

FAYETTEVILLE CITY COUNCIL

WORK SESSION MINUTES

LAFAYETTE ROOM, CITY HALL

August 6, 2007

5:00 P.M.

Present: Mayor Anthony G. Chavonne
Council Members Keith A. Bates, Sr. (District 1); Council Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3) (arrived at 5:10 p.m.); Darrell J. Haire (District 4)(arrived at 5:15 p.m.)(departed at 8:30 p.m.); Lois A. Kirby (District 5); Paul Williams (District 6)(departed 8:25 p.m.); Curtis Worthy (District 7); Juanita Gonzalez (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Stanley Victrum, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Jimmy Teal, Planning Director

Kyle Garner, Planner

Victor Sharpe, Community Development Director

Bobby Teague, Engineering and Infrastructure Director

Jeff Brown, City Engineer

Greg Caison, Stormwater Manager

Frank Simpson, Inspections Director

Michael Reaves, Management Analyst

Martin Hendrix, Planning Commission Chair

Charles Powers, Joint Appearance Commission Chair

Candace Williams, Cumberland County Coordinator for the Sandhills Area Land Trust

Glynis Jordan, Winston-Salem/Forsyth County Deputy Planning Director

Chris Murphy, Winston-Salem/Forsyth County Senior Planner

Bill Owens, Sears Cross Creek Mall Manager

Emilie Helms, Fayetteville Area Metropolitan Planning Organization Air Quality Coordinator

Residents of Rayconda Community

Candice H. White, City Clerk

Press

Mayor Chavonne called the meeting to order at 5:00 p.m. Council Member Worthy offered the invocation.

1. APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda with the addition of discussion of the Rim Road water issue as Item 5, the deletion of the Closed Session and the addition of discussion of the Strategic Plan as Item 9.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (10-0)

2. BIG BOX ORDINANCE AND MINI-WAREHOUSE DESIGN

Mayor Chavonne called on Martin Hendrix, Planning Commission Chair. Mr. Hendrix stated the Planning Commission had been tasked with developing a big box ordinance to regulate the design and appearance of large commercial developments and after preliminary discussions, believed the Winston Salem ordinance served as a good model. Mr. Hendrix introduced Glynis Jordan, Winston-Salem/Forsyth County Deputy Planning Director, and Chris Murphy, Winston-Salem/Forsyth County Senior Planner, who provided a presentation of issues associated with big box design and Winston-Salem's big box ordinance.

Mr. Hendrix introduced Bill Owens, Sears Cross Creek Mall Manager. Mr. Owens explained the impact a big box ordinance could have on retailers and expressed support for the creation of a

big box ordinance.

Charles Powers, Joint Appearance Commission Chair, reviewed the proposed mini-warehouse design ordinance to provide measures to enhance the appearance of mini-warehouse facilities and create a positive streetscape image.

Consensus of Council was to support the drafting of a big box ordinance and a mini-warehouse ordinance specific for Fayetteville.

3. CONSIDERATION OF PROPOSED SCREENING ORDINANCE

Jimmy Teal, Planning Director, provided background information regarding the proposed amendment to the landscape ordinance that would require screening for salvage yards and lots storing junked or damaged vehicles.

Council Member Haire posed questions regarding the use of vegetative buffers and wooded areas in lieu of fencing. Council Member Bates suggested screening requirements for existing businesses become effective within eighteen months and properties zoned M-2 be included. A brief discussion ensued regarding the effectiveness of and problems associated with vegetative buffers, the need to strengthen vegetative screening and the intent of the ordinance. Council Member Meredith asked that consideration be given to the screening ordinance's financial impact on existing businesses when determining the timeframe for compliance.

Following discussion, consensus of Council was: 1) existing businesses must comply with the screening requirements within 24 months; 2) to allow the exemption of properties in an M-2 zone located on a dead-end street or cul-de-sac where the property does not abut any other public street or right of way or any residentially zoned property; 3) to allow the use of vegetative screening; and 4) specify materials used to construct fencing.

Consensus of Council was that the proposed screening ordinance go forward for public hearing with an opportunity for further revisions prior to adoption of the ordinance.

4. RAYCONDA DAM

Mayor Chavonne called on Dale E. Iman, City Manager, to present the item. Mr. Iman stated as a result of flooding that occurred in 2003, the Rayconda Homeowners Association approached the city requesting assistance in gathering the necessary funds to pay for improvements to the Rayconda Dam as required by the North Carolina Department of Energy and Natural Resources (DENR). Mr. Iman explained the city would likely be responsible for making certain Siple Avenue, a public roadway running along top of the dam, remained safe for vehicular traffic but not for maintaining the dam to impound water solely for the benefit of private property owners. Mr. Iman stated in addition to the city's contribution for improvements to Siple Road, one solution to the problem would be the establishment of a self imposed tax under a Municipal Service District (MDS) which could assist property owners in gathering the estimated \$400,000 necessary to ensure Rayconda Dam meets DENR standards. Mr. Iman explained support of the Rayconda Homeowners Association would be needed for the establishment of a MSD. Mr. Iman and Bob Parker, President of the Rayconda Homeowners Association, responded to questions from Council. Karen M. McDonald, City Attorney, clarified the city has not taken over the dam nor does the city intend to take over the dam.

Following discussion, consensus of Council was to consider the establishment of a MSD. Mrs. McDonald advised a number of steps would be involved in the creation of a MSD and staff would confirm support from the Rayconda Community before moving forward.

5. DISCUSSION OF RIM ROAD WATER ISSUES

Mr. Iman stated he was approached by PWC on June 30, 2007 regarding Rim Road water issues that have been ongoing since initial analysis and discovery of contaminants in the ground water at 360 Sandra Street in 1988. Mr. Iman provided a chronological order of events and used maps to identify the source of the pollution and areas affected. Mr. Iman stated it has not been determined what happened in the gaps between 1988 and 2001, there were a lot of unanswered questions and a meeting has been called of the City, Cumberland County, PWC and DENR for August 15, 2007 to discuss funding and what occurred during those gaps. Mr. Iman further stated PWC surveyed property owners in the immediate area in October 2006 and

due to low interest and response, did not move forward with the project at that time.

Mr. Iman provided highlights of a June 2007 groundwater assessment report and a subsequent meeting that occurred in July 2007 between DENR, PWC and some of the residents to discuss participation in a project. Mr. Iman recommended moving forward with the project and briefly reviewed the process involved. Mr. Iman responded to questions and discussion ensued. Consensus of Council was water needed to be provided and to have staff report back after the August 15, 2007 meeting.

6. AMORTIZATION OF NON-CONFORMING SALVAGE YARDS

Mr. Iman provided background information regarding non-conforming salvage yards existing within the city. Mr. Iman stated during a meeting with staff, he learned the city believed non-conforming uses were allowed to continue in perpetuity as long as they did not expand. Mr. Iman further stated research has found that implementing a controversial process known as amortization of use was an alternative Council could consider to eliminate non-conforming salvage yards in Fayetteville that contribute to the visual blight and subsequent decline of adjacent neighborhoods. Mr. Iman provided a slideshow of the non-conforming salvage yards, which are located in neighborhoods, on major thoroughfares and entryways to the city. Mr. Iman responded to questions posed by Council regarding amortization of use for the thirteen salvage yards within the city.

Following discussion, consensus of Council was for staff to develop a program that would require all non-conforming salvage yards in the city to become conforming land uses amortized over a three-year period. Mr. Iman recommended not beginning the process until the beginning of the year.

Council Member Haire spoke to issues involving a salvage yard in the Murchison Road area. In response to a question from Council Member Evans, Mr. Iman explained between now and January 2008, staff would work out details involved with implementing and monitoring the program. Council Member Bates posed questions regarding the effect on businesses at the end of the three-year period.

7. REVIEW OF PROPOSED MISCELLANEOUS STORMWATER IMPROVEMENT PROJECTS

Mr. Iman noted Council recently approved the increase in stormwater fees as a part of the budget process and stated revenues generated from increased rates could be used during the first year for the \$1.5 in identified miscellaneous projects throughout the city. Mr. Iman stated the Stormwater Advisory Commissions had approved the list of fifteen projects with a recommendation that it be forwarded to Council for approval, funding and construction.

Council Member Haire spoke to stormwater related issues on Murchison Road. Bobby Teague, Engineering and Infrastructure Director, stated Murchison Road is a Department of Transportation (DOT) roadway and prioritized as the most important single project. Mr. Teague further stated staff are currently working with DOT and recommendations will be brought to Council. Council Members Evans and Haire posed questions regarding the cleaning of storm drains.

Consensus of Council was to direct staff to develop documents for the funding and construction of the fifteen miscellaneous drainage projects.

8. CONSIDERATION OF DESIGNATING SURPLUS PROPERTY FOR THE COMMUNITY GARDENS PROJECT IN THE WILMINGTON ROAD COMMUNITY

Victor Sharpe, Community Development Director, stated the Sandhills Area Land Trust has requested that the city designate surplus properties for the use of a community gardens project in the Old Wilmington Road area. Mr. Sharpe further stated the community gardens project was included in the conceptual site plan for the 2006 Hope VI application and would strengthen the 2007 Hope VI application.

Mr. Sharpe identified the proposed parcels for the community gardens and stated interest had been expressed in purchasing two of the lots but no formal offer had been received. Mr. Sharpe stated should Council designate the surplus property for a community garden, staff would

request Conservation District zoning.

Mr. Sharpe introduced Candace Williams, Cumberland County Coordinator for the Sandhills Area Land Trust (SALT), and stated Ms. Williams would work to implement a grant SALT received for the community garden. Ms. Williams spoke to the project background, SALT's involvement and ways in which a community garden could transform the face of the community. Ms. Williams requested the city rezone the property to open space and assure the land would be protected from development.

In response to questions posed regarding upkeep of the property and reversion options for the city, Mr. Sharpe briefly explained alternatives that could be considered.

Council Member Evans asked if a public hearing would be involved. Mrs. McDonald advised there was no requirement for a public hearing but Council could choose to hear from the community. Consensus was to move forward and designate the surplus property for a community garden.

The regular session recessed at 7:10 p.m.

The regular session reconvened at 7:20 p.m.

9. STRATEGIC PLAN

Mayor Chavonne spoke to feedback and communication from staff to let Council know how items in the Strategic Plan are being addressed. A brief discussion ensued as to how staff could best keep Council informed.

Mayor Chavonne asked about a potential ordinance regarding panhandling. Mrs. McDonald stated information would be brought to Council in September. Mrs. McDonald advised that although first amendment rights must be kept in the balance and panhandling cannot be eliminated, there are measures that can help address panhandling.

10. CITY COUNCIL REQUESTS

A. CONFLICT OF INTEREST ORDINANCE AND COUNCIL MEMBER APPEARANCE BEFORE BOARDS AND COMMISSIONS

Council Member Bates requested clarification of the Conflict of Interest Ordinance. Mrs. McDonald reviewed the ordinance as it pertains to Council Members addressing Boards and Commissions. In response to questions about whether something is a conflict of interest, Mrs. McDonald advised a ruling could be requested from the City Attorney as well as a Council Member could ask to abstain from voting due to any appearance of a conflict of interest. Discussion and comments followed.

B. PAY IN LIEU OF GREEN SPACE

Council Member Bates introduced Emilie Helms, Fayetteville Area Metropolitan Planning Organization Air Quality Coordinator. Ms. Helms thanked Council for their efforts towards good air quality in Cumberland County and provided information on a proposal by the EPA to lower air quality standards. Ms. Helms reviewed some of the consequences for becoming non-attainment and distributed Land Use Ozone Control Strategies.

Council Member Bates proposed that Council do away with pay in lieu of green space and require that developers include green space in their plans where possible. Council Member Bates also spoke to a tree preservation ordinance to prevent clear cutting of trees and suggested that Council adopt such an ordinance.

Consensus was for further study of effective ways that would result in more green space within the city.

C. FOUR-WAY STOP SIGNS AT NORMAL STREET AND SLATER AVENUE

Council Member Haire stated citizens have requested the installation of a four-way stop at the intersection of Normal Street and Slater Avenue to slow the speed of traffic. Mr. Iman advised traffic studies did not support the installation and four-way stops are not always the safest recommendation.

Council requested documentation of traffic studies and information regarding the evaluation process used for multiple stop signs.

D. FEDERAL LOBBYIST SUPPORT

Council Member Haire proposed adding funding to the federal lobbyist agenda for improvements to the Murchison Road corridor from 401 to Rowan Street. Mr. Iman explained the federal agenda is agreed upon by the city, Cumberland County and the Cumberland County Business Council and the sole authority for transportation prioritization lies with the Transportation Advisory Council (TAC) and Metropolitan Planning Organization (MPO). Mr. Iman also spoke to timing involved with appropriation bills and the next congressional Transportation Reauthorization Act in three to four years.

Council requested a TAC report on Fayetteville projects before considering a request of the TAC to reprioritize projects.

E. MARTIN LUTHER KING (MLK) PARK FUNDING SUPPORT

Council Member Haire stated work on the MLK Park appeared to be at a standstill and asked that Council support funding consistent with what was provided to other parks. Mr. Iman shared information from a recent meeting with an MLK Committee member. Mrs. McDonald spoke to the memorandum of understanding the city entered into in 1998 for the development of the MLK Park and the responsibilities of the MLK Committee and city therein. Ms. McDonald advised the MLK Park endeavor was different from parks where the city was responsible for development.

Questions were raised about the specific type of support being requested for the MLK Park. Consensus of Council was to postpone discussion until something more concrete could be provided.

F. SPEED HUMPS ON VANSTORY STREET

Council Member Evans presented a letter from Karl Manning of Kingdom Community Development and a petition from residents in the Vanstory Street area regarding speeding and the installation of speed humps on Vanstory Street.

Brief discussion ensued regarding speeding as a citywide problem. Consensus of Council was for enforcement of speed limits.

G. RENTAL HOUSING INSPECTION PROGRAM

Council Member Evans proposed that staff develop a rental inspection program that would allow the inspection department to inspect rental properties before they are rented.

Mrs. McDonald stated the belief is there are a number of rental properties in the community that appear to have minimum housing issues and there appears to be reluctance on the part of renters to report violations for fear of retribution. Mrs. McDonald further stated several cities have adopted and implemented rental inspection programs to improve the rental housing stock in their communities and should Council support Council Member Evan's proposal, staff could develop a rental inspection program for the Fayetteville community similar to those adopted by other cities.

Mrs. McDonald responded to questions posed by Council Member Worthy. Consensus of Council was for further study by staff.

There being no further business, the meeting adjourned at 8:40 p.m.