

FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
OCTOBER 6, 2008
5:00 P.M.
LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne (departed at 6:15 p.m.; returned at 6:35 p.m.)
Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2);
Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia
A. Applewhite (District 7); Theodore W. Mohn (District 8)(arrived 5:10 p.m.); Wesley A. Meredith
(District 9)

Absent: Council Member William J. L. Crisp (District 6)

Others Present: Dale E. Iman, City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Ron Macaluso, Transit Director

Nicole Pfaff, F.A.S.T. Accounting Manager

Victor Sharpe, Community Development Director

Dawn Driggers, Metropolitan Housing Authority Director

Jimmy Teal, Planning Director

Karen Hilton, Assistant Planning Director

Bobby Teague, Engineering and Infrastructure Director

Greg Caison, Stormwater Division Manager

Jerry Dietzen, Solid Waste Director

Jackie Tuckey, Public Information Officer

Harvey W. Raynor, Deputy County Attorney

Doug Foust, Boulevard Group

Harvey Gantt, HGA Architects

Larry Walters, HGA Project Architect

Candice H. White, City Clerk

Press

CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m. and announced Council Member Crisp would be unable to attend due to illness. Mayor Chavonne also announced he would depart the meeting to present a key to the City of Fayetteville to the University of North Carolina Chancellor. Mayor Chavonne stated Mayor Pro Tem Meredith would officiate until his return.

INVOCATION

Council Member Haire provided the invocation.

1.APPROVAL OF AGENDA

Mayor Chavonne requested the agenda be revised so Item 4. would become Item 3.; Item 5. would become Item 4.; and Item 3. would become Item 5.

MOTION: Council Member Hurst moved to approve the agenda as requested.

SECOND: Council Member Evans

VOTE: UNANIMOUS (8-0)

2.CONSIDER ACTION ON SECOND READING OF A FRANCHISE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND CUMBERLAND COUNTY FOR THE OPERATION OF A MUNICIPAL SOLID WASTE AND CONSTRUCTION DEMOLITION WASTE FACILITY AT THE EXISTING ANN STREET LANDFILL

Harvey W. Raynor, Deputy County Attorney, stated County Commissioners approved the interlocal agreement at their earlier meeting subject to City Council approval of the franchise agreement. Council Member Bates inquired about the \$5 rebate for the City's recycling program. Mr. Raynor clarified language regarding the rebate would be included in the interlocal agreement. Karen M. McDonald, City Attorney, advised the interlocal agreement would be presented to City Council for consideration at their October 20, 2008 meeting.

MOTION: Council Member Hurst moved to approve second reading of the franchise agreement between the City of Fayetteville and Cumberland County for the operation of a municipal solid waste and construction demolition waste facility at the existing Ann Street landfill.

SECOND: Council Member Applewhite

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Evans)

3. update on recommended site for Multi-Modal Center

Harvey Gantt, HGA Architects, provided an overview of work performed to date on a potential site for the Fayetteville Area System of Transit (F.A.S.T.) multimodal transportation center to include site evaluation, market feasibility study, meetings with the technical advisory committee and citizen's advisory group, field survey, and GIS data accumulation.

Mr. Gantt provided conceptual sketches of the proposed Amtrak parking lot multimodal center and reviewed transportation routes in and out of the site and onto the future roundabout, shelters for trains, and parking. Mr. Gantt stated the proposed plan was to locate the facility as close to the street as possible to stimulate additional private economic development and retail or tenant lease space. Mr. Gantt stated the market assessment indicated 7,000 to 8,000 square feet of convenience retail would potentially be available and there would also be the potential for major private development adjacent to the hotel. Mr. Gant stated the proposed scheme preserved the existing park to the rear of the parking lot and preserved the depot, which could become retail space or an exclusive restaurant. Mr. Gantt identified a site for a new parking garage for the downtown area and stated ownership could be shared with private development and the first level could be used for additional parking for cabs and Amtrak overflow parking.

Larry Walters, HGA Project Architect, reviewed additional conceptual sketches of a pedestrian bridge for access to the proposed N.C. Veteran's Park and the museum and a proposed two-story core building with 12,000 square feet per story. Mr. Walters stated in order to move forward with the proposed plan, recommendation would be to purchase an additional acre of land in order to allow development to occur and achieve the necessary width.

Mr. Gantt stated the City of Fayetteville already owned 90% of the land and only needed to acquire or negotiate for an additional 10% from a private owner or developer. Mr. Gant further stated in gaining a sense of the cost for the conceptual plan, part of the assumption was that 80% or more would come from the Department of Transportation and a certain percentage would come from the City and the State thereby leveraging approximately 90% of the estimated \$15.2 million cost. Mr. Gantt concluded by stating variations to the conceptual plan would be possible to fit the budget and transportation services to be provided.

Discussion ensued regarding access and bays for buses and taxis, access for convenient parking, possible modifications without the additional acre of land, the dual concept of a destination point and a transportation center, and the next steps.

4. UPDATE ON HOPE VI PROJECT

Victor Sharpe, Community Development Director, introduced Dawn Driggers, Fayetteville Metropolitan Housing Authority (FMHA) Director, who introduced key members of the HOPE VI project team. Doug Foust, Boulevard Group, spoke to the roles of the strategic HOPE VI partners to include the City of Fayetteville, HUD, FMHA and residents, PWC, Cumberland County and TCG United, LLC. Mr. Foust stated the strategy was to create a new revitalized mixed income community with market rate housing in which there would be public housing assisted units. Mr. Foust further stated the revitalization strategy was not designed to replace public housing.

Mr. Foust reviewed residential and commercial revitalization strategies and provided an aerial map of the HOPE VI plan. Mr. Foust stated the multi-phased development would take place over the next five years.

Mr. Foust outlined HOPE VI phasing for a total of 747 units: Phase 1) Bunce Road, 72 family units; Phase 2) Alfred Street, 36 senior units and Curtis Lane, 184 family units; Phase 3) Campbell Avenue, 72 senior units; Phase 4) Campbell Terrace, 92 family units; Phase 5)

Russell Street and Delona Gardens, 42 family and 48 senior units; Phase 6) Russell Street and Campbell Terrace, 24 and 72 family units; Phase 7) homeownership of 105 affordable homes. Mr. Foust stated construction of Phase 1 and Phase 2 was scheduled to be underway in Summer 2009 for a total of over 292 new units. Mr. Foust reviewed HOPE VI activities to date, the next steps and commitments for development for the \$113 million investment. Questions and discussion followed regarding federal tax credits for rental units, down payment assistance for affordable housing units, training of the FMHA to manage the rental and affordable housing programs, and challenges associated with the four and one-half year timeframe in which to complete the 747-unit project to preclude the loss of unspent federal funds.

5. Presentation on Proposed Bus route changes

Ron Macaluso, Transit Director, stated in response to the Management Performance Review, staff initiated a two-prong approach which included for the long term, the creation of Transportation Development Plan (TDP) for a future transit system, with recommendations to be provided to City Council in Spring 2009. Mr. Macaluso further stated for the short term, changes were made to bus routes and schedules that were designed to improve on-time performance. Mr. Macaluso outlined route changes for Shuttle 4, Route 4, Route 5, Route 6, Route 7, Route 8, Route 12, Route 14, Route 15, Route 16, Route 17, and Route 40.

Mr. Macaluso stated ridership increased in July by 12.3%, in August by 17.3% and in September by 16.3% for a quarterly average increase of 15.6%.

Discussion ensued regarding communication of the route and schedule changes to citizens, whether the notification process was sufficient to institute an effective date of October 13, 2008, and whether a public hearing should be held.

Consensus of Council was to bring the transit route changes back as a regular item at their October 27, 2008 meeting to include the presentation and for the effective date for the route changes to be later than October 13, 2008.

6. Review of proposed ice house ordinance and setting a date for the public hearing regarding the ordinance

Jimmy Teal, Planning Director, provided a summary of background information and issues leading up to the development of the ice house ordinance and stated City Council at their September 2, 2008 work session requested staff to develop a revised ordinance that would allow new ice houses only as accessory structures and to increase setbacks and landscaping for existing ice houses. Mr. Teal reviewed amendments to the ordinance.

Council Member Haire expressed concern for possible spillover of lighting. Mr. Teal stated requirements could be placed on new ice houses and existing ice houses could be given one year to come into compliance with the requirements. Consensus of Council was in support of further revisions to add lighting requirements.

Council Member Mohn expressed concern for the height of vegetative buffers and the need, from a public safety standpoint, to keep them trimmed. Mr. Teal stated ice house operators would be responsible for maintaining the initial planting height of three feet.

Dale E. Iman, City Manager, inquired whether there were provisions in the ordinance to preclude other distributors from putting in similar type businesses without obtaining approval or conforming to the surrounding areas. Mr. Teal responded language could be added to the ordinance to broaden the description to other types of businesses and accessory uses. Consensus of Council was to hold a public hearing at their October 27, 2008 meeting.

7. UPDATE ON STORMWATER CONTROL ORDINANCE

Greg Caison, Stormwater Division Manager, provided background information and issues leading up to the stormwater control draft ordinance as presented. Mr. Caison stated a joint meeting was conducted on September 16, 2008 with the stakeholders group, the Joint Stormwater Advisory Board, and staff to discuss unresolved provisions. Mr. Caison outlined the issues and stated consensus included the removal of the requirement for the 10% downstream study or 25-year/24-hour storm design for BMPs and revision of the stream buffer requirements to range from 30 to 75 feet depending on the development density and the size of the drainage area. Mr. Caison stated an effective date of January 1, 2009 was recommended and the current

rules would apply until that time. Mr. Caison responded to questions.

Consensus of Council was to hold a public hearing at their October 27, 2008 meeting.

8. PROPOSED SIDEWALK PROJECT UPDATE

Bobby Teague, Engineering and Infrastructure Director, presented a proposal to include maps for sidewalk extensions at identified locations throughout the City using funds available from the current budget, fee-in-lieu funds, and funds available from Safe-Routes-To-School, N. C. Department of Transportation, and Fayetteville Area Metropolitan Planning Organization (FAMPO). Mr. Teague stated the total cost for the 24.7 miles of sidewalk would be \$4,299,900. Mr. Teague responded to questions regarding the installation of sidewalks adjacent to curbs or with grassy fills between the sidewalk and roadway, and using funds to install sidewalks in areas the school system and Safe-Routes-To-School supported. Mr. Teague stated municipal agreements and a memorandum of understanding would be brought to Council at a meeting not yet determined. Mayor Chavonne requested the item be brought back at a televised meeting.

9. REVISION TO SEPTIC TANK CLOSURE ORDINANCE

Mr. Iman, City Manager, provided background information and issues associated with the ordinance for the proper abandonment of septic tanks. Mr. Iman reviewed the proposed amendment to the septic tank closure ordinance to include modification to the time requirement that would allow a twelve-month provision for proper closure and specifications for methods of proper closure. Mr. Iman called attention to questions put forth by community citizens and responses as researched by staff.

Council Member Haire inquired whether the City would be liable for septic tank closures since they had been identified as a safety issue. Karen M. McDonald, City Attorney, advised although she could not predict the outcome of a lawsuit, there would be the possibility of a challenge based on the City's rescission of a requirement once identified as a safety issue. Mrs. McDonald further advised there could be the possibility of a challenge by those who took the appropriate steps to comply with the ordinance when it was enacted.

Mayor Chavonne reviewed options available to Council and discussion ensued regarding issues related to each of the options.

MOTION: Council Member Haire moved to follow Option 2. to rescind Section 28-82.

SECOND: Council Member Bates

VOTE: FAILED by a vote of 4 in favor (Council Members Mohn, Haire, Evans and Bates) to 5 in opposition (Council Members Chavonne, Meredith, Applewhite, Hurst and Massey).

MOTION: Council Member Meredith moved to exercise Option 1.

SECOND: Council Member Haire

VOTE: PASSED by a vote of in 7 favor (Council Members Haire, Evans, Meredith, Massey, Hurst, Applewhite and Chavonne) to 2 in opposition (Council Members Mohn and Bates).

Mrs. McDonald advised amendments would be made consistent with discussion and the amended ordinance would come back to Council as a consent item for approval and incorporation into the ordinance.

Council Member Haire inquired about the affect of the amended ordinance on septic tanks in previously annexed areas. Discussion ensued. Mayor Chavonne clarified the ordinance applied to properties currently on septic tanks and would apply to properties on septic tanks at anytime in the future.

10. ROADSIDE MERCHANTS AND VENDORS

Doug Hewett, Assistant City Manager, stated following the September 2, 2008 public hearing on the proposed ordinance regarding roadside merchants and vendors, City Council directed staff to place the item on the work session agenda for additional questions and direction as to how to

proceed. Mr. Hewett reviewed changes made to the draft ordinance: 1) itinerant merchants would be prohibited; 2) a fifty foot setback would be required for merchants exempted by the ordinance; 3) definitions would be added for specialty market operators and specialty market vendors; and 4) seasonal goods and sales would be more fully defined.

Mr. Hewett responded to questions regarding the sight triangle and stated flea market vendors would be classified as peddlers as the current ordinance did not define specialty market vendors. Mr. Hewett clarified vendors inside of flea markets would be treated the same as traditional businesses.

Council Member Mohn inquired whether consideration had been given to raising permit license fees. Mr. Hewett responded North Carolina General Statutes set permit license fees. A brief discussion followed regarding whether to include door-to-door peddlers as a future initiative. Consensus of Council was to place on their October 20, 2008 meeting agenda as a regular item for further discussion.

11. ETHICS COMMISSION

Karen McDonald, City Attorney, stated consistent with the August 4, 2008 work session presentation regarding an Ethics Commission, she incorporated the presentation into amendments to Article IV, Code of Ethics, of the City Code for Council's review and consideration. Mrs. McDonald briefly reviewed Section 2-95, Board of Ethics; Section 2-100, Disclosure of Income and Financial Interests; subsection (i) of Section 2-95 outlining the Board of Ethics authority to investigate alleged violations of the Code of Ethics; Section 2-98, Investigations and Hearings; and Section 2-96, Ethics Officer responsibilities.

Mrs. McDonald briefly reviewed amendments to the ordinance consistent with discussion by Council following the August presentation. Mrs. McDonald stated Section 2-96, training of elected officials, employees, and boards and commissions, would be more effectively provided by the Ethics Officer due to the City's organizational structure rather than by the Ethics Commission as proposed. Mrs. McDonald further stated based on Council's discussion at the August work session, the Chamber of Commerce and the Cumberland County Board of Education would not be included in appointments to the Ethics Commission thereby leaving seven persons proposed as part of the Ethics Commission. Mrs. McDonald called attention to subsection (d) of Section 2-95 that prohibited members from engaging in political activities or making campaign contributions to candidates in city elections during their term as board members.

Mrs. McDonald stated a financial disclosure process was also contemplated during the August 4, 2008 work session presentation. Mrs. McDonald reviewed a draft form consistent with proposed amendments to Section 2-100 based on the City of Atlanta's Board of Ethics 2007 Financial Disclosure Statement form that was modified consistent with the City of Fayetteville's organizational structure.

Mrs. McDonald responded to questions and discussion ensued. Consensus of Council was for Council Members to respond in one week with revisions to the financial disclosure form.

12. COUNCIL MEMBER REQUESTS

A. TAMARACK SPEED BUMPS

Council Member Bates spoke to his personal observation of speed and safety issues on Tamarack Drive. Council Member Bates requested support for speed bumps to slow traffic and address safety concerns. Mr. Iman reviewed reasons speed bumps were not recommended for Tamarack Drive and recommendations of the City Traffic Engineer. A brief discussion followed. Consensus of Council was for stripping and bike lanes as recommended by staff.

B. RENTAL HOUSING INSPECTION PROGRAM

Council Member Charles Evans presented this item and requested that Council revisit the rental housing inspection program and consider supplying the appropriate number of inspectors. A brief discussion ensued. Consensus of Council was for staff to return the rental housing inspection program as previously provided on their October 20, 2008 agenda as a regular item.

There being no further business, the meeting adjourned at 8:55 p.m.