

FAYETTEVILLE CITY COUNCIL
WORK SESSION AGENDA
FEBRUARY 4, 2008
5:00 P.M.
LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne
Council Members Keith A. Bates, Sr. (District 1)(arrived 5:05 p.m.); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3)(arrived 5:20 p.m.); 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
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Manager
Jimmy Teal, Planning Director
Karen Hilton, Assistant Planning Director
Kyle Garner, Planner II
Bobby Teague, Engineering and Infrastructure Director
Rusty Thompson, City Traffic Engineer
Victor Sharpe, Community Development Director
Bradley Whited, Airport Director
Carl Palmer, Interim Transit Director
Nichole Pfaff, Assistant Transit Director
Robert Barefoot, Parks and Recreation Director
Tim Kinlaw, Cumberland County Board of Education
Bill Martin, Martin Alexiou Bryson
Scott Harrington, Vandewalle and Associates
Rick Heicksen, Fayetteville Area Metropolitan Planning Organization (FAMPO)
Jackie Tuckey, Communications Manager/PIO
Candice H. White, City Clerk
Press

CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m.

INVOCATION

Council Member Haire provided the invocation.

1. APPROVAL OF AGENDA

Council Member Applewhite requested an item added for Zoning Notification Process.

MOTION: Council Member Crisp moved to approve the agenda with the addition of an item for Zoning Notification Process.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (8-0)

2. PARKING STUDY UPDATE

Bill Martin, Principal with Martin Alexiou Bryson, provided an overview of an earlier report which forecasted future parking needs in downtown and recommended parking deck locations. Mr. Martin stated the purpose of the current report was to make recommendations for downtown parking management and fees, estimate the cost of the proposed Donald Deck and the revenue it would generate, estimate the deck's financial impact on the parking system, and examine how additional funding sources could be used to make the deck financially viable. Mr. Martin summarized the current report and outlined management recommendations.

Mr. Martin reported the Donaldson Deck would cost about \$9.7 million to build, and annual debt service and annual operating costs would total \$954,000 per year. Mr. Martin stated revenue would come from a combination of monthly parking, reserved monthly parking and hourly parking in the deck. Mr. Martin stated the revenue cost is forecast to level out in FY 2014 at \$250,000 per year, which leaves an operating deficit of \$700,000 per year. Mr. Martin stated paid off-street parking, paid County parking and Tax Increment Financing (TIF) can be considered to meet the shortfall.

Discussion ensued regarding TIF and the possible establishment of a TIF District. Consensus of Council was to determine whether the 300 Block could be included in the TIF and to determine the County's interest in implementing paid parking on their lots.

3. PRESENTATION ON THE NORTH CAROLINA VETERANS PARK AND NORTHWEST GATEWAY CONCEPTS

Scott Harrington, Principal with Vandewalle and Associates, provided a detailed draft of concepts for the North Carolina Veteran's Park and Northwest Gateway to include the surrounding area of Rowan Street, Murchison Road, Bragg Boulevard and Rowan Park. Mr. Harrington stated an Open House would be held on Tuesday, February 5, 2005 at the Airborne and Special Operations Museum for public review and input. Mr. Harrington further stated consultants would utilize the input and present a final plan to Council at their Monday, March 17, 2008 meeting. Dale E. Iman, City Manager, stated the NCDOT was favorable to the ideas for the Rowan Street Bridge.

Discussion and feedback followed. Mayor Chavonne asked that the presentation be shared with the Murchison Corridor Task Force.

4. PRESENTATION REGARDING FUNDING FOR MURCHISON ROAD PROJECTS

Rick Heicksen, Fayetteville Area Metropolitan Planning Organization (FAMPO), provided an overview of three long range transportation plans and their funding levels: 1) Project U-4900 for NC 210 – Murchison Road; 2) Project U-5015 for NC 210 – Murchison Road; and 3) Project B-4490 for NC 24-210.

Mr. Heicksen stated FAMPO had worked with the State to leave \$900,000 in the project account and was proposing a funding shift in order to improve transportation connections to Murchison Road. Consensus of Council was to make a recommendation to FAMPO regarding the funding shift.

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

The regular meeting resumed at 7:20 p.m.

5. PRESENTATION OF RECOMMENDED FISCAL YEAR 2009-2013 CAPITAL IMPROVEMENT PLAN (CIP)

Lisa Smith, Chief Financial Officer, explained the FY 2009-2013 Capital Improvement Plan (CIP) consists of infrastructure, facility, maintenance and technology projections with an individual cost of \$50,000 or more. Mrs. Smith also explained how the recommended CIP was developed. Mr. Iman summarized CIP project funding by fiscal year and project funding by source of funds. Mr. Iman stated the five-year CIP could be updated and adjusted as things change and projects could be added and deleted. Mr. Iman explained changes to the CIP would require looking at other general fund supported projects or determining how to raise additional revenues. Mr. Iman recommended that Council stay within the \$48 million general fund. Consensus of Council was for recommendations to be provided to City Council in March for funding.

6. JOINT USE AGREEMENT BETWEEN CITY AND CUMBERLAND COUNTY BOARD OF EDUCATION

Robert Barefoot, Parks and Recreation Director, introduced Tim Kinlaw of the Cumberland County Board of Education. Mr. Barefoot provided background information related to the joint use agreement and outlined changes to the current agreement which would require the City to reimburse the school for fees charged to them for building inspections, traffic services and police.

Consensus of Council was to place the agreement on their February 11, 2008 agenda for further consideration and action.

7. PRESENTATION OF PROPOSAL TO ACCEPT PROPERTY LOCATED AT 913 PERSON STREET (FORMERLY HOPE CENTER HOMELESS SHELTER) FROM THE NORTH CAROLINA HOUSING FINANCE AGENCY

Victor Sharpe, Community Development Director, provided background information leading up to a request by the North Carolina Housing Finance Agency for the City to take ownership of the Hope Center and make it available as a homeless shelter. Mr. Sharpe outlined estimated renovation and utility costs, which could be paid for by Community Development Block Grant (CDBG) funds. Mr. Sharpe stated operating costs of running the shelter would be the responsibility of the homeless shelter provider selected following the Request for Proposal (RFP) process.

Consensus of Council was to place the proposal on the February 11, 2008 agenda for further consideration and action.

8. REPORT ON FOUR-YEAR STAGGERED TERMS AND ELIMINATION OF LOCAL ELECTION PRIMARY

Karen M. McDonald, City Attorney, advised state statutes authorize the City to amend its charter for such things as the term of office of the City Council and the method of election. Mrs. McDonald reviewed the required statutory process for each and stated they could be predicated on approval by special election or by a citizen initiated referendum. Mrs. McDonald advised the two charter amendment processes should be handled separately and either case would require pre-clearance by the U.S. Justice Department. Discussion ensued about what would need to be accomplished by the 2009 election should Council express interest in either of the proposed charter amendments.

Following Mrs. McDonald's report and discussion, there was a lack of consensus to proceed with either of the proposed charter amendments.

9. UPDATE ON BOARDS AND COMMISSIONS

Doug Hewett, Assistant City Manager, presented this item and outlined recommendations in the categories of recruitment; selection and appointment; and training, retention and recognition. Recommendations also included the establishment of a four-member City Council Appointment Committee.

Discussion ensued regarding attendance requirements as outlined in City Council policy. Mrs. McDonald advised changes to policies and/or procedures would require action by City Council.

Consensus of Council was to accept the recommendations as presented and to convene the first meeting of the Appointment Committee in July.

10. STAFF REPORT ON ORDINANCE TO ESTABLISH REGULATIONS FOR PODS

Kyle Sonnenberg, Assistant City Manager, reviewed a proposed ordinance amendment to restrict the usage of temporary storage containers commonly referred to by the brand name PODS. Mr. Sonnenberg also reviewed input solicited from various companies that provide temporary storage containers and stated their concerns were related to the duration of placement, frequency and location.

Discussion ensued. Mr. Sonnenberg noted that setback requirements could be included rather than prohibiting temporary storage containers on the right of way and the ordinance could be expanded to include professionally zoned properties. Mr. Iman suggested the ordinance amendment incorporate PODS used for advertising.

Consensus of Council was to draft an ordinance allowing storage containers for a maximum of fifteen (15) days and to add an extension clause.

11. PROPOSAL BY JOINT APPEARANCE COMMISSION TO REQUIRE ADDITIONAL SCREENING AND OPEN SPACE REQUIREMENTS FOR EXISTING MOBILE HOME PARKS

Jimmy Teal, Planning Director, stated the Joint Appearance Commission developed proposals for existing mobile home parks because many do not have the same amenities as new mobile home parks. Mr. Teal reviewed the proposals and stated existing mobile home

parks would be given eighteen (18) months from adoption to phase in the proposed requirements.

Discussion ensued. Council Member Mohn requested staff to determine whether a paving requirement could be placed on private streets of mobile home parks. Council Member Crisp expressed concern that smaller mobile home parks could be put out of business. Mrs. McDonald stated her office would check on any issues associated with the eighteen (18) month timeframe and the paving requirement.

Consensus of Council was to proceed with a draft ordinance based on a longer period of time and to institute in phases.

12. REPORT ON THE REAUTHORIZATION OF THE DOWNTOWN MUNICIPAL SERVICE DISTRICT

Karen Hilton, Assistant Planning Director, provided background information related to the creation of the Municipal Service District (MSD) for the downtown area. Mrs. Hilton explained the purpose of the MSD is to finance and support downtown services and activities that are in addition or to a greater extent than those activities financed, provided or maintained for the entire city. Mrs. Hilton further explained Council reauthorizes the district every five (5) years and the current authorization expires June 30, 2008.

Mrs. Hilton provided a map of the MSD and explained the boundaries could be modified. Mrs. Hilton further explained if the MSD is not reauthorized by City Council, the district tax rate cannot be levied and the revenues currently supporting the special downtown services would not be available.

A brief discussion ensued. Consensus was to move forward with the process as outlined without any changes to the boundaries. Mrs. McDonald advised the item would return to Council in the spring.

13. REPORT ON PROPOSED CHANGES TO THE RECREATION AND OPEN SPACE REQUIREMENT AS REQUESTED BY CITY COUNCIL

Mr. Teal presented this item and stated staff had been requested to look at increasing the amount of land dedication, placing more stringent restrictions on the option of paying in lieu of land dedication and changing the basis for paying in lieu of fee from pre-development land value to post-development land value.

Mr. Teal outlined the proposed recreation and open space revisions. In response to a question regarding implementation, Mrs. McDonald stated although not required, she would suggest a public hearing at the Planning Commission level.

Consensus of Council was for Planning Commission and Parks and Recreation to review prior to a public hearing before City Council.

14. Presentation on the following ordinances:

A. ICE HOUSE ORDINANCE

Mr. Teal reviewed the proposed ordinance amendment to require a special use permit for new ice houses. Mr. Teal explained existing ice houses would be nonconforming uses.

Consensus of Council was to send the proposed ordinance to the Planning Commission for input.

B. FENCE MATERIAL ORDINANCE

Mr. Teal reviewed the proposed ordinance amendment for permitted fence materials and explained noncompliant fencing will be required to come into compliance within one-year of adoption of the ordinance.

Consensus of Council was to refer to the Planning Commission for a review of time periods for existing fences to come into compliance, the addition of fence maintenance conditions and further recommendations to Council.

C. RV PARKING ORDINANCE

Mr. Teal reviewed the ordinance amendment to address RV parking in residential areas and stated the amendment places the same restrictions on recreational vehicles one drives as on travel trailers that one tows.

Consensus of Council was to provide for an allowance for visitors and to return to Council for further consideration.

D. SIGN ORDINANCE

Mr. Teal provided background information related to the sign ordinance and stated the Town of Cary was found to have the most restrictive sign regulations. Mr. Teal then provided a comparison of Cary's sign ordinance with Fayetteville's sign ordinance. Mr. Teal recommended consideration be given to the use of amortization. Discussion ensued. Consensus of Council was to have elements of the proposal returned for further discussion.

15. COUNCIL MEMBER REQUESTS

A. REVIEW OF PANHANDLING ORDINANCE

Council Member Crisp inquired as to how citizens could be informed the city was not charging \$500 under the recently adopted panhandling ordinance because if convicted, the judge would determine the penalty amount. Consensus was for the press to handle.

B. ESTABLISHMENT OF FAYETTEVILLE ETHICS COMMISSION

Mayor Chavonne presented this item. Consensus of council was for staff to begin the process for the establishment of an ethics commission.

C. ZONING NOTIFICATION PROCESS

Council Member Applewhite presented this item and spoke to the need for better notification of zoning issues, revised notification letters and replacement of zoning signs. Discussion ensued. Mrs. McDonald stated staff would develop a report on the current process for Council review and feedback.

16. CLOSED SESSION FOR CONSULTATION WITH ATTORNEY

MOTION: Council Member Meredith moved to go into closed session for consultation with attorney.

SECOND: Council Member Chavonne

VOTE: UNANIMOUS (10-0)

The regular session recessed at 10:25 p.m.

The regular session reconvened at 10:45 p.m.

MOTION: Council Member Chavonne moved to go into open session.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 10:46 p.m.