

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

Present: Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Council Member 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)

Absent: Mayor Anthony G. Chavonne

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Harvey W. Raynor, III, Interim County Attorney
Scottie Harris, County Animal Services Director
Matthew Dow, Police Department
Tom Bergamine, Chief of Police
Rob Anderson, Chief Development Officer
Rusty Thompson, City Traffic Engineer
Jerry Dietzen, Director of Environmental Services
Craig Hampton, Planner II
Jackie Tuckey, Communications Manager/Public Information Officer
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 Mohn moved to approve the agenda with the addendum of Item 8, closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *King v. City of Fayetteville*.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

2. CONSIDER ADOPTION OF AN ORDINANCE PROHIBITING THE TETHERING OF DOGS

Mrs. Karen McDonald, City Attorney, introduced Mr. Scottie Harris, County Animal Services Director. Mr. Harris provided an overview of the County implemented ordinance history and requirements.

Discussion ensued regarding affordability of fencing, potential allowance for runner line systems, enforcement and regarding holding a public hearing.

MOTION: Council Member Haire moved to direct staff to revise the ordinance to allow runner line systems.

SECOND: Council Member Mohn

Mrs. Karen McDonald, City Attorney, suggested if Council was going to hold a public hearing, the public hearing be held and then staff be directed to make changes.

FRIENDLY AMENDMENT:

Council Member Crisp requested to made a friendly amendment to set a public hearing to obtain citizen input on the present proposed ordinance prior to directing to make changes.

ACCEPTED: Council Members Haire and Mohn

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

MOTION: Council Member Crisp moved to excuse Council Member Evans from the remainder of the meeting.

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (8-0)

3. CONSIDER PROPOSED ORDINANCE REVISIONS TO ARTICLE VII, WRECKER & TOW SERVICE

Sergeant Matthew Dow, Police Department, provided a summary of the proposed ordinance revisions. He summarized the software's benefits and capabilities, which consisted of automatic electronic notification to vehicle owners upon towing and electronic tracking of towed vehicles, which would be accessed on the internet. He stated the automation features would eliminate the necessity for manual input of towing affidavits. He presented photographs illustrating the locations of several wrecker service facilities and the lack of a business office thereby demonstrating the necessity of the ordinance revision.

Council Member Bates questioned the connection of the ordinance revision and the City purchasing the software. Sergeant Dow explained the software was of no cost to the City since the fee of \$10.00 would be assessed to the vehicle owner (\$7.00 – software; \$3.00 – towing service for participation) and that with software could locate towed vehicles at anytime.

Council Member Bates inquired whether the wrecker services had to purchase the software and would they be dropped for failing to use the service. Sergeant Dow answered in the negative to the foremost question stating there would be no cost for the software and in the affirmative to the latter. He stated wrecker services would have 12 months to comply with the ordinance.

A question and answer period ensued.

MOTION: Council Member Applewhite moved to set a public hearing.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (8-0)

4. APPLICATION FOR PROPERTY TAX GRANTBACK PROGRAM - 215 WILLIAMS STREET COMMERCIAL PROPERTY RENOVATION

Mr. Rob Anderson, Chief Development Officer, summarized the history of this request and subsequent location amendment. He stated the request met the criteria for the Tax Grantback Program; however, the applicant failed to apply prior to obtaining a building permit, which was a program requirement, because the applicant was not aware the program existed.

Discussion ensued regarding the ramification of making exceptions to the program's requirements.

MOTION: Council Member Applewhite moved to direct staff to report to the applicant the basic requirements of the program must be followed and no further action would be taken by the City on this project.

SECOND: Council Member Bates

VOTE: DID NOT PASS by a vote of 4 in favor (Council Members Applewhite, Bates, Massey and Meredith) to 4 in opposition (Council Members Crisp, Evans, Hurst and Mohn)

5. CORN TRAIN UPDATE

Mr. Rusty Thompson, City Traffic Engineer, provided an overview regarding the future train to transport corn, which would travel through Fayetteville to the ethanol plant being built in Hoke County and the efforts to minimize the impact on the City.

A Question and answer period ensued.

6. UPDATE ON STATE REGULATIONS REGARDING DISPOSAL BANS IN LANDFILLS

Mr. Jerry Dietzen, Environmental Services Director, provided an outline of the State regulations regarding solid waste disposal bans in landfills. He briefed Council on disposal bans effective as of October 1, 2009; pending bans that would be effective January 1, 2011; and procedures implemented to ensure the City would be in compliance.

A Question and answer period ensued.

7. NC VETERAN'S PARK BID UPDATE

Mr. Craig Hampton, Special Projects Director, provided a chronological summary on the progress of the project, which included proposed designs, programs, activities, public reviews and the bidding process.

A Brief discussion ensued.

8. COUNCIL MEMBER REQUESTS

A. DOWNTOWN PARKING FOR BUSINESS OWNERS AND THEIR EMPLOYEES

Council Member Evans requested to direct staff to research downtown parking solutions to address issues related to the cost to business owners for either paying for employee parking or paying for their parking tickets.

Discussion ensued.

Council Member Evans requested a formal Council vote.

MOTION: Council Member Evans moved to direct staff to research downtown parking solutions for business owners and their employees and to provide Council with recommendations.

VOTE: PASSED by a vote of 5 in favor (Council Members Crisp, Evans, Hurst, Massey and Mohn) to 3 in opposition (Council Members Applewhite, Bates and Meredith)

B. CONSIDER REVISING THE CITY'S (2001) RESIDENTIAL TRAFFIC MANAGEMENT PROGRAM

Council Member Mohn requested to direct staff to revise the City's (2001) Residential Traffic Management Program for the following reasons:

§ Eliminate the 75% and 100% petition signature requirement for multi-way stop sign requests on residential collector streets...IF...the request if from an active Community Watch Group (CWG)...AND...if the City's Traffic Study finds the intersection qualifies for a multi-way stop. Should Council not want to make this revision, then I request a reduction of the petition signature requirement from 75% to 51% and eliminate the 100% requirement from the household(s) immediately adjacent to the proposed improvement.

§ One household (person) should not be able to stop the neighborhood traffic safety improvement if the CWG or majority of residents (51%) wants it AND the traffic study says the area qualifies for a multi-way stop.

Following discussion, consensus of Council was to direct staff to revise the ordinance to address the concerns and comments expressed by Council.

9. Closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *King v. City of Fayetteville*.

MOTION: Mayor Pro Tem Meredith moved to go into closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *King v. City of Fayetteville*.

SECOND: Council Member Bates

VOTE: UNANIMOUS (8-0)

The regular session recessed at 8:40 p.m. The regular session reconvened at 8:54 p.m.

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

SECOND: Council Member Mohn

VOTE: UNANIMOUS (8-0)

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