

FAYETTEVILLE CITY COUNCIL

WORK SESSION MINUTES

LAFAYETTE ROOM, CITY HALL

JANUARY 7, 2008

5:00 P.M.

Present: Mayor Anthony G. Chavonne
Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); 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); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Stanley Victrum, Assistant City Manager
Kyle Sonnenberg, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Tom Bergamine, Chief of Police
Ron Macaluso, Transit Director

Elizabeth Fetting, Sr. Transportation Advisor, KFH Group
Karen Hilton, Assistant Planning Director

Kyle Garner, Planner II

Craig Richardson, Project Director, Clarion Associates Consultants

Chad Meadows, Project Manager, Clarion Associates Consultants

Steve Blanchard, PWC CEO/General Manager

Terri Union, PWC Commissioner

Bobby Teague, Engineering and Infrastructure Director

Greg Caison, Stormwater Manager

John Fersner, Project Manager, US Infrastructure of Carolina, Inc.

Jerry Dietzen, Solid Waste Management Director

Candice H. White, City Clerk

Press

CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m. and explained the work session meeting format for newly elected Council Members.

INVOCATION

Council Member Haire provided the invocation.

1. APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Meredith

VOTE: **UNANIMOUS (10-0)**

2. REVIEW OF TRANSIT MANAGEMENT PERFORMANCE REVIEW

Kyle Sonnenberg, Assistant City Manager introduced Ron Macaluso, the City's new Transit Director, and Elizabeth Fetting, Senior Transportation Advisor with the KFH Group. Ms. Fetting reviewed the summary of findings from the Fayetteville Area System Transit (FAST) Management Performance Review (MPR) and concluded by stating the basic recommendation was for city leadership to agree on the level and quality of transit services desired for the City and not expect FAST to expand and improve without the financial resources and staff to do so. Ms. Fetting further stated if the City does not want to increase its investment in transit, it needs to recognize this and allow FAST to re-configure service so it can provide quality, on-time service to a smaller route network.

Ms. Fetting responded to questions posed by Council Members related to the MPR. Dale E. Iman, City Manager, recommended the Transit Director and Assistant Transit Director have an opportunity to review and become familiar with the MPR and that Council appoint a transit advisory committee. Mr. Iman also recommended improving upon the quality of services

provided by the current system and briefly spoke to challenges associated with doing so. Consensus of Council was for staff to provide strategies at the March work session and assist with the structure for the advisory board. A brief discussion ensued regarding funding, grants and budgeting.

3. UNIFIED DEVELOPMENT ORDINANCE (UDO)

Karen Hilton, Assistant Planning Director, provided background information leading up to the development of the Unified Development Ordinance (UDO) and introduced Craig Richardson, Project Director with Clarion Associates Consultants and Chad Meadows, Project Manager with Clarion Associates Consultants.

Mr. Richardson and Mr. Meadows provided an overview of the five major project stages: 1) project initiation and scoping, 2) diagnosis/annotated outline, 3) draft of UDO, 4) design and downtown standards, and 5) public review/public hearing draft UDO. Mr. Meadows briefly reviewed the project schedule and stated the project would take approximately fourteen to sixteen months. Mrs. Hilton stated each of the stages would be accompanied by an update to the City Council as well as the Planning Commission and the Fayetteville UDO Advisory Commission.

A general discussion ensued about synthesizing the 2030 Plan into the UDO, addressing broad zoning classifications and current property uses.

Ms. Hilton reviewed the membership of the Fayetteville UDO Advisory Committee established to provide feedback and advice during the review process and stated an organizational meeting of the Advisory Committee would be held on January 8, 2008.

Consensus was to move forward with the process as outlined and conduct stand-alone meetings with City Council during the various stages.

The regular meeting recessed at 6:15 p.m.

The regular meeting resumed at 6:20 p.m.

4. REPORT ON FUNDING PLAN AND REVIEW OF SPECIAL ASSESSMENT PROCESS FOR RIM ROAD WATER PROJECT

Mr. Iman provided background information regarding groundwater contamination in the area west of the intersection of Rim Road and Raeford Road. Mr. Iman reviewed the proposed funding plan that identified revenue sources for the estimated \$296,000 waterline project budget as follows and stated there is also a limited amount of Community Development Block Grant (CDBG) funding available to assist income eligible owner-occupied properties.

In response to question posed by Council Member Crisp, discussion ensued regarding the cap for special assessments for water and sewer in the Phase V annexed area.

Consensuses of Council was to study and identify other areas with similar health risks in Fayetteville/Cumberland County and to engage in discussions with the county to develop policies to take care of public safety issues.

Karen M. McDonald, City Attorney, reviewed the statutory process for special assessments and stated Council adopted the preliminary resolution at their December 17, 2007 meeting, which set the special assessment public hearing for January 28, 2008.

5. UPDATE ON STORMWATER MANAGEMENT ORDINANCE

Greg Caison, Stormwater Manager, provided a brief history of stormwater starting with the formation of a City and County stormwater utility in 1995. Mr. Caison pointed out the proposed ordinance would help minimize and/or eliminate future problems associated with new development and redevelopment whereas revenue generated through the city would help remedy existing stormwater problems by retrofitting infrastructure and taking care of needs as they are identified.

Mr. Caison introduced John Fersner, Project Manager and Consultant, US Infrastructure of Carolina, Inc., who provided an overview of the technical aspects of the proposed ordinance to include general provisions; stormwater design plans; construction, inspection and maintenance; and miscellaneous provisions.

Mr. Caison informed Council that the Stormwater Advisory Board would review the proposed ordinance at their January 8, 2008 meeting before returning to Council for consideration of

adoption.

A brief discussion ensued about grading and surface runoff design plans contained in the proposed ordinance. Council Member Crisp asked that the proposed ordinance clearly state how commercial stormwater management facilities would be owned and maintained. Council Member Meredith posed questions regarding development standards for low density projects. Mr. Caison advised 20,000 square feet of impervious area was determined to be the cutoff for low density projects.

Discussion continued regarding the city's maintenance of stormwater management facilities and resulting stormwater utility fees. Mr. Iman asked that the Stormwater Advisory Board be apprised of the associated increase in costs and informed that there was no revenue to cover the maintenance of stormwater management facilities.

6. REPORT ON AMORTIZATION OF NON-CONFORMING SALVAGE YARDS

Kyle Garner, Planner II, provided information leading up to the draft ordinance for the amortization of non-conforming salvage yards. Mr. Garner reviewed the proposed ordinance as it related to the removal of certain non-conforming junkyards located with residential and non-residential zoning districts, Special Use permits for conforming junkyards and screening for non-conforming junkyards that would amortize uses within a three-year period. Consensus of Council was for staff to continue with the amortization process for non-conforming salvage yards to include forwarding the proposed ordinance to the Planning Commission for their review and required public hearing.

Mr. Garner provided a listing of non-conforming salvage yards used in staff research and discussion ensued regarding business licenses for the same. Consensus was that a current business license be required as a part of the city's bid award process.

7. REVIEW OF DRAFT ORDINANCE FOR REGULATING PANHANDLING

Mrs. McDonald introduced the proposed amendments and advised panhandling is a form of speech and therefore cannot be eliminated. Mrs. McDonald further advised any restrictions placed on panhandling must be content neutral so that they apply to all groups seeking money. Mrs. McDonald highlighted the proposed revisions and displayed a map of the core downtown area. Mrs. McDonald stated the proposed amendments would help ensure unimpeded pedestrian and vehicular traffic, maintain and protect the well-being of the public and foster a harassment-free public climate.

Council Member Bates inquired about the \$500 fine contained in the draft ordinance. Mrs. McDonald responded if convicted, the judge would determine the penalty amount and under state statute, the penalty for a misdemeanor could not exceed \$500.

Discussion ensued regarding solicitation on private property as addressed in the ordinance and the city's limitations with regulating the same. In response to a question posed by Council Member Meredith, Mayor Chavonne clarified the ordinance would be citywide. Consensus was to place the item on the January 14, 2008 agenda for action.

8. MURCHISON ROAD CORRIDOR STUDY UPDATE

Mrs. Hilton provided background information leading up to the planning effort for the Murchison Road Corridor. Mrs. Hilton informed Council that LandDesign had been selected as the consulting firm and would kickoff the five-month project in late January or early February to include meetings with staff, the Murchison Corridor Task Force and general community. Mrs. Hilton stated the major stages of work would be land use and economic analyses of existing conditions; preparation of a draft land use plan and economic strategies; assessment of catalytic development opportunities; and review and presentation of the final draft land use plan, overlay ordinance recommendation and economic development strategies. Mrs. Hilton added general suggestions or guidelines regarding roadway design would also be provided.

Mrs. Hilton outlined suggested categories for members of the Murchison Corridor Task Force. Consensus of Council was to submit their nominations so appointments could be made at the January 14, 2008 meeting and for the process to move forward as outlined.

9. RECYCLING PROGRAM OPERATIONAL OVERVIEW

Jerry Dietzen, Solid Waste Management Director, provided background information leading up to Council's June 2007 adoption of a citywide curbside recycling program to become effective July 1, 2008. Mr. Dietzen stated following Council direction, staff reviewed information gathered by the task force, toured Materials Recovery Facilities (MRFs) and completed financial analysis of program alternatives.

Mr. Dietzen reviewed components of a three-part program to include collection of recyclables for transport to a tipping point, the use of and pricing for carts and bins, and the processing of recyclables for shipment to an MRF for sorting and resale.

Mr. Dietzen stated the state average given to Council in June 2007 was based upon 2005/2006 data and program costs based on the Consumer Price Index (CPI) have increased between 6% and 10% since then. Mr. Deitzen advised one option available would be to begin curbside recycling July 1, 2008 using a contract hauler and 18-gallon bins at an initial cost of \$39 per year with an increase on an annual basis. Mr. Dietzen advised another option would be to begin curbside recycling July 1, 2008 using a contract hauler and roll out carts at a cost of \$45 per year for two years.

Discussion ensued regarding bins versus carts, the state average per household and whether contract amounts were based on participation rates or a component of the CPI. Mayor Chavonne asked whether the County had agreed to reduce their tipping fee. Mr. Dietzen confirmed the County had been approached and discussions with county management were pending. Mayor Chavonne asked whether a savings would be appreciated if a MRF were created in the community. Mr. Dietzen stated the contract would have to be renegotiated to determine whether any savings would be appreciated.

Mayor Chavonne asked that the presentation be provided to the task force and that the task force also look at multi-family recycling prior to further consideration by Council.

10. DEVELOPMENT INCENTIVES

Kyle Sonnenberg, Assistant City Manager, provided background information leading up to the proposed development incentives and identified three tiers or areas of development that would encourage development within the city as opposed to urban sprawl: 1) core of the city extending from Massey Hill through downtown out Murchison Road and Ramsey to 401 bypass; 2) remainder of the city; and 3) proposed Fayetteville Municipal Influence Area (MIA). A fourth tier was represented in the county where no incentives would be offered. Mr. Sonnenberg provided a brief overview of the proposed development incentives for each tier and explained the overall intent was to encourage more development of all types in the core area of the city, to encourage above average value residential development and to encourage more development in the city's MIA.

Discussion ensued regarding tax paybacks to developers under incentives for residential development in tier two and the development of incentives for the construction of new homes below the average value of \$216,000 as reported by the realtors' association for new home construction in August. Consensus was for staff to modify the proposed incentives consistent with Council feedback.

11. STRATEGIC PLAN SECOND QUARTER REPORT

Mr. Doug Hewett, Assistant City Manager, called attention to the Strategic Plan Second Quarter Report as provided and stated staff were available to respond to questions. Council Member Hurst asked that information regarding a grant for the Military Business Park development be included in the report.

Consensus was for staff to provide the second quarter report at the January 14, 2008 meeting. Mr. Hewett informed Council that information regarding the February 2008 Strategic Planning Retreat would be forthcoming.

12. COUNCIL MEMBER REQUESTS

A. FOUR-WAY STOP AT NORMAL AND SLATER STREET

Council Member Haire presented this item and stated although criteria used by staff does not warrant a four-way stop at Normal and Slater Street, citizens continue to complain about speeding through the neighborhood and continue to request installation of stop signs. A

brief discussion followed. Mr. Iman clarified that guidelines used by the city are part of the Uniform Manual of Traffic Control Devices that are adopted by the Federal Department of Transportation and used by cities and states throughout the country. Consensus did not support this request.

B. CITIZEN PATROL INCREASE

Council Member Haire presented this item and asked that consideration be given to increasing the budget to include additional vehicles and officers for the Citizen on Patrol (COP) program. A brief discussion followed. Consensus supported this request with direction to be provided to the City Manager during the Strategic Planning Retreat.

C. FOUR-YEAR CITY COUNCIL TERMS

Council Member Bates presented this item and stated 61% of cities with populations under 500,000 have four-year terms. Discussion ensued. Consensus was for staff to explore options for four-year staggered terms.

D. ELIMINATION OF LOCAL ELECTION PRIMARY

Council Member Bates presented this item and stated 88% of cities with populations under 500,000 have eliminated local election primaries. Discussion ensued. Consensus was for staff to explore elimination of the local election primary.

E. DISCUSSION OF NOISE ORDINANCE AS IT PERTAINS TO VEHICLES

Council Member Bates provided information regarding an Illinois loud noise ordinance and asked that consideration be given to amending the city's current noise ordinance. A brief discussion ensued. Consensus did not support this request.

F. SPEAKER TIME LIMITS DURING PUBLIC FORUM – CITY COUNCIL POLICY 120.9

Council Member Mohn presented this item and asked that Council consider raising the time limit for public forum speakers from two minutes to three minutes consistent with citizen requests he had received. A brief discussion ensued. Consensus did not support this request.

G. BILLBOARDS

Council Member Meredith presented this item and asked that consideration be given to updating the current billboard ordinance to include multi-face and digital billboards. Discussion ensued. Consensus was for staff to provide recommendations for Council consideration, to include regulation of billboard content, and to delay further approval pending receipt of the recommendations.

H. BOARDS AND COMMISSIONS

Council Member Meredith presented this item and asked that staff provide recommendations for the board and commission attendance policy and also for ways to ensure applicants meet any criteria that might be required. Mr. Iman advised that a staff review was underway and recommendations would be provided at the February work session. Mrs. McDonald confirmed Council's interest to delay further appointments until a new policy could be adopted.

I. CHANGE DEADLINE FOR SUBMITTAL OF AGENDA ITEMS

Mayor Chavonne presented this item and asked that the deadline for council member requests for agenda items be moved back from Wednesdays at 10:00 a.m. to Mondays at 10:00 a.m. in order to allow staff more time to prepare information for the agenda packet. Consensus was in support of this request.

There being no further business, the meeting adjourned at 9:40 p.m.