

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
FEBRUARY 10, 2014
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); Mitchell Colvin (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr.(District 5); William J. L. Crisp (District 6); Lawrence O. Wright, Sr.,(District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Rusty Thompson, Engineering and Infrastructure Director
Ron McElrath, Human Relations Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Dr. John Godbolt, Christ Gospel Cathedral of Fayetteville.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Jensen moved to approve the agenda; with the addition of Recognition Section.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

5.0 RECOGNITION

5.1 Proclamation – American Red Cross Month

Mayor Pro Tem Davy read the “American Red Cross Month” proclamation; Council Member Arp presented the proclamation to Mr. Haire, Director of the American Red Cross Fayetteville.

5.2 Certificate of Excellence

Council Member Hurst presented Certificates of Excellence and the City coin to the following:

Miss Johna Edmonds – Miss North Carolina 2013

Miss Jocelyn Naylor – Miss Fayetteville 2014

Miss Theresa Dickerson – Miss Fayetteville Outstanding Teen 2014

6.0 PUBLIC FORUM

Mr. Reginald Prince Williams, 1938 Pumpkin Road, Fayetteville, NC 28304, stated he would like to open a theme park in Fayetteville.

Mr. Bill Bowman, Up and Coming Weekly Publisher, P.O. BOX 53461, Fayetteville, NC 28305, promoted the new 2014 Pocket Guide and provided copies of the guide to the Council.

Mr. Tom King, 1790 Knotty Oak Court, Fayetteville, NC, stated concerns regarding Knotty Oak Court labeled a private road and further concerns pertaining to the installation of sewer.

Mr. Charles Hodges, 1794 Knotty Oak Court stated concerns regarding Knotty Oak Court labeled a private road and further concerns pertaining to the installation of sewer.

Mr. Dale Skellicorn, 1799 Knotty Oak Court stated concerns regarding Knotty Oak Court labeled a private road and further concerns pertaining to the installation of sewer.

Mr. José Cardona, 233 Addison Street, NC. 28304; provided his feedback of the February 3, 2014 Work Session.

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Fair Housing Board Annual Report 2013

Ms. Patricia Tyson, Fair Housing Board Chair, provided the Fair Housing Annual Report 2013.

7.02 Human Relations Annual Report 2013

Ms. Cathy Waddell, Human Relations Chair, provided the Human Relations Annual Report for 2013.

8.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

7.01 Tax Refunds Greater than \$100

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
G.L. Strickland Constr.	2008-12	Corrected Assessment	\$ 692.90
Nextel South Corp	2006, 2010, 2011	Corrected Assessment	775.58
Ritter, Katherine	2011 & 2012	Corrected Assessment	260.98
Total			<u>\$1,729.46</u>

7.02 Meeting Minutes:

January 6, 2014 – Work Session

January 13, 2014 – Discussion of Agenda Items

January 13, 2014 – Regular Meeting

7.03 Rescinding of City Council Policy 165.4 – Siting of Telecommunications Towers

8.0 PUBLIC HEARINGS

8.01 Amendment to City Code Chapter 30 to exempt development from the sidewalk requirement when that frontage is DOT controlled access.

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation. Mr. Shuford stated the Unified Development Ordinance became effective August 1, 2011. Regulations applicable to sidewalks are primarily in two locations: Article 30-5 Development Standards, and Article 30-6 Subdivisions. In Article 5 the sidewalk standards include a list of situations where sidewalks are not required (or are required on only one side). Such situations include scheduled major transportation widening projects, agricultural areas, low density residential, and short cul-de-sacs. Article 6 includes a section describing situations for which payment in lieu or an adjusted location is appropriate; such alternatives could be handled administratively because evaluation of the underlying conditions is primarily technical in nature. Steep topography, a wetland area or a floodway are examples where payment in lieu or a comparable pedestrian feature on another part of the site would be acceptable. There were no speakers for or against the amendment at the public hearing held by the Planning Commission on January 21. The Planning Commission unanimously recommended approval. Mr. Shuford further stated there are very few sections of roadway within the city that are DOT fully controlled access. In Fayetteville, examples include I-295, the elevated portions of All-American and the MLK Freeway, and a portion of 301 above the Botanical Gardens. Where such sections exist, DOT prohibits a sidewalk for safety purposes. Even when it is not an elevated roadway like All-American or MLK, controlled access roadway sections typically involve a fenced ROW, so generally there is still little or no pedestrian activity along this frontage. The proposed change would exempt a development from the sidewalk requirement along such a frontage.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. José Cardona, 233 Addison Street, Fayetteville, NC 28304; appeared in opposition and stated the City is in need of sidewalks.

There being no one further to speak, the public hearing was closed.

Council Member Mohn stated he noticed these are limited access roads where some of our highways post signs that prohibit pedestrians, and/or mopeds, etc. Council Member Mohn asked if the ordinance change would have any impact on roads such as Cliffdale Road, or is it just these four limited access roads where NCDOT will not allow development in the right-of-way. Mr. Shuford responded that was exactly right. The ordinance will only apply in these types of circumstances.

Council Member Wright said Mr. Cardona had mentioned I-295 in his discussion regarding it eventually being developed with stores and things of that nature on I-295. Council Member Wright asked if it would be realistic to have sidewalks on a throughway. Mr. Shuford responded there will not be any development that will have immediate access to I-295.

AN ORDINANCE TO THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND THE CITY CODE CHAPTER 30, SECTIONS 30-5.F.9 AND 30-6.A.3, TO EXEMPT DEVELOPMENT FROM THE SIDEWALK REQUIREMENTS FOR FRONTAGE ON NC DOT CONTROLLED-ACCESS ROADWAYS AND TO BETTER ORGANIZE THESE SECTIONS. ORDINANCE NO. 2014-007

MOTION: Council Member Hurst moved to approve the amendments to Articles 30-5 and 30-6, as presented by staff to exempt development from sidewalk requirements when that frontage is DOT controlled access.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 Revenue and Expenditure Report for Annual Funds for the Six-Month Period Ended December 31, 2014

Ms. Lisa Smith, Chief Financial Officer, presented this item with the aid of a PowerPoint presentation. Ms. Smith stated the report provided to Council consists of two main sections: revenues by major category by fund and expenditures by department and fund. The report provides revenue and expenditure data for the current fiscal year (column "Actuals thru December 2013") with comparison data for the same period of the prior fiscal year (column "Actuals thru December 2012"). The current year annual budget is also provided in the column labeled "Annual Budget as of December 2013." Positive or negative changes between the "Actuals thru December 2013" column and the "Actuals thru December 2012" column are also provided as percentages in the "% Change Actuals" column. Sales tax distributions are received approximately 75 days after the month in which they apply. The attached report includes sales tax revenues through October 2013 for the current fiscal year, and through October 2012 for comparative purposes for the prior fiscal year. The quarterly utility taxes are received from the State approximately 75 days after the quarter to which they apply; therefore, utility tax revenue for the three-month period ended September 30, 2013 are included for the current fiscal year, and for comparative purposes the three-month period ended September 30, 2012 for the prior fiscal year.

This item was for information only, no action was taken.

10.0 ADMINISTRATIVE REPORTS

10.1 Tax Refunds Less than \$100

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Pappas & Haley #8	2011-12	Corrected Assessment	\$ 54.15
Pappas & Haley #6	2011-12	Corrected Assessment	68.37
Pappas & Haley #5	2011-12	Corrected Assessment	14.16
Pappas & Haley #1	2011-12	Corrected Assessment	21.28
ARC Building Con.	2008,210-12	Corrected Assessment	39.71
Cumberland Trad.	2012	Corrected Assessment	39.61
TOTAL			<u>\$237.28</u>

10.2 Monthly Statement of Taxes – December 2013

2013 Taxes.....	\$13,581,147.98
2013 Vehicle.....	451,463.65
2013 Taxes Revit.....	42,021.84
2013 Vehicle Revit.....	553.71
2013 FVT.....	46,740.76
2013 FTT.....	46,740.76
2013 Storm Water.....	560,454.21
2013 Fay Storm Water.....	1,120,908.48
2013 Fay Solid Waste Fee.....	302,454.74
2013 Annex.....	0.00
2012 Taxes.....	13,133.37
2012 Vehicle.....	52,587.28
2012 Taxes Revit.....	0.00
2012 Vehicle Revit.....	0.00
2012 FVT.....	6,629.03
2012 FTT.....	6,629.02
2012 Storm Water.....	327.25
2012 Fay Storm Water.....	654.50
2012 Fay Recycle Fee.....	1,036.30
2012 Annex.....	0.00
2011 Taxes.....	4,369.48
2011 Vehicle.....	1,910.76
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	395.00
2011 FTT.....	394.99
2011 Storm Water.....	39.68
2011 Fay Storm Water.....	79.38
2011 Fay Recycle Fee.....	125.67
2011 Annex.....	0.00
2010 Taxes.....	481.03
2010 Vehicle.....	344.64
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	0.81
2010 FVT.....	80.00
2010 FTT.....	80.00
2010 Storm Water.....	12.00
2010 Fay Storm Water.....	24.00
2010 Fay Recycle.....	38.00
2010 Annex.....	0.00
2009 and Prior Taxes.....	360.71
2009 and Prior Vehicle.....	1,707.71
2009 and Prior Taxes Revit.....	0.00
2009 and Prior Vehicle Revit.....	0.00
2009 and Prior FVT.....	359.01
2009 and Prior FTT.....	135.00
2009 and Prior Storm Water.....	9.46
2009 and Prior Fay Storm Water.....	18.93
2009 and Prior Fay Recycle Fee.....	33.12
2009 and Prior Annex.....	13.56
Interest.....	15,977.87
Revit Interest.....	4.62
Storm Water Interest.....	43.90

Fay Storm Water Interest.....	87.71
Annex Interest.....	0.95
Fay Recycle Interest.....	139.05
Fay Transit Interest.....	1,477.20
Total Tax and Interest.....	\$16,262,227.12

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:26 p.m.