

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 8, 2009
5:00 P.M.**

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 at 5:30 p.m.); Darrell J. Haire (District 4); Council Member Bobby Hurst (District 5); William J. L. Crisp (District 6) (via telephone); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Kristoff Bauer, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Jerry Dietzen, Director of Environmental Services

Liz Burdock, Green Works Partners

John Zinner, Green Works Partners

Victor Sharpe, Community Development

Marshall Isler, Consultant

Tom Bergamine, Chief of Police

Jami Sheppard, Downtown Development Manager

Jackie Tuckey, Communications Manager/Public Information Officer

Karen Hilton, Planner II

Rita Perry, City Clerk

Members of the Press

CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Haire provided the invocation followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

2. UPDATE ON THE DRAFT SUSTAINABILITY PLAN FOR THE CITY OF FAYETTEVILLE

Mr. Gerald Dietzen, Director of Environmental Services, introduced Liz Burdock and John Zinner from the consulting firm of Green Works Partners. Mrs. Burdock stated that when the stimulus package was passed in February it included a program under the US Department of Energy (DOE) called the Energy Efficiency and Conservation Block Grant Program which was a large allocation funding program offered to cities and states with a requirement that a plan be developed and submitted to DOE. She stated this presented a great opportunity and funding to create the Sustainability Master Plan in alignment with the Fayetteville Strategic Plan and the DOE Plan. She briefed Council on the triple bottom line of sustainability definition (People, Profit & Planet) and the process in drafting the plan, which included research of programs already implemented in the City and stakeholder interviews at the local, regional, and state levels. She summarized the process by which the collected information was used to make determinations, the format used to draft the plan, goals, definition, timeline and implementation and funding.

Council Member Bates inquired whether the City's energy audit report was incorporated in the funding calculations and the receipt of grant money from the state to implement the audit recommendations. Mr. Iman informed Council the consultant had reviewed the energy audit report and the most expeditious payback results would be incorporated into the plan. He stated

the Sustainability Master Plan was a prerequisite of obtaining the \$1.65 million earmarked for the City of Fayetteville. Mrs. Burdock stated additional funding would be forthcoming from the federal government through the State Energy Program. She stated the \$1.65 million was from the Department of Energy whereas the plan must be presented prior to the money being relinquished.

Mayor Chavonne questioned whether cities could address some of the issues themselves and if defining the carbon footprint of a city without county information was practical. Mr. Zinner responded the local carbon footprint was a starting point for city facilities and operations that the city controls. He stated the purpose was from a monitoring standpoint.

Mrs. Burdock and Mr. Zinner responded to questions regarding air quality, transportation improvement, the protection watershed and the public meetings' times, dates, and locations and funding timeline.

Mr. Iman informed Council of the necessity for this item to come back before Council prior to the October 17, 2009, deadline for submittal of the Sustainability Master Plan.

MOTION: Council Member Bates moved to continue the Draft Sustainability Master Plan process with the inclusion of the appropriate revisions, public input, and to bring the plan back to the City Council by the October 17, 2009, deadline.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

3. SECTION 6-226 (KEEPING HOGS WITHIN CORPORATE LIMITS) - PIA COMPLAINT

Mr. Kristoff Bauer, Assistant City Manager, presented this item and stated the request was for Council to recommend staff proceed with an Administrative Policy to address current and future issues. He provided a brief comparison of ordinances from other municipalities regarding this matter. He stated staff had responded to complaints regarding the existence of a pot-bellied pig within the City limits. He explained upon investigation it was not clear whether there was a violation and no citation was issued. He reviewed staff's analysis regarding service, psychiatric, and emotional support animals. He summarized Council's options as follows: (1) take no action, in which case staff would move forward to enforce the existing ordinance, which means if an animal that meets the definition of a hog is verified within city limits a notice of violation would be issued and the recipient would have 72 hours to remediate the violation or face potential penalties; (2) repeal the current ordinance by amendment or removal; or (3) implement an Administrative Accommodation Policy which would grant the City Manager the authority to implement a policy regarding an accommodation for animals not otherwise included.

Council Member Bates requested Mr. Iman to explain "Administrative Accommodation". Mr. Iman explained the Administrative Accommodation Policy would not issue an open approval for a pot-bellied pig without meeting certain requirements.

A question and answer period ensued regarding the Administrative Accommodation Policy's requirements, the current ordinance, federal guidelines, liability issues and the possibility of requiring the homeowners association's approval.

MOTION: Council Member Bates moved to approve the authorization of City staff to proceed with implementing an Administrative Accommodation Policy.

SECOND: Council Member Evans

FRIENDLY AMENDMENT:

Council Member Evans requested to add the stipulation requiring Neighborhood Association approval or the submittal of a neighborhood approval petition prior to allowing this matter in a neighborhood.

DECLINED: Council Member Bates

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

4. PRESENTATION ON THEMURCHISON REDEVELOPMENT FUNDING STRATEGY

Mr. Victor Sharpe, Community Development Director, stated staff was requesting guidance for funding regarding implementation of the Murchison Road corridor redevelopment. He stated the

\$1 million anticipated from the sale of the property for the State Veteran's Park would have to be substituted in a future report.

Mayor Chavonne clarified the request was to bring the item back to Council to take action. Mr. Sharpe stated the request would be for Council to adopt the recommended funding policies. He stated each plan would require Council approval. Mr. Iman informed Council that under state statute all economic development incentives must have a Council presided public hearing.

Mr. Marshall Isler, Consultant, presented this item and provided an overview of proposed site plans (commercial complex, townhouses, and park); the City's role which consists of land acquisition, demolition, tenant relocation, recombination of parcels, developer recruitment, gap financing (2nd mortgage to developer), subsidized relocation assistance; and financing. He stated \$10 million was the total public participation and the City's portion was \$8.8 million.

Mayor Chavonne questioned whether taxable percentage calculations were performed and who would be the recipient of the proceeds from state acquisition of businesses affected by the removal of the Grove Street Bridge as it relates to the City assisting those same businesses in opting into the proposed complex. Mr. Isler responded in the affirmative regarding the taxable percentage calculations and stated the business owner was reimbursed by the State.

Council Member Applewhite requested clarification regarding the quantity of affordable housing units. Mr. Isler clarified the proposal was for a combined total of 54 affordable housing units, 24 units on Site One and 30 units on Site Three, and stated affordable housing was available to families who make less than 80 percent of the area's medium income.

Mr. Isler proceeded to provide the potential financing sources.

Mayor Chavonne questioned whether CDBG monies would be guaranteed in the future. Mr. Isler stated HUD would allow the pledges with the assumption that the program would be in existence and it was a strong program.

Council Member Bates questioned the impact on existing projects if future CDBG funds were pledged. Mr. Isler stated existing projects would not be affected. Mr. Sharpe explained the annual plan reporting process would track any debt services and described the HUD Section 108 funding process related to economic development in low-income areas.

Council Member Applewhite questioned when Council would receive the City Manager's opinion as it relates to feasibility. Mr. Iman stated this proposal was a textbook example of what community development block grant funds were created. The economy and investors would indicate whether the time was right.

Mr. Isler concluded the funding strategy presentation.

A question and answer period ensued regarding second mortgages and rental subsidization. Mr. Isler explained the second mortgage and rent subsidizing processes.

MOTION: Council Member Haire moved to have Council hear this matter at a regular Council meeting with substantiating reports, funding revisions, and City Manager consensus.

SECOND: Council Member Massey

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Bates and Meredith)

5. UPDATE ON DOWNTOWN DEVELOPMENT ACTIVITIES

Mr. Dale Iman, City Manager, introduced Jami Sheppard, Downtown Development Manager. Ms. Sheppard presented an overview on how the downtown development program incorporates with the strategic plan and the methods utilized to encourage the progress of businesses and economic development in the downtown area.

Council Member Evans requested Mr. Iman to address the problems areas past the Market House such as near the bus station and hotel. Mr. Iman stated a new transfer station was forthcoming and there had been an increase of police presence in the area.

Council Member Meredith requested information regarding the radio show, downtown branding, and brochures mentioned in the presentation. Ms. Sheppard explained the marketing of downtown and the radio show of which downtown was the forum.

Following a brief discussion, consensus was for the downtown development program to continue and maintain records of the economic activity statistics for future comparison.

6. CONSIDER RECOMMENDATION FROM THE PLANNING COMMISSION TO ESTABLISH A TASKFORCE REGARDING EARLY CHILDHOOD DEVELOPMENT AS PART OF THE PROCESS FOR DEVELOPING DAYCARE REGULATIONS

Karen Hilton, Planner II, presented an overview on how the proposed task force evolved. She stated the Partnership for Children prepared an outline of the issues the proposed task force could address which included coordination of the different levels of government standards, zoning, and quality of daycares in the City. She informed Council of the following options: (1) Council establish the task force, (2) Council establish the task force focusing on the zoning aspect, or (3) Reject the request of a City Council-established taskforce and request the Planning Commission to recommend revised zoning regulations for daycares as previously outlined.

Council Member Applewhite requested Mrs. Eva Hansen, Partnership for Children, to explain what the staff's involvement would be on addressing the focus issues. Mrs. Hansen explained the Partnership would coordinate and facilitate a task force and ask Council to request the City Manager to designate a staff member to participate, at a broad scope, for a maximum of 120 days. She stated the staff member would be needed for approximately one hour a week.

MOTION: Council Member Applewhite moved for staff support from the City Planning Department to participate on a task force, established, organized and managed by the Partnership for Children, for a maximum period of 120 days.

SECOND: Council Member Hurst

Questions and a brief discussion ensued.

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Bates and Evans)

7. UPDATE ON COST TO MAINTAIN MANN STREET CEMETERY

Michael Gibson, Parks & Recreation Director, provided a summary of the history of this proposal. He presented a cost analysis of the maintenance for City-owned cemeteries, which consisted of seven parcels, totaling 99 acres. He stated the amount of available cemetery plots were limited and described the various levels of maintenance. He explained the repercussions of maintaining cemeteries that were not owned by the City.

Council Member Evans questioned where the parcels in question were located. Mr. Gibson referred Council to the map on page 86 of the agenda packet, Parcel 3 and Parcel 6.

MOTION: Council Member Meredith moved for the Parks & Recreation Department to maintain only City-owned parcels located in the Mann Street Cemetery.

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

8. CRIME STRATEGY REPORT

Tom Bergamine, Chief of Police, presented an update on the Community Wellness Plan. He detailed the purchases of two automated license plate readers that had been purchased with grants, the GPS tracking units, an alarm system maintained through the telephone system, and the palm reader system.

Council Member Haire requested an explanation of the GPS system. Chief Bergamine stated this would help alleviate the overcrowding of the detention center by utilizing the GPS tracking system as an alternative means of monitoring repeat offenders in conjunction with pretrial release and the district attorney's office. He explained the GPS system as an ankle bracelet which enables 24 hours tracking of an offender through the use of telephone lines.

Chief Bergamine briefed Council on operational efficiency and described the district policing and sector policing concepts. He provided status updates on the following items: new records management system; various departmental training; PERF (Police Executive Research Forum), which was an overall study of the department; case management; warrant specials; joint 911 communication center; recruitment; bike patrol; crime prevention; community watch; GREAT (Gang Resistant Education and Training) Program; community partnerships; community forums;

jail diversion team; B Street Project; Police Foundation; full-service search warrants and domestic violence.

A question and answer period ensued.

9. UPDATE OF RESIDENTIAL RENTAL PROPERTY PROGRAMS

Doug Hewett, Assistant City Manager, reviewed the elements of the rental inspections program and the basis for implementing a residential rental property program. He provided descriptions and cost analysis of the following programs: (1) Rental Registration Program; (2) Rental Inspection Program; and (3) PROP (Probationary Rental Occupancy Permit) program.

A question and answer period ensued regarding the proposed programs.

OPTION 1: City staff to implement a Rental Registration Program

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Applewhite, Bates and Haire)

OPTION 2: City staff to implement a Rental Inspection Program

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

OPTION 3: City staff to implement a PROP Program

VOTE: UNANIMOUS (10-0)

Consensus of Council was for staff to develop the Registration Program and PROP Program.

10. COUNCIL MEMBER REQUEST

A. Soil Street paving policy

Mayor Chavonne requested to direct staff to look at the current soil street paving policy and present recommendations to Council.

Council Member Applewhite questioned why they were looking to change the policy since the City was at the end of the paving initiative. Mayor Chavonne responded there had been interest in changing the policy.

The consensus of Council was to direct staff to review the current policy and provide Council with recommendations.

B. Limitation of Council Member Requests at work sessions

Council Member Applewhite requested to limit the Council Member requests at work sessions to one item per work session for a total of 12 yearly in an effort to balance the workload of staff. Following discussion, consensus was not to limit the number of Council member requests at work sessions.

C. Rezone all flood ways within Fayetteville to Conservation District (CD)

Council Member Mohn requested to make all of the City's existing floodway Conservation District. He stated storm water runoff was a problem. Mr. Iman informed Council development was not permitted in a floodway.

Following discussion, consensus of Council was not to proceed further with this item.

There being no further business, the meeting adjourned at 9:55 p.m.