

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 9, 2013
7:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Member Keith Bates, Sr. (District 1); 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:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Scott Shuford, Development Services Director
Rusty Thompson, Engineering and Infrastructure Director
Jerry Dietzen, Environmental Services Director
Karen Hilton, Manager, Planning and Zoning Division
Steven K. Blanchard, PWC CEO/General 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 Reverend Jose Amador. Pastor of Monte DeLos Olivos Ministry Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor and Council.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Fowler moved to approve the agenda with the exception of Item 8.1 to be placed on the September 23, 2013, City Council meeting agenda.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Colonel Marilyn Brooks – 401 Forest Lake Road, Fayetteville, NC 28305, stated she is a member of the Board of Volunteers for the Cumberland County Rape Crisis Center. This is a non-profit organization and there needs to be greater awareness of the facility and the programs available. Colonel Brooks gave a brief overview of the programs offered.

Mr. Joyner, 1116 Pleasant Oak Drive, Fayetteville, NC 28314, stated he is a member and trustee of Hope Christian Church located on Hazelwood Avenue. Mr. Joyner stated the church building has problems with the septic tanks and requested assistance from the City Council to provide for sewer service hook-up earlier than the planned schedule of 2023.

Ms. Marsha Smith Jones, 3095 Enterprise Avenue, Fayetteville, NC 28306, requested the bus route along Enterprise Road (off Owen Drive) be reinstated. This service was eliminated a few years ago, the walk to the Owen Drive bus stop is a long and rough terrain. Ms. Smith Jones submitted a petition for the City Council to review.

Mr. Tommy Kinlaw, 1802 Sapona Road, Fayetteville, NC 28312, stated he is the business owner of Kinlaw Supermarket and said he believes there are too many rules and regulations from the City. This week he received a citation for a dumpster that was not concealed.

Ms. Donna Wright, 3023 Enterprise Avenue, Fayetteville, NC 28306, requested the bus route that served the residents on Enterprise Avenue be reinstated.

6.0 CONSENT

MOTION: Council Member Fowler moved to approve the consent agenda with the exception of Item 6.4 pulled for a separate vote.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

6.1 Airport - Approve 2013 FAA Grant #41 - Runway 4/22 Paved Shoulders, Capital Project Ordinance #2014-12, and Barnhill Construction

The FAA has programmed federal airport improvement funds to support installation of paved shoulders for Fayetteville Regional Airport as part of its approved five-year capital improvement program. This project will add 20 feet of pavement edge to the airport's primary runway. The FAA is requiring the City to sign the grant before September 17, 2013. The City is awaiting a copy of the grant offer. Approval authorizes the City Manager to sign the grant (\$3,791,677.00) and Barnhill Contract (\$3,869,381.00), contingent upon receipt of the FAA Grant.

6.2 NCDOT requests City support to proceed with a safety project funding application. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT AN NCDOT REQUEST FOR SAFETY FUNDING FOR BRAGG BOULEVARD. RESOLUTION NO. R2013-046

6.3 Budget Ordinance Amendment 2014-1 (Away from Home Recycling Education Grant)

Budget Ordinance Amendment 2014-1 will appropriate a \$5,918 grant for a recycling project.

6.4 Pulled for a separate vote by Council Member Fowler.

6.5 Approve Meeting Minutes:

- August 12, 2013, Regular Meeting
- August 26, 2013, Discussion of Agenda Items
- August 28, 2013, Special Meeting

6.6 Parks and Recreation - NCDOT Agreement for Big Cross Creek Multi- Use Trail and Special Revenue Fund Project Ordinance 2014-7

6.7 NCDOT Right-of-Way Claim; Reference TIP R-2303A (Hwy NC-24 Widening)

6.8 NCDOT Right-of-Way Claim; Reference W-5206I (Cumberland Road/Camden Road/Southern Avenue)

6.9 PWC - Bid Recommendation to Award Contract for Annexation Phase V –Project VI, Area 14 – Arran Hills/Winter Park to ES&J Enterprises, Inc., Autryville, NC, lowest responsive bidder in the amount of \$2,498,599.70

Bids were received July 10, 2013, as follows:

ES&J Enterprises, Inc., Autryville, NC	\$2,498,599.70
Billy Bill Grading, Fayetteville, NC	\$2,894,504.50
State Utility Contractors, Inc., Monroe, NC.....	\$2,945,112.90
Sandhills Contractors, Inc., Sanford, NC	\$3,297,359.29
T.A. Loving Co., Goldsboro, NC	\$3,644,331.95
DeVere Construction Co., Raleigh, NC	\$3,645,472.96

6.10 Resolution to recognize the service of Mr. Ellis Hankins, NCLM Executive Director. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE HONORING S. ELLIS HANKINS. RESOLUTION NO. R2013-047

6.11 Special Revenue Fund Project Ordinance 2014-6 (Community Gardens Project)

Special Revenue Fund Project Ordinance 2014-6 will appropriate \$13,500 for the construction of a potting shed (\$10,500) and a pergola (\$3,000).

6.12 Tax Refunds Greater Than \$100

<u>Name</u>	<u>YearBasis</u>	<u>City Refund</u>
K & W Cafeterias, Inc.	2007-11 Corrected Assessment	<u>\$1104.01</u>
Total		\$1104.01

6.4 Contract Award for Connect Program (Advanced Metering Infrastructure Program)

This item was pulled for a separate vote by Council Member Fowler.

MOTION: Council Member Fowler moved to authorize development of a service contract with Sensus USA, Inc. for the Advanced Metering Infrastructure Program in an amount

not to exceed \$46.7 million.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

7.1 Amend City Code Chapter 30 to add commercial and mixed use districts to those eligible to use sustainable development incentives.

Ms. Karen Hilton, AICP, Manager, Planning and Zoning, presented this item and stated the incentives for sustainable development are available only for the Multifamily and Downtown districts. Incentives for two stories over the allowed maximum height were only available within 500 feet of the intersection of two arterial streets. The menu of sustainability features range from green roofs to alternative energy, building orientation, LEED levels, recycled water, larger buffers along streams, and several other features. The amendment would make the sustainable development incentives available to development in the designated commercial and mixed use districts, and allow consideration of the additional two stories in the corridor redevelopment sites. With regard to the current limits in locations where the additional two stories could occur, the intent was to avoid something very out of scale in established stable areas or in areas without the street infrastructure to support more intense development. With the last amendment to tree save/open space/parkland standards, they introduced the term "redevelopment corridor sites," which might include areas intended to become stronger activity centers but that do not fully meet the standard of within 500 feet of two arterials. Staff recommends allowing consideration of the bonuses in these areas since designated redevelopment corridor sites would be accompanied by an approved area plan providing guidance as to the appropriateness of the scale and intensity of use. The Planning Commission held a public hearing on this amendment on August 20, 2013. There were no speakers. The Commission recommended approval.

Council Member Haire asked if the stakeholders had been involved in the amendment process for the three public hearing items this evening. Ms. Hilton responded the stakeholders had reviewed all items and did not have any issues with them.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ADD COMMERCIAL AND MIXED USE DISTRICTS TO THOSE ELIGIBLE TO USE SUSTAINABLE DEVELOPMENT INCENTIVES. ORDINANCE NO. S2013-016

MOTION: Council Member Haire moved to approve the amendment, as recommended by staff, to make the sustainable development incentives available to development in the designated commercial and mixed use districts and to allow consideration of the additional two stories in the corridor redevelopment sites.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

7.2 Amendment to the City Code to allow certain public or cultural projects to propose an alternative signage plan for sites smaller than ten acres

Ms. Karen Hilton, AICP, Manager, Planning and Zoning, presented this item and stated the alternative signage plan allows a large-scale development of over ten acres to propose an innovative, creative sign plan for all elements of the development. The signs do not necessarily have to meet current sign standards. The change would extend the applicability to include large singular public facilities, including cultural facilities, regardless of site size. While many projects such as the VA center or a regional recreational complex would be over ten acres, some will be on smaller parcels. Examples could include the Amtrak station, a public art museum or aquarium, or even a convention center in a constrained downtown site. Such one-of-a-kind citywide or regional facilities may both need and benefit from consideration of special signage plans. The Planning Commission held a public hearing August 20, 2013. There were no speakers. The Commission unanimously recommended approval. The UDO provides seven

standards of review for proposed text amendments. Each standard and related evaluation is listed in the report. Creative, effective sign plans for large developments or public and cultural facilities with citywide or regional service areas are consistent with both the City's goals of a strong local economy and a more attractive community and with the goals of the development code.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30-5.L.10 ALTERNATIVE SIGNAGE PLAN TO INCLUDE CERTAIN CULTURAL OR PUBLIC FACILITIES WITHOUT REGARD TO SITE SIZE. ORDINANCE NO. S2013-017

MOTION: Council Member Bates moved to approve the amendment to allow alternative signage plans for certain public and cultural facilities without regard to site area.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

7.3 Amendment to City Code Chapter 30 to correct and clarify transition standards affecting balconies and open / active areas adjacent to single family development

Ms. Karen S. Hilton, AICP, Manager, Planning and Zoning presented this item and stated the transition standards have some requirements that conflict with other sections of the development standards in Article 5, particularly those for multifamily development. Also, there is no specific guidance or standards as to what is an acceptable separation or buffer adjacent to single family development. Proposed amendment: The amendment has three parts. The first deletes specific standards in a section of the multifamily regulations and refers to the transitional standards for specifics, thus eliminating a point of conflict. The second establishes practical, specific standards regarding buffers and separation distances; the major distinction is between small, quieter, more private space and those areas intended for larger gatherings, and, in that context, what separation and what kind of buffer is required. The third part clarifies that it is the smaller, more passive open space or outdoor amenity that is encouraged to be located in the rear yard. The Planning Commission held a public hearing August 20, 2013. There were no speakers. The Commission unanimously recommended approval. Although additional adjustments may be made to the transition standards in the upcoming months, these changes address the most obvious and frequently encountered conflicts or confusions. Clarity and reasonable flexibility enable development to be done more efficiently while still responding effectively to community goals. Compatibility among uses is maintained while removing conflicts or setting clearer measures relative to outdoor activity and to upper floor balconies adjacent to single family development. The UDO provides seven standards of review for proposed text amendments. Each standard and related evaluation is listed in the Planning Commission report. This is the advertised public hearing set for this time and date. The public hearing was opened. There being no one to speak, the public hearing was closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE FOR MISCELLANEOUS CORRECTIONS AND MINOR ADJUSTMENTS TRANSITION STANDARDS. ORDINANCE NO.S2013-018

MOTION: Council Member Bates moved to approve the amendment as presented, to modify transition standards for location, screening and separation of upper balcony areas and ground floor open space and activity areas adjacent to single family development.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Resolution Strengthening City Council Oversight Regarding the Public Works Commission

This item was pulled from the agenda and direction given to staff was to place this item on the September 23, 2013, City Council meeting agenda.

9.0 ADMINISTRATIVE REPORTS

9.1 Tax Refunds of Less Than \$100

Name Rogitz, Patricia Huggins C/O Cherl H. Perry

Year 2008, 2011-2012

Basis Clerical Error

City Refund \$63.02

Name Rogitz, Patricia Huggins Titan Plumbing C/O Todd Rogitz

Year 2009-2010

Basis Clerical Error

City Refund \$60.66

TOTAL \$123.68

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:28 p.m.