

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MAY 13, 2013
7:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8) (via telephone); James W. Arp, Jr. (District 9)

Others Present:

Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Benjamin Major, Fire Chief
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Craig Hampton, Special Projects Director
Karen Hilton, Planning and Zoning Division Manager
David Nash, Planner II
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Mark A. Rowden, Senior Pastor of Savannah Missionary Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the Mayor and City Council.

ANNOUNCEMENTS AND RECOGNITIONS

Mr. Randy Hume, Transit Director, announced the North Carolina Department of Transportation, Public Transportation Division (NCDOT-PTD), and North Carolina Public Transportation Association (NCPTA) held a statewide Bus Rodeo in Wilmington, NC, on April 6 and 7, 2013. He stated FAST Bus Operator Paula Bowers placed first in the light transit vehicle (LTV) category. He stated Paula was the first out of 20 competitors in the LTV category. Everyone in attendance gave Ms. Bowers a round of applause.

Mr. Keith Pugh and Mr. Russell Byrd with the North Carolina Chapter of the American Public Works Association recognized the City of Fayetteville and Mr. Rusty Thompson, Engineering and Infrastructure Director, and Mr. Craig Hampton, Special Projects Director, for winning the National award with APWA for the best public works project between \$5 million and \$15 million. Council Member Hurst expressed appreciation to all 988 volunteers who assisted with the City-wide clean up on April 20, 2013. He stated in less than two hours 24,750 pounds of litter was collected. He also expressed appreciation to those who participated in the "Electronics Waste Drive" this past Saturday. He stated this event was the result of partnerships between Fayetteville Beautiful, Cumberland County Solid Waste, City of Fayetteville Environmental Services, and Sustainable Sandhills.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

5.1 PUBLIC FORUM

Mr. Chris Mitchell, 7357 Beaver Run Drive, Fayetteville, NC, stated he was the Chairman of the Joint Appearance Committee and invited nominations for the forthcoming Appearance Awards program.

Mr. George Butterfly, 537 Mayview Street, Fayetteville, NC, stated he serves on the Taxi Review Board and requested the current taxi ordinance be revised and also requested a full-time taxi inspector employee.

6.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

6.1 Budget Ordinance Amendment 2013-14 (General Fund – Information Technology)

The amendment appropriated \$310,000.00 from fund balance in the General Fund to provide additional operating funding for the Information Technology Department.

6.2 Capital Project Ordinance Amendment 2013-28 (Storm Water Drainage Improvements)

The amendment appropriated \$82,900.00 for the purchase of a camera device to be used for inspecting and recording storm water drain pipe conditions.

6.3 Bid recommendation to award contract for purchase of four 67 to 26.18 x 13.09 KV LTC power transformers to WEG Service Co., Duluth, Georgia, in the amount of \$2,649,888.00.

Bids were received March 26, 2013 as follows:

WEG Service Company (Duluth, GA).....	\$2,649,888.00
SPX Transformer Solutions, Inc. (Goldsboro, NC).....	\$2,944,227.00
Siemens Energy, Inc. (Cary, NC).....	\$3,153,200.00
ABB, Inc. (South Boston, VA).....	\$3,596,570.00
HD Supply Power Solutions (Wake Forest, NC).....	\$3,648,250.00

6.4 PWC - Resale of real property at 4270 Deadwyler Drive back to former owner.

Pursuant to N.C.G.S. § 105-376(c), Council authorized allowing the repurchase of the property by the former owner.

6.5 Setting of public hearing on the Fiscal Year 2013-2014 Proposed Budget.

The public hearing to receive comments on the proposed budget was set for June 10, 2013, beginning at 7:00 p.m. to be held in the Council Chamber, City Hall, 433 Hay Street, Fayetteville, NC.

6.6 Tax refunds greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Branch Banking and Trust			
Mortgage (c/o Shugart, Mary E.)	2010-2011	Clerical Error	\$ 410.40
Ghee, Rae D. & Harry J.	2009-2011	Corrected Assessment	392.61
Vick, Walter T.	2007-2011	Clerical Error	963.64
Total			<u>\$1,766.65</u>

7.0 PUBLIC HEARINGS

7.1 Amendment to City Code Chapter 30-5 to increase parking for restaurants.

No presentation was made on this item at this time.

MOTION: Council Member Bates moved to adopt budget ordinance amendment 2013-14.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.2 Amendment to City Code Chapter 30-5 to reduce perimeter landscaping for certain vehicular parking areas.

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He stated the proposed amendments reflected corrections staff had been accumulating or adjustments that staff considered minor that had emerged during daily application of the new development code. He further stated this was part of an ongoing overall fine-tuning and correcting that was typical of completely re-written codes.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO REDUCE PERIMETER VEHICULAR USE AREA STANDARDS IN CERTAIN SITUATIONS. ORDINANCE NO. S2013-007.

MOTION: Council Member Crisp moved to adopt the ordinance.

SECOND: Council Member Davy

VOTE: UNANIMOUS (10-0)

Mayor Chavonne requested that Mr. Shuford present Item 7.1 and apologized for not recognizing him at the introduction of the item. Mr. Shuford proceeded to present Item 7.1.

7.1 Amendment to City Code Chapter 30-5 to increase parking for restaurants.

Mr. Scott Shuford, Development Services Director, presented this item and stated City Code Chapter 30, the Unified Development Ordinance for the City, in Article 30-5.A.4, established a minimum requirement for parking as well as a maximum allowable number of parking spaces.

He further stated it provided for administrative review and approval of an alternative parking plan when supported by a parking demand or similar analysis. He explained for restaurants with or without drive-through services, parking was based on 1 space per 150 square feet. He further explained the number of alternative parking requests for significantly more parking than allowed led staff to reassess the basic standards for these two restaurant types. He noted this specific standard had also been mentioned by representatives of development interests who had been advising on adjustments to the development code. He stated the Planning Commission held a public hearing with no speakers and recommended approval of the proposed standards.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO INCREASE THE MINIMUM AND MAXIMUM PARKING STANDARDS FOR RESTAURANTS. ORDINANCE NO. S2013-006.

MOTION: Council Member Bates moved to adopt the ordinance.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.3 Consider adoption of revised Secondary Fire Zone.

Mr. Benjamin Major, Fire Chief, presented this item with the aid of power point presentation and stated N.C.G.S. § 160A-435 requires the city council of every incorporated city to pass ordinances establishing and defining primary fire limits. He stated the statute also permits a council to establish secondary fire limits. He explained the current primary and secondary fire zones in the City of Fayetteville downtown area were adopted in 1961, and since then there had been significant changes in the landscape and development trends in the downtown area, but the fire districts had remained the same. He explained the revision of the secondary fire zone would help address current development trends adjacent to the downtown area while maintaining fire and life safety protection objectives of the district. He concluded his presentation by stating staff recommended Council move to adopt the revision of the secondary fire zone.

Council Member Bates inquired how the revision would affect residential properties. Chief Major responded the revised code would only affect new buildings.

Council Member Fowler inquired if it would be easier for residents on Bragg Boulevard to comply with the code. Chief Major responded it would as a result of improved fire codes and the advancement of technology.

Council Member Applewhite inquired if there was a need across the City for additional fire zones. Chief Major responded there was no need.

Council Member Davy inquired how the new secondary fire zone would affect the businesses in the eastern side of the City. Chief Major responded they have had great improvements in fire protection and the revised code would not be an issue.

Council Member Crisp inquired of Mr. Shuford if he thought his staff needed to examine structures on their main corridors to see if they warranted fire districts. Mr. Shuford responded he did not think it was necessary as fire districts were designed for development patterns that reflect buildings close together and sharing walls, etc.

Mayor Pro Tem Arp stated it was best they move away from fire zones with the exception of historical districts as that depicted that they had good fire codes, building to the latest standards of construction and less combustible materials.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 11, FIRE PROTECTION AND PREVENTION, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

ORDINANCE NO. S2013-008.

MOTION: Council Member Bates moved to adopt the ordinance.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Revenue and Expenditure Report for annual funds for the nine-month period ended March 31, 2013.

Ms. Lisa Smith, Chief Financial Officer, presented this item with the aid of a power point presentation. She provided an overview of the General Fund Revenues, General Fund Expenditures, Stormwater Revenues and Expenditures, Transit Revenues and Expenditures, and Airport Revenues and Expenditures.

A brief discussion ensued.

This item was for informational purposes only and no action was taken.

8.2 Uninhabitable structures demolition recommendations.

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and multiple photographs of the properties. He stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

1021 Bragg Boulevard

Mr. Shuford stated the structure was a vacant commercial structure that was inspected and condemned as a dangerous structure on October 11, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2012. He further noted within the past 24 months there had been 11 calls for 911 service and 6 code violations with no pending assessments. He advised the low bid for demolition was \$8,675.00.

218 South C Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on October 25, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2008. He further noted within the past 24 months there had been 4 calls for 911 service and 6 code violations with a pending assessment of \$697.35. He advised

the low bid for demolition was \$1,900.00.

521 Mechanic Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2005. He further noted within the past 24 months there had been 16 calls for 911 service and 6 code violations with no pending assessments. He advised the low bid for demolition was \$2,345.00.

1337 Taylor Drive

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2006. He further noted within the past 24 months there had been 5 calls for 911 service and 4 code violations with a pending assessment of \$1,413.28. He advised the low bid for demolition was \$2,545.00.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1021 Bragg Boulevard, PIN 0437-08-7555). ORDINANCE NO. NS2013-017.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (218 South C Street, PIN 0437-91-1528). ORDINANCE NO. NS2013-018.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (521 Mechanic Street, PIN 0437-57-8317). ORDINANCE NO. NS2013-019.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1337 Taylor Drive, PIN 0438-63-5321). ORDINANCE NO. NS2013-020.

MOTION: Council Member Hurst moved to adopt the ordinances authorizing demolition of the structures.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

Ms. Pamela Megill, City Clerk, stated staff was requesting Council move to re-introduce Items 7.1 and 7.2 for reconsideration and take action on both items with motions being clearly stated for the record.

MOTION: Mayor Pro Tem Arpmoved to reconsider Items 7.1 and 7.2.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

7.1 Amendment to City Code Chapter 30-5 to increase parking for restaurants.

MOTION: Council Member Batesmoved to approve the proposed changes to City Code Chapter 30-5 to increase parking minimum and maximum standards for certain restaurant uses.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.2 Amendment to City Code Chapter 30-5 to reduce perimeter landscaping for certain vehicular parking areas.

MOTION: Council Member Crisp moved to approve the reduced requirements for the perimeter vehicular use area landscaping strip, as presented by staff.

SECOND: Council Member Davy

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Tax refunds of less than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Barnhill, Michael Wayne	2008-2011	Duplicate Listing	<u>\$16.02</u>
			<u>\$16.02</u>

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8.15 p.m.