

FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
SEPTEMBER 2, 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 5:53 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)(departed 6:35 p.m.); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Kyle Sonnenberg, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Janet Smith, Assistant City Attorney

Victor Sharpe, Community Development Director

James G. Alexander, Interim Inspections Director

Ron McElrath, Human Relations Director

Luis Collazo, Human Relations Specialist

Robert Barefoot, Parks and Recreation Director

J. D. Pone, Fayetteville-Cumberland Parks and Recreation Advisory Commission
Chair

Jimmy Teal, Planning Director

Jackie Tuckey, Communications Manager/Public Information Officer

Candice H. White, City Clerk

Press

CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:05 p.m.

INVOCATION

Council Member Haire provided the invocation.

1. APPROVAL OF AGENDA

Mayor Chavonne requested the addition of an Item 12. for discussion of the upcoming Thursday night meeting and the addition of an Item 13. for a closed session for consultation with attorney.

MOTION: Council Member Meredith moved to approve the agenda with the addition of Item 12. and Item 13. as requested.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

2. CONSIDER PARK NAMING

J. D. Pone, Fayetteville-Cumberland Parks and Recreation Advisory Commission Chair presented this item and stated the Fayetteville-Cumberland Parks and Recreation Advisory Commission had voted unanimously to recommend the initial naming of the new dog park to Riverside Dog Park and to rename the Veterans Memorial Park back to its original name of Lamon Street Park to prevent confusion associated with the new North Carolina Veterans Park currently under design.

Mr. Pone responded to questions and the consensus of Council was to return to an upcoming meeting for a public hearing.

3. CLIFFDALE PARK DEVELOPMENT GRANT APPLICATION

Mr. Pone stated he was available to respond to questions that had been posed regarding improvements to the Cliffdale School grounds. Council Member Applewhite spoke to a conversation she had with the City Manager to determine whether there was a possibility for lighted ball fields at the park. Dale E. Iman, City Manager, advised the construction of two lighted fields could cost \$300,000 to \$400,000 and in order to apply for the grant, Council would

need to adopt a resolution committing 50% cash towards the project. Discussion ensued. Consensus of Council was in support of the grant application and to move the item forward at the appropriate time for adoption of the resolution.

4. PANHANDLING MARKETING PLAN

Jackie Tuckey, Communications Manager/Public Information Officer, provided background information regarding Council's adoption of a panhandling ordinance that limited areas and times of day during which panhandling could be conducted. Ms. Tuckey stated although citations had been issued by the Police Department, citizens continued to contribute to panhandlers because in their minds, homelessness and panhandling are intertwined. Ms. Tuckey further stated a marketing plan had been developed to increase awareness throughout the community that citizens should give money and/or time to agencies that provide direct assistance to the homeless rather than give money to panhandlers on the street, to provide information about the ordinance, and to provide information on resources available to help the homeless. Ms. Tuckey spoke to continued work by the police officer assigned to work with the homeless and the Community Development Department on behalf of the homeless population. Ms. Tuckey distributed examples of brochures and flyers and provided an overview of venues that would be used to provide information to the public: 1) printed brochures for general distribution; 2) media releases and public service announcements; 3) calls to television and print media to pitch the story; 4) guests on radio talk shows; and 5) additional publicity during holidays.

Ms. Tuckey responded to questions and provided additional information as requested.

5. DISCUSSION OF REVISING OPEN SPACE REQUIREMENTS REGARDING THE AMOUNT OF SQUARE FOOTAGE REQUIRED PER RESIDENTIAL UNIT AND THE METHOD OF CALCULATING THE PAYMENT IN LIEU OF OPTION

Jimmy Teal, Planning Director, provided background information related to the recreation and open space ordinance and the request of staff to look at increasing the amount of land dedicated, placing restrictions on the option of paying in lieu of land dedication, and changing the basis for the paying in lieu of fee from pre-development to post-development land value. Mr. Teal stated staff reviewed requirements from other jurisdictions throughout North Carolina and the State Parks and Recreation Commission's formula, which provides roughly 800 square feet per residential unit. Mr. Teal stated when comparing pre-development and post-development land values, post-development land values were two to three times greater.

Mr. Teal provided a comparison of the current and proposed recreation and open space regulations. Mr. Teal stated Parks and Recreation endorsed the proposed regulations; however, the Planning Commission suggested delaying action to allow a comprehensive approach through the unified development ordinance process in determining appropriate requirements for open space. Mr. Teal further stated the development community objected to the proposal based on the increase of the payment in lieu of amount and there had been issues raised about the need to develop Homeowner Associations in traditional single-family housing developments. Mr. Teal recommended the development of a system in which part of the open space could be dedicated from the developer and part of the open space could be land acquired by the city.

Discussion ensued regarding open space maintenance responsibilities, smaller versus larger parks, open space proximity to neighborhoods, and liability associated with parks. Mr. Teal reviewed options available to Council and responded to questions.

Consensus of Council was to return to the Planning Commission for an aggregation land plan, and for staff and Parks and Recreation to bring back a proposal for over ten units.

6. DISCUSSION OF PROPOSED REGULATIONS REGARDING ICE HOUSES

Mr. Teal provided background information related to the draft icehouse ordinance and stated following a public hearing, the Planning Commission recommended placing regulations on new icehouses such as landscaping, smaller signage, litter receptacles, and a setback of fifty feet from a public street. Mr. Teal further stated the Planning Commission opted to grandfather in existing icehouses.

Discussion ensued regarding options available to Council. Mr. Teal responded to questions and provided clarification as requested. Mr. Iman suggested not restricting regulations to icehouses but looking at the bigger picture, which could include vending machines being permitted to operate as standalone unstaffed business operations. Mr. Iman suggested allowing icehouses as an accessory use rather than allowing them as principal permitted uses. Discussion continued.

Consensus of Council was for Planning staff to refine the ordinance to address ancillary buildings and grandfathering in standards, and to return to City Council at their October work session.

7. CONSIDER AMENDMENT TO CHAPTER 10 OF THE CITY CODE AS IT RELATES TO FAIR HOUSING

Ron McElrath, Human Relations Director, stated the fair housing ordinance needed to be updated to ensure compliance with current federal law that would allow the city to achieve substantial equivalency and receive additional HUD funding and benefits. Mr. McElrath stated once certification was received from HUD, the city would be eligible to receive approximately \$125,000 to \$150,000 annually for two to three years and receive base funding and reimbursements for specific training. Mr. McElrath responded to questions.

Consensus of Council was to place the ordinance amendment on a future agenda.

8. Consideration of a resolution establishing the boundaries of a community development target area in accordance with G.S. 160A-425.1 (Unsafe buildings condemned in certain localities)

Victor Sharpe, Community Development Director, displayed a map depicting the Community Development Target Area and provided an overview of criteria used for designating areas as urban progress zones or areas in special need of revitalization.

Mr. Sharpe stated statutes and the target area map give the city inspector the authority to declare residential and nonresidential buildings unsafe that appear to be especially dangerous to life because of their liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes. Mr. Sharpe further stated the city inspector may declare residential and nonresidential buildings or structures within a community development target area to be unsafe if they appear to be vacant or abandoned, or in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or tend to attract persons intent on activities that would constitute a public nuisance.

James Alexander, Interim Inspection Director, differentiated between areas in which special legislation would be used to declare vacant and abandoned structures to be unsafe and areas in which dangerous structures could be condemned.

Consensus was for staff to return to Council as a consent item.

9. DISCUSSION REGARDING ROADSIDE MERCHANTS AND VENDORS

Doug Hewett, Assistant City Manager, provided an overview of the current ordinance related to permits for roadside merchants and vendors to sell goods and stated as there appears to be an increasing number of such itinerant merchants and associated traffic and safety concerns, staff researched possible adjustments to the city's ordinances that govern such uses. Mr. Hewett further stated given the city's interest in improving the look of its thoroughfares, in enforcement issues in trying to determine who has all required permits, and concerns expressed by traditional business owners, staff recommended prohibiting all roadside merchants within the city limits and also recommended that the city continue to allow for the sale of seasonal goods and sales by nonprofit groups, door-to-door peddlers and the sale of agricultural products.

Council Member Bates suggested door-to-door peddlers not be allowed because of concern for residents' safety. Mr. Hewett responded the initial intent was to narrowly focus on itinerant merchants and should Council have interest, staff could research and come back with tighter restrictions where allowed under state statutes.

Council Member Applewhite expressed concern that the city was attempting to create something that would prohibit people from making a living.

Consensus was to return to an upcoming meeting for a public hearing.

10.BUDGET ORDINANCE AMENDMENT FOR THE DOWNTOWN PARKING LOT

Kyle Sonnenberg, Assistant City Manager, stated the city's lease of the Hay Street parking lot had expired and the owner, BB&T, wished to sell the lot rather than extend the previous lease. Mr. Sonnenberg further stated the downtown parking study recommended purchase of the Hay Street parking lot from BB&T in order that the spaces could remain available for public parking. Mr. Sonnenberg stated the budget amendment appropriates \$397,000 for the purchase of the lot and for a Phase I environmental review prior to purchase. Mr. Sonnenberg further stated the lot contains forty-four spaces with a per space cost of \$9,000 and the city anticipates charging for the off-street parking.

Council Member Bates spoke in favor of moving forward with the purchase. Council Member Crisp expressed concern that the cost per space appeared to be exorbitant and suggested that the city purchase property at the same cost in another location.

Discussion ensued regarding negotiations with BB&T. Mr. Sonnenberg responded two appraisals had been conducted that placed a \$300,000 to \$500,000 value on the property, there were no other lots available in the vicinity, and the city could lose the land if it opted not to move forward with the purchase.

Consensus was not to adopt the budget amendment to fund the acquisition of the Hay Street parking lot.

11. COUNCIL MEMBER REQUESTS

A. REVIEW OF EXISTING CITY BOUNDARIES

Mayor Chavonne reviewed his request to direct staff to: 1) review existing city boundaries; 2) identify all pockets and islands of incorporated areas; 3) study the advantages and disadvantages of the incorporation of those areas; and 4) prepare recommendations for presentation to Council.

Consensus was for staff to add this to their plan of work and begin the process as outlined.

B. ETHICS COMMISSION

Council Member Evans recapped discussion related to the formation of the Ethics Commission and stated the commission would be time consuming for staff, would lack the power needed to be effective, and would have no real authority. Council Member Evans proposed that Council consider abandoning the idea of an Ethics Commissions.

Discussion ensued.

Council Member Evans stated interest had been expressed in having the Ethics Commission investigate the involvement of city officials in the ticketgate incident; however, Council had since expressed no interest in the investigation of the incident by the Ethics Commission.

MOTION: Council Member Haire moved to send the ticketgate incident to the Ethics Commission when structurally possible.

There was no second to Council Member Haire's motion. Discussion continued.

MOTION: Council Member Evans moved to disregard the Ethics Commission in its entirety.

SECOND: Council Member Crisp

VOTE: FAILED by a vote of 4 in favor (Council Members Massey, Evans, Crisp and Mohn) to 6 in opposition.

MOTION: Council Member Haire moved that when the Ethics Commission is completely structured, that it be given the ticketgate incident for investigation.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 7 in favor to 3 in opposition.

12. DISCUSSION OF SEPTEMBER 4, 2008 SPECIAL MEETING

Mayor Chavonne noted Michael Crowell from the UNC School of Government would be unable to attend the September 4, 2008 special meeting related to the redistricting item and Council Members Crisp and Evans had requested the governance item. Mayor Chavonne

inquired regarding Council's interest in holding the special meeting. Consensus was to cancel the special meeting.

13. CLOSED SESSION FOR CONSULTATION WITH ATTORNEY

MOTION: Council Member Evans moved to go into closed session for consultation with attorney.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:00 p.m.

The regular session reconvened at 7:20 p.m.

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

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (10-0)

MOTION: Mayor Chavonne moved to support a \$5 annual solid waste fee reduction for taxpayers and to direct the City Manager and the City Attorney to continue their negotiations with the county related to the Ann Street landfill.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 7:25 p.m.