

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 10, 2012
7:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1) (via telephone); Kady-Ann Davy (District 2) (via telephone); 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); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Brad Whited, Airport Director
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Jerry Dietzen, Environmental Services Director
Karen Hilton, Planning and Zoning Manager
Eloise Sahlstrom, Urban Design/Senior Planner
Patricia Bradley, Police Attorney
Kecia Parker, Real Estate Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 740.

ANNOUNCEMENTS AND RECOGNITION

Mayor Chavonne announced Ms. Darlene Goodheart and Mr. Larry Vinson, both Fayetteville Public Works Commission employees, were named Hometown Heroes at the ElectriCities 2012 Annual Conference awards banquet held in August. He stated the Hometown Hero award was to recognize municipal employees who made outstanding efforts to save a life or lives, which were presented annually during the awards banquet. He stated Ms. Goodheart and Mr. Vinson's split-second decision to act saved the life of a Fayetteville citizen during a traffic accident where an elderly man was unconscious and trapped inside his vehicle which caught on fire while he was still in the vehicle. Council Member Fowler presented Ms. Goodheart and Mr. Vinson with a City coin. A standing round of applause followed the presentation. Council Member Haire announced the Cambridge Community Yard Sale would be held on September 22, 2012, beginning at 7:00 a.m. and ending at 12:00 noon and all were invited to the event.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Mr. Green, 5938 Cliffdale Road, Fayetteville, NC 28314, stated he was a Sonic franchise partner and expressed concerns that a median being installed on Cliffdale Road would cause loss of business and revenue.

Mr. Campbell, 5938 Cliffdale Road, Fayetteville, NC 28314, stated he was the Sonic area manager and expressed concerns that a median being installed on Cliffdale Road would cause a severe decline in business.

Mr. Roosevelt Odom, Fayetteville, NC, through an interpreter, announced there would be a movie about a deaf baseball player airing in the fall. He gave thanks and appreciation for the closed captioning of Council meetings.

Ms. Regina McLean, 731 Greenland Drive, Fayetteville, NC 28305, shared various complaints regarding PWC and the County Sherriff's Department.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28301, stated she had observed patterns of behavior regarding speaking down to citizens and in turn those citizens becoming submissive.

Mr. Al Alber, 796 Masterson Drive, Thousand Oaks, California 91360, stated he was a prior resident of Fayetteville on a return visit and was very proud to say he was from Fayetteville and equally proud of all that Fayetteville had accomplished.

6.0 CONSENT

MOTION: Council Member Bates moved to approve the consent agenda with the exception of Item 6.2.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

6.1 Award contract for the purchase of 24 Dodge Charger police cars to Ilderton Dodge Chrysler Jeep, High Point, NC, in the amount of \$698,212.00.

6.2 Pulled for discussion by Council Member Bates.

6.3 Capital Project Ordinance Amendment 2013-19 (Airport Runway and Taxiway Improvements).

The amendment appropriated an additional \$25,000.00 for the project.

6.4 Proposed participation in EPA's Ozone Advance Program.

EPA OZONE ADVANCE PROGRAM RESOLUTION. RESOLUTION NO. R2012-034.

6.5 Bid recommendation to award contract for the 69kV Transmission Line I-295 Re-Route Installation Project to Lee Electrical Construction, Aberdeen, NC, lowest responsive, responsible bidder, in the total amount of \$890,142.25.

Bids were received as follows:

Lee Electrical Construction (Aberdeen, NC)..... \$890,142.25

T&D Solutions (Kinston, NC)..... \$1,490,937.50

W.W. Wright (Chester, VA)..... \$1,703,369.00

6.2 Budget Ordinance Amendment 2013-4 (Downtown Development Plan).

Council Member Bates pulled this item for discussion.

Mr. Victor Sharpe, Community Development Director, presented this item and stated budget ordinance amendment would appropriate \$63,600.00 to the Community Development Department budget for expenditures associated with the Downtown Development Plan. He stated the source of funds for the amendment was an appropriation of \$63,600.00 from the General Fund fund balance. He stated after a careful selection process involving representatives from the Downtown Alliance and the Arts Council, the consulting firm Studio Cascade had been chosen to update the 2002 Downtown Fayetteville Renaissance Plan and provide strategic visioning services. He stated the expected outcome of the work would be a detailed ten-year plan that would create a vision for downtown Fayetteville and develop concrete deliverables for the City of Fayetteville and partner agencies. He stated the consultant would work with City staff to (1) engage stakeholders in the creation of an inspiring vision for the future of downtown Fayetteville creating a framework for the role the City of Fayetteville and partnering agencies would play in realizing that vision, (2) create shared goals for the City of Fayetteville that would enable all stakeholders to align programs and services to meet those goals, (3)

provide strategic and tactical planning resulting in a specific set of short- and long-term strategies and action items over a ten-year period, and (4) assure the plan would be addressing downtown Fayetteville issues and providing real value to the stakeholders by creating measurable results for the organization.

A question and answer period ensued.

MOTION: Council Member Bates moved to disapprove Budget Ordinance Amendment 2013-4.

SECOND: Council Member Applewhite

VOTE: FAILED by a vote of 4 in favor and 6 in opposition (Council Members Chavonne, Arp, Davy, Fowler, Hurst, and Massey)

MOTION: Mayor Pro Tem Arp moved to approve Budget Ordinance Amendment 2013-4.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 6 in favor and 4 in opposition (Council Members Bates, Applewhite, Crisp, and Haire)

7.0 PUBLIC HEARINGS

7.1 Public hearing for assessment rolls on soil streets that have been paved.

Mr. Rusty Thompson, Engineering and Infrastructure Director, presented this item. He stated on July 27, 2009, Council ordered the paving of Salisbury Street (from Wilma Street 280 feet to a dead end) with an assessment rate of \$25.00 per foot of property frontage for paving. He also stated the total paving cost was \$28,858.92 with \$14,020.00 being assessed to the owners and \$14,838.92 being paid by the City. He further stated on July 25, 2011, Council ordered the paving of Grace Avenue (from Old Wilmington Road 351 feet to a dead end) with an assessment rate of \$25.00 per foot of property frontage for paving. He stated the total paving cost was \$34,501.93 with \$16,742.25 being assessed to the owners and \$17,759.68 being paid by the City. Additionally, he stated on August 8, 2011, Council ordered the paving of Wilma Street (from Roosevelt Street 1128 feet to a dead end) with an assessment rate of \$25.00 per foot of property frontage for paving. He stated the total paving cost was \$116,653.62 with \$40,302.75 being assessed to the owners and \$76,350.87 being paid by the City. Finally, he stated on August 13, 2012, Council set September 10, 2012, as the date for the required public hearing.

A brief discussion period ensued.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS [SALISBURY STREET (FROM WILMA STREET 280 FEET TO A DEAD END)].

RESOLUTION NO. R2012-035.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS [GRACE AVENUE (FROM OLD WILMINGTON ROAD 351 FEET TO A DEAD END)]. RESOLUTION NO. R2012-036.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS [WILMA STREET (FROM ROOSEVELT STREET 1,128 FEET TO A DEAD END)]. RESOLUTION NO. R2012-037.

MOTION: Council Member Bates moved to adopt the resolutions confirming assessment rolls for the associated streets.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.2 Amendment to City Code 30-5, Development Standards, and related sections to provide canopy (“tree save”) area, specimen tree preservation, and related landscaping standards, and provide incentives or credits as appropriate.

Mr. Scott Shuford, Development Services Director, then proceeded to review a power point that encompassed Items 7.2, 7.3, and 7.4 regarding amendments to Chapter 30 of the City Code. He stated the three major code amendments were tree preservation, open space/parkland, and building orientation. He stated the development community had expressed concerns regarding

feasibility, flexibility, and fairness of some of the regulations. He stated staff reviewed the concerns with the Joint Appearance Committee, Tree Board, City departments, and the Development Code Stakeholder Committee, as well as the Planning Commission.

Mr. Shuford also stated the current tree code focused on individual trees and the proposed code would provide for retention of meaningful tree save areas. He stated a tree save area would be 10 percent of the site and the area would be identified via aerial photography. He stated there would be incentives to save other large trees and a payment-in-lieu option.

Mr. Shuford further stated the Open Space/Parkland proposed code would provide for a consolidation of open space and parkland standards. He stated there would be no more double jeopardy, greater flexibility in application, preference for one contiguous tract, dedication of land, ownership flexible, and a payment-in-lieu option.

Additionally, Mr. Shuford stated the Building Orientation proposed code would provide a reduced setback combined with landscaping incentives. He stated there would be incentives for placing buildings closer to the street and providing buffers and parking lots without reducing building visibility. He stated more parking would equal more buffers and would allow more flexibility with better results.

Finally, Mr. Shuford stated the Planning Commission and staff recommended approval of the amendment to City Code 30-5, Development Standards, to provide for canopy ("tree save") areas for tree protection and other related changes to landscaping standards as presented by staff.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF ARTICLE 30-2.C, ARTICLE 30-3.H, ARTICLE 30-5, SECTIONS A, B, E, F, H, I, AND J, AND ARTICLE 30-9, SECTIONS C AND D, TO PROVIDE CANOPY ("TREE SAVE") AREA AND SPECIMEN TREE PROTECTION AND PROVIDE INCENTIVES OR CREDITS AS APPROPRIATE. ORDINANCE NO. S2012-016.

MOTION: Council Member Crisp moved to move to approve the amendment to City Code 30-5, Development Standards, to provide for canopy ("tree save") area for tree protection and other related changes to landscaping standards as presented by staff.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

7.3 Amendment to City Code 30-5, Development Standards, and 30-6, Subdivision, to combine open space and parkland requirements, provide options for in-lieu fees, and include incentives or credits as appropriate (and including related changes in 30-3, 30-7, and 30-9).

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF CITY CODE ARTICLES 30-5 AND 30-6 TO COMBINE OPEN SPACE AND PARKLAND REQUIREMENTS, PROVIDE OPTIONS FOR IN-LIEU FEES, AND INCLUDE INCENTIVES OR CREDITS AS APPROPRIATE (AND INCLUDING RELATED CHANGES IN ARTICLES 30-3, 30-7 AND 30-9). ORDINANCE NO. S2012-017.

MOTION: Council Member Crisp moved to approve the amendments to City Code 30-5, Development Standards, and 30-6, Subdivision, including related changes in 30-3, 30-7, 30-9, to modify open space and parkland requirements as presented by staff.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.4 Amendment to City Code 30-5, Development Standards, and related sections to modify building orientation and parking lot location.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF ARTICLE 30-3, SECTIONS D AND E, ARTICLE 30-4, SECTION C, AND ARTICLE 30-5, SECTIONS A AND H, TO MODIFY BUILDING ORIENTATION AND PARKING LOT LOCATION. ORDINANCE NO. S2012-018.

MOTION: Council Member Crisp moved to approve the proposed amendment to City code 30-5, Development Standards, and related sections, to modify building orientation and parking lot requirements as presented by staff.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.5 Amendment to City Code 30-5, Development Standards, to consider a permanent easement as access to certain land-locked parcels.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF ARTICLE 6, SUBDIVISION, OF THE CITY CODE, CHAPTER 30, TO PROVIDE FOR ACCESS UNDER SPECIFIC CONDITIONS TO PARCELS THAT DO NOT ABUT A PUBLIC OR PRIVATE STREET. ORDINANCE NO. S2012-019.

MOTION: Council Member Bates moved to approve the amendment to City Code 30-5, Development Standards, to consider a permanent easement as access to certain land locked parcels.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.6 Amendments to City Code 30-4 and 30-9 to modify use or category definitions, descriptions, and use listings, including Personal Services in the OI district.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF ARTICLES 30-4 AND 30-9 TO MODIFY USE OR CATEGORY DEFINITIONS, DESCRIPTIONS, AND USE LISTINGS, INCLUDING PERSONAL SERVICES IN THE OI OFFICE AND INSTITUTIONAL DISTRICT. ORDINANCE NO. S2012-020.

MOTION: Council Member Bates moved to approve the amendments to City Code 30-4 to modify use or category definitions, descriptions and use listings, including Personal Services in the OI districts.

SECOND: Council Member Davy

VOTE: UNANIMOUS (10-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.