

FAYETTEVILLE CITY COUNCIL

MINUTES

MARCH 25, 2008

7:00 P.M.

CITY HALL COUNCIL CHAMBER

Present: Mayor Anthony G. Chavonne

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); 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

Kyle Sonnenberg, Assistant City Manager

Stanley Victrum, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Lisa Smith, Chief Financial Officer

Jimmy Teal, Planning Director

Karen Hilton, Assistant Planning Director

Kyle Garner, Planner

Bobby B. Teague, Engineering and Infrastructure Director

Greg Caison, Stormwater Manager

John Fersner, Project Manager, US Infrastructure of Carolina, Inc.

Jackie Tuckey, Communications Manager/Public Information Officer

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Elder Larry Bellamy, Pastor of Rhema Ministries, Church of God in Christ, followed by the Pledge of Allegiance to the American Flag.

ANNOUNCEMENTS AND RECOGNITIONS

Council Member Haire announced a voter registration drive would be held on Saturday, March 29, 2008 from 8:30 a.m. to 12:30 p.m. on the lawn of 1507 Seabrook Road.

1. APPROVAL OF AGENDA

MOTION: Council Member Mohn moved to approve the agenda with the addition of a closed session for personnel matters and the reversal of Items 3.B and 3.C.

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (10-0)

2. CONSENT:

Council Member Evans requested Item 2.F. pulled for discussion.

MOTION: Council Member Evans moved to approve the agenda with the exception of Item 2.F.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Consider adoption of Budget Ordinance Amendment 2008-8 (Engineering and Infrastructure)

This budget ordinance amendment will appropriate \$100,000 of funding to be received from the Fayetteville Area Metropolitan Planning Organization (FAMPO) and \$25,000 of General Fund fund balance to pay for transportation planning study for the Murchison Road Corridor. The funding will be used to contract for a professional study that incorporates and extends the Murchison Road Corridor land use plan and focuses on future transportation needs, improvements and recommendations of a preferred design for NCDOT consideration in response to the future land use plan, the Bragg Blvd. restrictions, BRAC and the I-295 Extension.

B. Consider adoption of the following budget items related to the proposed Military Business Park:

Special Revenue Fund Project Ordinance 2008-10

Special Revenue Fund Project Ordinance 2008-11

Special Revenue Fund Project Ordinance 2008-12

These ordinances will appropriate a total of \$519,750 for infrastructure development for the proposed Military Business Park. The funding sources for the project ordinances are three federal grants from the U.S. Department of Housing and Urban Development (HUD). The eligible infrastructure costs include site development, road design, road construction, streetscape improvements, signage, and extension of waterlines, sewer lines, natural gas lines and power lines. The grants do not require matching funds.

C. Drainage Easement and Indemnification Agreement Between the City of Fayetteville and Carver Falls Apartments, LLC

D. Approve the rezoning from R6 residential district & R10 residential district to an R5A residential district for property located at Bunce Road & Dessa Ree Lane. Containing 6.35 acres more or less and being the property of Urias Beebe and Juanita Stewart. Case Number P08-04F

E. Approve the rezoning from M1 industrial district, M2 industrial district and R6 residential district to P2 professional district for property located along Ramsey Street and Hillsboro Street. Containing 25.37 acres more or less and being the property of Cumberland County. Case Number P08-06F

F. Pulled at the request of Council Member Evans

G. Approve the request to change commercial uses for property zoned Mixed Use\Conditional Zoning to the use of a religious temple for property located at 907 Cedar Creek Road. Containing 12.37 acres more or less and being the property of Bhavan Hindu. Case Number P08-09F

H. Approve a request from the Cape Fear Botanical Garden for five community street banners.

2.F.Approve the rezoning from R5 residential district to C1\CZ commercial district\conditional zoning to allow an event and banquet facility and the uses allowed within the P2 professional district for property located on Lot 4 Sam Cameron Avenue. Containing .87 acres more or less and being the property of BHW Properties, LLC. Case Number P08-08F

Council Member Evans stated although no one appeared in opposition at the Zoning Commission public hearing, he and Council Member Bates attended a neighborhood meeting during which individuals expressed opposition to the rezoning.

MOTION: Council Member Evans moved to hold a public hearing for Case Number P08-08F.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

3. PUBLIC HEARINGS:

A. Consider Closing a Portion of Bayview Drive

Bobby Teague, Engineering and Infrastructure Director, stated a petition had been received from the owners of the property abutting the unopened portion of Bayview Drive requesting the portion of the street be permanently closed to assist with the location of a driveway.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:08 p.m.

Richard Galt, 2533 Raeford Road, Fayetteville, NC 28305 appeared in favor as counsel for the petitioner and stated all property owners abutting the portion of Bayview Drive joined in the petition.

Ocie Murray, 1200 Longleaf Dive, Fayetteville, NC 28305 appeared in favor and stated closing a portion of Bayview Drive would not adversely affect any parties.

No one appeared in opposition and the public hearing closed at 7:10 p.m.

RESOLUTION AND ORDER CLOSING A PORTION OF BAYVIEW DRIVE. RESOLUTION NO. R2008-023

MOTION: Council Member Meredith moved to adopt the resolution and order closing a portion of Bayview Drive.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

B. Consider extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation by Carolyn Armstrong. (Located on the western side of Glensford Drive between Campground Road and Red Tip Road)

Mr. Teal displayed a map and provided an overview of the annexation as petitioned. Mr. Teal stated the annexation petition was submitted in order to receive PWC water and sewer service as outlined in City Council Policy #150.2. Mr. Teal stated recommendation was to adopt the ordinance annexing the property effective March 25, 2008.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:12 p.m.

Lori Epler, 613 O'Galley Drive, Fayetteville, NC appeared in favor and stated she would be available for questions.

No one appeared in opposition and the public hearing closed at 7:13 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ANNEXATION ORDINANCE NO. 2008-03-506

MOTION: Council Member Hurst moved to adopt the ordinance annexing the property effective March 25, 2008.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

C. Consider adoption of the addition of Article III, Stormwater Control, to Chapter 23, Stormwater Management, of the City Code of Ordinances

Greg Caison, Stormwater Manager, provided background information leading up to the development of the proposed stormwater control ordinance and stated the ordinance was designed to control the adverse effects of increase stormwater quantity and runoff quality. Mr. Caison introduced John Fersner, Project Manager, US Infrastructure of Carolina, Inc., and stated staff recommended adoption of the ordinance as presented.

Mr. Fersner began his presentation with a brief history of quality and quantity components of stormwater to include the establishment of a \$3 per month quantity fee in July 2007 to be directed at \$43 million in identified capital improvement projects.

Mr. Fersner provided an overview of the proposed stormwater control ordinance to include the stakeholder committee and Joint Stormwater Advisory Board; stormwater design plans; exemptions; plans in progress; variances and appeals; enforcement; stormwater requirements; and quality (phase 2) requirements.

Council Member Meredith asked whether any of the initial standards had been made less stringent in the proposed ordinance. Mr. Fersner responded the two-year storm had been revised to the one-year storm and provisions for a 10% downstream analysis study had been removed.

Council Member Bates asked that the ordinance specify the natural buffer to be a thirty-foot no-cut buffer.

Mr. Fersner continued with a review of Best Management Practice (BMP) stormwater facilities and the three options for Single Family Residential (SFR) stormwater facilities as outlined in the proposed ordinance.

Mr. Fersner concluded his presentation and discussion ensued. Mr. Fersner; Karen M. McDonald, City Attorney; and Dale E. Iman, City Manager; responded to questions regarding city or private ownership and maintenance of stormwater facilities to include associated liability. This is the advertised public hearing set for this date and time. The public hearing opened at 8:22 p.m.

Bruce Wheeler, 4431 Ferncreek Drive, Fayetteville, NC appeared in favor and stated as a resident of Buckhead experiencing significant problems with stormwater, measures to control stormwater were important.

Ed Blanchard, Jr., 5444 Summer Duck Road, Fayetteville, NC 28304 appeared in favor, stated development had outpaced infrastructure and developers needed to bear part of the burden as it related to the initial construction and long term maintenance of stormwater detention ponds.

Jim Stacey, 689 Georgetown Circle, Fayetteville, NC appeared in opposition and stated staff favored the stormwater control ordinance under consideration but not the stakeholder and advisory groups. Mr. Stacey urged Council to table the matter in order to deal with issues cited in a recent Fayetteville Observer article.

Henry Spell, President of the Fayetteville Regional Association of Realtors, 3002 Folkstone Circle, Fayetteville, NC 28306 appeared in opposition and expressed concern for realtor disclosure of fees associated with stormwater detention ponds which could cause buyers to purchase property outside the community.

Dohn Broadwell, Jr., Chair of the Stormwater Advisory Board, 1600 Rock Hill Road, Fayetteville, NC appeared in opposition and stated the model recommended by the Stormwater Advisory Board would be the best option for the city.

Dennis Gould, Vice-chair of the Stormwater Advisory Board, 7099 Calamar Drive, Fayetteville, NC 28314 appeared in opposition and stated it would cost less for the city to assume responsibility for stormwater maintenance than it would for the Homeowner Associations to assume responsibility.

Billy Hylton, President of Homebuilders Association of Fayetteville, 5511 Ramsey Street, Fayetteville, NC 28311 appeared in opposition and stated volunteer organizations such as Homeowner Associations should not be expected to handle stormwater facilities since city engineers were more knowledgeable.

Robert Tuttle, 425 Aurora Street, Fayetteville, NC appeared in favor as a design engineer at Ft. Bragg and stated his past experience has demonstrated that retention ponds were not the only options available and they would fail if not maintained.

There was no one further to speak and the public hearing closed at 8:50 p.m.

Council Member Applewhite and Mr. Hylton engaged in a brief discussion about whether homebuilders would be willing to assume liability for stormwater facilities.

Council Member Bates asked Mr. Gould whether low impact development standards (LIDS) had been discussed during advisory board meetings. Mr. Gould responded the advisory board was not aware of LIDS and retention ponds were the main topic of discussion.

MOTION: Council Member Meredith moved to take no action to give City Council and staff time to get together and answer the questions that had been brought up.

SECOND: Council Member Crisp

FRIENDLY AMENDMENT:

Council Member Massey moved to include the stakeholder and advisory groups.

Council Members Meredith and Crisp accepted the friendly amendment.

VOTE: UNANIMOUS (10-0)

4. Consider the initial zoning to C1P commercial district for property located on the west side of Glensford Drive between Campground Road and Red Tip Road. Containing 28.77 acres more or less and being the property of Carolyn Armstrong as evidenced by map and legal description furnished by the City of Fayetteville. City Council will consider annexing the property on March 25th. Case Number P08-05F

Kyle Garner, Planner II, showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Garner stated the Zoning Commission recommended initial zoning to C1P as requested by the petitioner.

MOTION: Council Member Hurst moved to approve zoning to C1P.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

5. CLOSED SESSION FOR PERSONNEL MATTERS

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

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (10-0)

The regular session recessed at 9:05 p.m.

MOTION: Council Member Bates moved to reconvene in open session.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

The regular session reconvened at 9:25 p.m.

There being no further business, the meeting adjourned at 9:26 p.m.