

FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
NOVEMBER 3, 2008
5:00 P.M.
LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3)(arrived 5:35 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Jimmy Teal, Planning Director

Jerry Dietzen, Solid Waste Director

Victor Sharpe, Community Development Director

Tom Bergamine, City of Fayetteville Police Chief

Steve McIntosh, Crime Analyst Office

Rebecca Rogers-Carter, Management Analyst

Candice H. White, City Clerk

Press

CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:10 p.m.

INVOCATION

Council Member Haire provided the invocation.

1. APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to approve the agenda to include modifications as presented in the addendum.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

2. CONSIDER CHANGES TO THE INCIDENTAL HOME DAYCARE REQUIREMENTS AND THE DAYCARE SPECIAL USE PERMIT REQUIREMENTS

Jimmy Teal, Planning Director, stated staff had been directed to revise existing daycare standards, place specific restrictions for daycares approved through the special use permit process and look at revising requirements for incidental home occupation daycares to allow an employee from outside the home to work at the daycare. Mr. Teal referenced the current ordinance regarding homes for the care of children and adults and stated there were only minimal guidelines as to what may be expected by Council in terms of approving or denying a special use permit request.

Mr. Teal reviewed proposed requirements for daycares through the special use permit process and stipulations for allowing incidental home occupation daycares to employee one person not living in the residence.

Mayor Chavonne lead Council through a discussion of each option as presented and Mr. Teal responded to questions. Mr. Teal was asked to research background checks performed on daycare employees and State standards for the monitoring of incidental home occupation daycares.

Council Member Haire inquired regarding an opportunity for input from stakeholders. Consensus was to return to a future City Council work session.

3. LEASE OF PROPERTY AT 583 WINSLOW STREET TO WASTE INDUSTRIES, INC. (SOLID WASTE TRANSFER STATION)

Jerry Dietzen, Solid Waste Management Director, briefed Council regarding the solid waste transfer station background and stated Waste Industries currently uses the facility as a transfer station for tipping commercial solid waste hauled to Sampson County. Mr. Dietzen further

stated the current structure and equipment had surpassed their useful life and were not adequate for the facility to continue functioning as a transfer facility. Mr. Dietzen stated Waste Industries would like to negotiate a new lease for the property and had proposed to construct a \$1.5 million transfer facility that would revert back to the City at the expiration of the fifteen-year lease. Mr. Dietzen reviewed highlights of the proposed agreement and associated issues. Mr. Dietzen responded to questions and identified properties adjacent to the facility. Discussion ensued regarding establishing timeframes for improvements, notification of residents in the area, heavy truck traffic and maintenance of Winslow Street. Consensus was to return to a future City Council meeting.

4. DISCUSSION OF A RESOLUTION AUTHORIZING THE NEGOTIATION AND ACQUISITION OF PROPERTIES LOCATED IN THE HOPE VI PROJECT AREA CONSISTENT WITH THE CITY'S COMMITMENT TO THE FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY'S HOPE VI GRANT APPLICATION

Victor Sharpe, Community Development Director, stated staff was in the process of identifying parcels to be acquired consistent with the City's commitment to the Fayetteville Metropolitan Housing Authority's HOPE VI grant application and Council was being asked to allow the City Manager authority to negotiate and acquire properties located in the HOPE VI project area on behalf of the City of Fayetteville. Mr. Sharpe further stated any properties acquired through condemnation would be brought to Council for approval. Mr. Sharpe responded to questions and discussion ensued regarding the handling of leased properties and the use of infill development to revitalize communities that contained occupied properties. Dale E. Iman, City Manager, informed Council the Real Estate Department had been working throughout the HOPE VI process and had developed strategies for acquiring properties that were needed. Karen M. McDonald, City Attorney, clarified the request was to allow the City Manager to negotiate and acquire properties in which an agreement had been reached. Consensus was to place the resolution on the November 24, 2008 City Council meeting agenda as a consent item.

5. PRESENTATION ON COMMUNITY SAFETY EFFORTS AND COMMUNITY WATCH PARTNERSHIPS

Tom Bergamine, City of Fayetteville Police Chief, with the assistance of Steve McIntosh, Sergeant with the Crime Analyst Office, provided a comprehensive presentation titled "Crime in Our Community". Chief Bergamine covered crime theories as they apply to Fayetteville, elements that must be present for crime to occur, underlying causes of crime in the community, and current crime strategies.

Chief Bergamine also spoke to the partnership between law enforcement and community watch groups, displayed maps depicting active community watch groups, and clarified the role of community watch groups. Chief Bergamine covered challenges facing the Fayetteville Police Department when dealing with community crime and what the Fayetteville Police Department could do to overcome some of the issues involved.

Chief Bergamine responded to questions and discussion ensued regarding crime mapping and the broken windows theory. Mr. Iman discussed the B. Street initiative.

Chief Bergamine responded to further questions regarding police recruitment and retention, and addressed Police Department reorganization efforts and assessment of manpower needs.

6. RENTAL INSPECTIONS PROGRAM OVERVIEW

Doug Hewett, Assistant City Manager, provided background information related to previous considerations of a rental housing inspections program and stated Council had requested that the proposed program be brought back for further consideration. Mr. Hewett called attention to the proposed ordinance and to the action plan presented to Council in April 2008.

Discussion ensued regarding comparable rental inspection programs, costs and funding, triggers for inspections, penalties, and whether more research and modifications might be required.

Mr. Iman advised that a program with an emphasis on low-cost inspections would likely not accomplish the objective for safe rental housing and cautioned against a program without full

cost recovery for implementation and inspections because of current economic conditions. Further discussion ensued regarding program costs, the estimated percent of substandard rental units in the city, incentives for property owners, and a citywide government program versus a narrowed-down program. Mayor Chavonne inquired regarding support for the program as written. Consensus was for a more targeted solution. Discussion continued. Mrs. McDonald advised targeting certain areas could lead to a legal challenge.

Consensus was for staff to report back to Council on various models for a rental inspections program.

7. FY 2008-09 STRATEGIC PLAN 1ST QUARTER REPORT

Consensus of Council was for the report to be provided at the November 24, 2008 Council meeting.

At the request of Mr. Hewett, consensus of Council was to consider the banner request as the next item of business.

8. CONSIDER REQUEST BY THE DOWNTOWN ALLIANCE AND THE ARTS COUNCIL TO HANG BANNERS ON THE MARKET HOUSE FOR "A DICKENS HOLIDAY" CELEBRATION

Mr. Hewett reviewed the request as presented in the addendum to the agenda. Council Member Hurst inquired whether the requesting parties were aware there would be no banners the following year. Mayor Chavonne suggested Council act on the current request pending further discussion regarding the sign ordinance.

MOTION: Council Member Massey moved to approve the request.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

9. ETHICS COMMISSION FINANCIAL DISCLOSURE FORM

Mrs. McDonald stated the financial disclosure form as presented reflected input received from Council at their October work session and advised the ordinance would possibly need to be revised accordingly should Council approve the form as presented.

Mayor Chavonne inquired regarding Council support for the form as revised. Discussion ensued regarding whether to include Item (16) a. of Part 7., Additional Questions for Certain Designated Funds, and (11) a. of Part 3., Sources of Income. Following discussion, consensus of Council was to delete both items and take the financial disclosure form to the November 24, 2008 meeting for further consideration and action.

10. COUNCIL MEMBER REQUESTS

A. PROHIBIT DOOR-TO-DOOR SALES

Council Member Bates requested Council support for the City Attorney to research prohibiting door-to-door sales in order to protect the elderly and children conducting door-to-door sales without their parents. A brief discussion followed. Consensus was in support of staff exploring the initiative.

B. TRANSIT PUBLIC HEARING

Council Member Evans asked that Council consider holding a public hearing regarding the proposed transit route changes in order to hear from citizens before taking action. Following a brief discussion, Council did not support the request.

C. REVISIT ICEHOUSE POLICY

Council Member Haire asked that Council provide an opportunity for stakeholders to work with the Planning Department to identify problem areas in the October 2008 icehouse ordinance and return suggested changes to Council for consideration. Discussion ensued regarding calls received from stakeholders, stakeholder input into the Planning Commission recommendations, and vetting of the ordinance prior to Council approval. Consensus of Council was in support of Council Member Haire's request.

D. FORMATION OF A CRIME PREVENTION TASKFORCE

Council Member Applewhite requested support for a fully funded Blue Ribbon Taskforce to focus on underlying and social causes of violence and crime in the community and to recommend strategies to remedy crime. Council Member Applewhite stated she envisioned

getting the County on board and making it a joint effort. Following discussion of efforts by Chief Bergamine and the Fayetteville Police Department, Council did not support Council Member Applewhite's request for a taskforce.

Mayor Chavonne recognized North Carolina Senator Larry Shaw who spoke briefly regarding industrial recruitment and job creation in North Carolina.

10. CLOSED SESSION FOR PERSONNEL MATTER

MOTION: Council Member Bates moved to go into closed session for personnel matters.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

The regular session recessed at 8:50 p.m.

The regular session reconvened at 9:14 p.m.

MOTION: Council Member Bates moved to go into open session.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 9:15 p.m.