License means authorization granted by the city to operate as a retail alcohol dealer, a retail consumption dealer, or a wholesale dealer of alcoholic beverages. There shall be ~~eight~~ eleven types of licenses, as listed in section 10-31(b) of this chapter/ordinance.

ARTICLE THREE

The City of Fayetteville's Alcohol ordinance, as codified at Section 10-31 of the City's Code of Ordinances, is hereby amended by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

Sec. 10-31. - License required.

(a) Any person desiring to operate in the city as a retail dealer of alcoholic beverages shall apply for and obtain a license from the city prior to commencing operations.

(b) ~~Nine~~ Eleven types of licenses are granted by the city:

- (1) A license for retail sale of malt beverages for on-premises consumption;
- (2) A license for retail sale of wine for on-premises consumption;
- (3) A license for retail sale of malt beverages for off-premises consumption;
- (4) A license for retail sale of wine for off-premises consumption;
- (5) A license for retail sale of distilled spirits for on-premises consumption.
- (6) A license for wholesale dealers of malt beverages;
- (7) A license for wholesale dealers of wine;
- (8) A license for wholesale dealers of distilled spirits;
- (9) A license for sale of wine and malt beverages for off-premises catered functions (to be issued in accordance with article VI of this chapter 10);
- (10) A license for ancillary wine tasting events;
- (11) A license for ancillary growler malt beverage tastings.

ARTICLE FOUR

The City of Fayetteville's Alcohol ordinance, as codified at Section 10-47 of the City's Code of Ordinances, is hereby amended by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

Sec. 10-47. - Additional requirements for license for sale of alcoholic beverages for off-premises consumption.

(a) Sales under a license for sale for off-premises consumption of malt beverages and/or wine may be made only in a retail alcohol dealer (section 10-1), which maintain an inventory of food for human consumption at wholesale cost of at least \$10,000.00. No sales by-the-package or by-the-drink of distilled spirits, excluding fortified and kosher wines by-the-package, may be made in any retail alcohol dealer.

(1) Exceptions for wine tasting rooms and growler sales: Wine tasting rooms, as defined in Section 10-1, and also businesses whose primary retail purpose is to offer growlers for sale shall not be required to maintain the conditions set forth for food/grocery inventory, however, neither shall be permitted to sell vehicular fuel on the same premises.

(b) 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 for 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.

(c) Hours of operation of retail licensee for the sale of malt beverages and/or wines for off-premises consumption may be anytime, except during the hours from 11:59 p.m. on each and every Saturday until 12:30 p.m. the following Sunday and from 11:30 p.m. on Sunday until 12:01 a.m. the following Monday, and except as otherwise provided in this Chapter 10 of the City's Code of Ordinance.

(d) The sale of alcoholic beverages shall be lawful during the polling hours of any election day; excepting, however, that it shall be unlawful to sell alcoholic beverages within 250 feet of a polling place during such time as the polls are open.

ARTICLE FIVE

The City of Fayetteville's Alcohol ordinance, as codified at Section 10-48 of the City's Code of Ordinances, is hereby amended in part by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

Sec. 10-48. - Additional requirements for license to sell alcoholic beverages for on-premises consumption.

(b) *Additional qualifications for on-premises consumption licenses.*

(1) A license to sell alcoholic beverages for on-premises consumption may only be issued for the following types of businesses:

a. Restaurants (not including wine bars), cafes, or dining facilities serving the general public which derive ~~more than 75~~ no less than 60 percent of their gross sales from the sale of on-site prepared foods. Licensee's premises must be furnished with tables and chairs sufficient to provide table seating for no less than 40 persons and meet all prescribed safety standards set forth in city and state regulations and ordinances.

b. Wine bars serving the general public which derive no less than 20 percent of gross sales from the sale of on-site prepared foods. Of the total sales of all alcoholic beverages, the percentage of wine sales shall be no less than 75 percent. Licensee's premises must meet all prescribed safety standards set forth in city and state regulations and ordinances.

c. Bowling centers, billiard centers, or golf clubs, serving the general public, which provide recreational activities consisting predominantly of bowling, billiard, or golf, and which derive no more than 25 percent of their gross sales from sale of malt beverages and wine, only. Businesses described in this subsection 10-48(b)(1)b. may not be licensed to serve distilled spirits. The licensee must comply with the following requirements and ordinances:

1. Licensee's premises must be furnished with a separate and segregated area dedicated exclusively to the selling, serving and consumption of on-site prepared food and wine and/or malt beverages for on-site consumption, which area must be furnished with tables and chairs sufficient to provide table seating for no less than 40 persons;

2. Not serve distilled spirits.
3. Comply with all prescribed safety standards set forth in city ordinances and state laws and regulations.

d. Hotels, inns, and convention centers in hotels; said establishments will be granted licenses only for restaurants, cafes, or dining facilities within their immediate premises, and must derive no less than ~~75~~ 60 percent of their gross sales from the sale of on-site prepared foods. Such on-site establishments must be furnished with tables and chairs sufficient to provide table seating for no less than 40 persons and meet all prescribed safety standards set forth in city and state regulations and ordinances. In-room bars stocked with alcoholic beverages and room service of alcoholic beverages is not allowed.

e. No distilled spirits may be sold by the drink for consumption on the premises where sold except in eating establishments regularly serving prepared food, with a fully-staffed and equipped full-service kitchen prepared to serve food for every hour they are open. When located in hotels, motels and high-rise office and apartment buildings, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.

(2) The city shall have the right to inspect those records and books of the licensee which are necessary to determine compliance with the regulations set out herein.

(3) As used herein, "bowling centers" shall mean a commercial building equipped with at least 20 American Bowling Congress (ABC)-sanctioned, tournament-size bowling lanes at which, for a fee, members of the public participate in the game of bowling.

(4) As used herein, "billiard centers" shall mean a commercial building equipped with at least 12 B.C.A.-sanctioned tournament-size pool tables at which, for a fee, members of the public participate in the game of pool.

(5) As used herein, "golf club" shall mean a building associated with and contiguous to a Professional Golfers Association-sanctioned regulation golf course with at least 18 Professional Golfers Association-sanctioned regulation holes, at which members of the general public pay to participate in the game of golf, and in which a golf pro shop is located.

(c) *Serving hours.* Licensees shall serve alcoholic beverages for on-premises consumption only during the following hours:

- (1) Monday: 8:00 a.m. to 12:59 a.m. Tuesday.
- (2) Tuesday: 8:00 a.m. to 12:59 a.m. Wednesday.
- (3) Wednesday: 8:00 a.m. to 12:59 a.m. Thursday.
- (4) Thursday: 8:00 a.m. to 12:59 a.m. Friday.
- (5) Friday: 8:00 a.m. to 12:59 a.m. Saturday.
- (6) Saturday: 8:00 a.m. to ~~11:59 p.m. Saturday~~ 12:59 a.m. Sunday.
- (7) Sunday: 12:30 p.m. to ~~11:59 p.m. Sunday~~ 12:59 a.m. Monday.

ARTICLE SIX

There is hereby ordained and enacted the following language, and the same shall be codified at Section 10-48A of the City's Code of Ordinances, to wit:

Sec. 10-48A. Requirements for Wine Tasting Events and Growler Beer Tasting Events

(a) Businesses with a retail wine license for either, off-premises consumption or on-premises consumption, shall be eligible for an ancillary wine tasting event license to provide samples of wine offered for sale to customers under the following conditions.

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 tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent of the entire floor area of the premises; however, this floor area limit shall not apply to farm winery tasting rooms, as defined in this Chapter.
3. Wine sampling for customers shall be limited to no more than one time per day per customer. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.
4. 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.
5. No open containers of wine shall be removed from the licensed premises.
6. Not more than two times per week for a period of not to exceed two consecutive hours, 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.

7. Samples of wine can be given free of charge or for a fee.
8. Wine sampling and tasting is only permitted within the enclosed portion of the premises.
9. No sales of vehicular fuel shall be permitted on the same premises.
10. The annual fee for an ancillary wine tasting license shall be set and may be revised by resolution of the mayor and council.

(b) Non-profit wine tasting event: A person without a wine license shall apply for a temporary wine tasting permit before conducting a wine tasting for a nonprofit civic organization, and shall provide evidence of compliance with the requirements set forth in O.C.G.A. § 3-9-3 et al . The fee for a temporary wine tasting permit shall be set and may be revised by resolution of the mayor and council.

(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 tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises.
3. Growler malt beverage sampling for customers shall be limited to no more than one time per day per customer. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.
4. Only the licensee or an employee shall open, handle, and serve, and samples shall only be poured by the licensee and/or an employee.
5. No open growler containers shall be removed from the licensed premises.

6. Not more than two times per week for a period of not to exceed two consecutive hours, 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, except for the limitation on floor areas where the classes can be conducted.
7. Samples of wine can be given free of charge or for a fee.
8. Growler malt beverage sampling and tasting is only permitted within the designated interior portion of the premises.
9. No sales of vehicular fuel shall be permitted on the same premises.
10. The annual fee for an ancillary growler malt beverage tasting license shall be set and may be revised by resolution of the mayor and council.

ARTICLE SEVEN

Section 10-50(d) and Section 10-50(e) of the Code of Ordinances of the City of Fayetteville is hereby amended in part by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

(d) Alcoholic beverage handling permits shall not be issued to any person who has pled guilty more than once, or has been convicted more than once of a violation of the provisions of this chapter, or any similar provisions from any other jurisdiction, or state law relating to the manufacture or sale ~~or use~~ of alcoholic beverages, within the preceding five years prior to the date of application for a handling permit.

(e) Alcoholic beverage handling permits shall not be issued to any person who has pled guilty to or been convicted of, or entered a plea of nolo contendere to any misdemeanor or felony relating to illegal gambling, soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegal drugs/narcotics, theft, crimes of violence, sexual offenses, or any other crime opposed to the decency, morality, or public welfare (including identity and credit card fraud) within the preceding five years ~~from~~ prior to the date of ~~their~~ application for a handling permit. Additionally, alcoholic beverage handling permits will not be issued to any person who is serving probation for a felony sentence involving any felony described above.

ARTICLE EIGHT

Section 94-165 of the Code of Ordinances of the City of Fayetteville is hereby amended to reflect the following additions to the list of permitted uses in the downtown historic mixed use district (C-1). The additions shall be written as follows:

- (25) Wine bars, wine tasting rooms, growler retail stores, microbreweries and brewpubs by special exception only, and only within the Main Street Historic District.

ARTICLE NINE

Section 94-169 of the Code of Ordinances of the City of Fayetteville is hereby amended to reflect the following additions to the list of permitted uses in the Light manufacturing district (M-1). The addition shall be written as follows:

- (33) Microbreweries outside of the Main Street Historic District

ARTICLE TEN

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

ARTICLE ELEVEN

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

ARTICLE TWELVE

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

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 6th day of September, 2012, by the following voting for adoption:

ATTEST:

Gregory C. Clifton, Mayor

Paul Oddo, Jr., Mayor Pro Tem

Anne Barnard, City Clerk

Larry Dell, Council Member

Mickey Edwards, Council Member

Edward Johnson, Council Member

Walt White, Council Member



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Joe Morton, City Manager

CC:

FROM: Brian Wismer, Director of Planning & Economic Development

DATE: August 27, 2012

SUBJECT: Consider Amendment to Out of store marketing Ordinance 0-20-12

In order to address council concerns over outdoor displays of merchandise, and specifically the ability for businesses to hold occasional parking lot sales events, Staff is proposing an amendment to Section 94-311, "Outdoor storage/out of store marketing".

The proposed text amendment will create an allowance for businesses to have occasional sales events in the parking lot of their business, only after obtaining a parking lot tent sale permit from the City. The permit which is attached for your reference will be administered by Staff, and requires that any parking lot sales event shall contain all merchandise on outdoor display under one, single tent. This measure will ensure a cleaner, more aesthetically pleasing appearance to the public as the tent must be able to completely enclose the merchandise and will help to reduce unsightly displays from public view. The permit also sets a maximum number of events held annually to four per qualifying business.

Staff recommends ADOPTION of the proposed text amendment into the ordinance.

CITY OF FAYETTEVILLE, GEORGIA
Application for Parking Lot Tent Sale

Permit # _____
Fee: **NA**

Notice: Any/All parking lot tent sales conducted within the city limits are subject to provisions of Section 94-311 of the Zoning Ordinance and the City's Sign Ordinance. In addition to this completed application, the applicant must submit a site plan including the location of the tent and other structures, driveways, streets, property lines, and other significant site features as needed to review the application.

Once this application is approved by the appropriate parties, you are asked to display this notice onsite or make available for inspection at all times during the event.

Applicant/Business Information

Applicant/Business Name _____ Telephone # _____

Project Address _____

Business License # _____

Property Owner _____

Owner Address _____

Authorized Agent (if applicable) _____

Contractor (if applicable) _____

Responsible Party _____ 24-hour Phone Number _____

Who will be responsible for clean up after event etc. _____

Describe the proposed event.

Date: _____ Duration of event: _____

****The submittal of this application does NOT constitute approval. You will be contacted regarding approval or denial of this application. You will be contacted within two weeks regarding approval or denial of this application.

Signature of Applicant _____ Date _____

Planning & Zoning Department _____ Engineering _____

Police _____ Fire _____

Building Department _____

This application has been **approved/denied** with the following comments or special conditions:

By: _____ Date _____

Applicants who wish to conduct a parking lot tent sale shall adhere to the following:

- A tent is required for all parking lot tent sales events. No more than one tent shall be used, and all merchandise must be contained underneath and within such tent.
- If a tent in excess of 3,600 square feet is to be used during a parking lot tent sale, a completed and approved tent permit will be required in accordance with Section 94-321 of the City Code of Ordinances.
- Parking lot sales shall only take place on the property location of the applicant and at the site of the principle commercial enterprise and comply with Section 94-311(b) of the City Code of Ordinances.
- Applicants shall conduct parking lot sales selling only the merchandise sold at their principal commercial enterprise.
- Applicants may hold a maximum of four (4) parking lot tent sale events per calendar year.
- Applicants shall conduct parking lot sales only during the times that the relevant business is open and staffed to sell merchandise during regular business hours.
- Applicants shall be allowed to conduct parking lot sales provided that it in no way impedes the safe and efficient flow of pedestrian and vehicular traffic on the site.
- Applicant must allow a minimum five-foot clear area for sidewalk displays as measured from the outside of the curb to facilitate pedestrian passage on side sidewalk. (note: sales not permitted on public sidewalks)
- Temporary signage is allowed in connection with parking lot sales, subject to Section 6-6(b)(4)(e) of the City Code of Ordinances, and shall count towards the total number of temporary signs allowed annually.
- Any and all lighting associated with parking lot sales must be depicted on the site plan and approved by the City. Applicants may be asked to elaborate on such items as lighting source, illumination levels, etc. Blinking lights, spot lights, and similar lighting that is designed to attract attention is not permitted.

Proposed Ordinance: 0-20-12
Subject Matter: Amendment to Section 94-311 of Code (Outdoor storage/out of store marketing)
Date First Presented at Council Public Meeting: September 6, 2012
Date of Public Hearing Before City Council: September 20, 2012
Date of Second Reading and Adoption: September 20, 2012

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-20-12
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville (the “City”) has determined that business owners within the City desire to occasionally hold parking lot sales events; and

WHEREAS, the City has determined that such events should be held in a manner so as not be an aesthetic detriment to the neighboring businesses and the general community; and

WHEREAS, the City of Fayetteville does hereby ordain the following amendment to Section 94-311, “Outdoor storage/out of Store Marketing”.

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

ARTICLE ONE

The City of Fayetteville’s Nonconforming Uses ordinance, as codified at Section 94-311 of the City’s Code of Ordinances, is hereby amended by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

Sec. 94-311. – Outdoor storage/out of store marketing.

(b) *Out of store marketing.* Out of store marketing is defined as the displaying of retail merchandise outside of the building or structure of a commercial enterprise. Out of store marketing shall be allowed only with the following restrictions:

(1) Retail goods may be displayed outside the building only during these times in which the relevant business is open and staffed to sell the merchandise in question to the general public.

(2) Merchandise cannot be displayed upon required off-street automobile parking and loading and unloading spaces, other parking areas marked for automobile parking, landscape islands, driveways and driving lanes within and without parking areas, unless issued a parking lot tent sale permit by the City.

(3) Sidewalk displays must allow a five-foot clear area as measured from the outside edge of the sidewalk for pedestrian traffic. If the sidewalk is five feet or less in width, the entire sidewalk must be left clear. Displays shall not be located between a sidewalk and a street, driving lane, driveway, landscape island, required off-street automobile parking and loading and unloading spaces or other parking areas marked for automobile parking.

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.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 20th day of September, 2012, by the following voting for adoption:

ATTEST:

Gregory C. Clifton, Mayor

Paul Oddo, Jr., Mayor Pro Tem

Anne Barnard, City Clerk

Larry Dell, Council Member

Mickey Edwards, Council Member

Edward Johnson, Council Member

Walt White, Council Member



CITY OF FAYETTEVILLE
INTEROFFICE MEMORANDUM

TO: Mayor and City Council

FROM: City Manager

CC:

DATE: August 8, 2012

SUBJECT: Consider Resolution #R-15-12 – Support for Private Sector Solutions for Atlanta Traffic Congestion

Mayor Clifton is proposing the attached Resolution in an effort to encourage private sector solutions to assist in addressing the Metro Atlanta Region traffic congestion problems. Please contact Mayor Clifton should you have additional questions.

Resolution R-16-12

Resolution in Support of Private Sector Solutions to Atlanta Traffic Congestion

Whereas, the purpose of the TIA legislation was to mitigate traffic congestion and,

Whereas, the voters in all ten counties of the ARC region resoundingly rejected the TIA/TSPLOST referendum on July 31, 2012, thereby, indicating that they do not support additional taxes for transportation improvements at this time and,

Whereas, as indicated by Governor Deal's comments since the referendum, political appetite for additional taxes to fund public sector solutions to Atlanta traffic congestion issues, will accordingly be suppressed for the foreseeable future and,

Whereas, traffic congestion will unavoidably not only persist, but increase as the economy recovers, and

Whereas, geopolitical unrest could result in a sudden and prolonged disruption in oil supplies, leading to a drastic price increase of the derivative products, including gasoline, and

Whereas, prudence would suggest that reasonable preparations for such an event should be undertaken, and

Whereas, implementing a number of creative and innovative "Plan B" approaches to improving Atlanta traffic conditions would likely provide the most benefit in the short term, and

Whereas, the private sector, with the profit motive, frequently address needs more quickly and at lower net cost than the public sector does, creating durable jobs in the process,

Be it therefore resolved that the City Council of the City of Fayetteville, Georgia is supportive of innovative private sector solutions to mitigating Atlanta traffic congestion.

Adopted this 16th day of August 2012

Gregory C. Clifton, Mayor

ATTEST:

Anne Barnard, City Clerk