

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
DECEMBER 6, 2010
5:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:23 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 5:09 p.m. and departed at 7:17 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 5:27 p.m.); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)
Others Present:

Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Patricia Bradley, Police Attorney
Leslie Mozingo, The Ferguson Group
Victor Sharpe, Community Development Director
Rusty Thompson, City Traffic Engineer
Ron McElrath, Human Relations Director/ADA Coordinator
Charles Kimble, Assistant Police Chief
Rob Anderson, Chief Development Officer
Benjamin Nichols, Fire Chief
Ron Lewis, Battalion Commander/Fire Marshal
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:04 p.m.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Haire.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda with the addition of Item 5.0, discussion of District 9

appointment, and Item 6.0, closed session for consultation with the City Attorney.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (7-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 FY 2012 Federal Legislative Agenda Update

Ms. Leslie Mozingo, Lobbyist, The Ferguson Group, presented this item and outlined the appropriations/grant and authorizations funding along with additional priorities and legislative policy items of the City of Fayetteville/Cumberland County/Fayetteville-Cumberland Chamber of Commerce FY 2012 Federal Agenda. Ms. Mozingo reviewed the December 6, 2010, Federal Success Status Report.

Council Member Bates requested the I-295 Loop be moved up on the funding priority list. Ms. Mozingo stated the I-295 Loop was a NCDOT driven project.

Council Member Crisp inquired whether it would be advantageous for Council to contact legislators to reaffirm the City's interest. Ms. Mozingo requested Council to defer any action until the final/modified draft was provided to Council.

Mr. Dale Iman, City Manager, introduced Ms. Lucia Ross, the City's new Communications Officer, to Council.

4.2 Memorandum of Understanding (MOU) with Fayetteville State University (FSU) for the Historically Black Colleges and Universities (HBCU) Grant and Update of City's

Murchison Road Corridor Projects

Mr. Victor Sharpe, Community Development Director, presented this item and reviewed the MOU. Mr. Sharpe stated the MLK Committee donated the Washington Drive School property to FSU and the City would unite with FSU to assist in the preparation of the site for redevelopment. Council Member Crisp questioned the responsibility of the demolition process. Mr. Sharpe stated the funds for assisting with the demolition were from a \$30,000.00 grant. Mr. Dale Iman, City Manager, further stated the City would provide \$30,000.00 along with the County's \$25,000.00 to assist with the demolition and asbestos removal. Mr. Iman informed Council that grant agencies encourage joint collaboration.

Council Member Applewhite inquired whether FSU anticipated City funds next year. Mr. Sharpe stated FSU could apply for nonprofit funding. Council Member Applewhite requested clarification as to whether the \$800,000.00 designated to the Murchison Road area, block grant funding, could be utilized elsewhere. Mr. Sharpe replied in the affirmative.

Consensus of Council was to bring this item back for action at the December 13, 2010, City Council meeting.

4.3 Presentation of a Site for the Proposed HOPE VI Business Park

Mr. Victor Sharpe, Community Development Director, presented this item and provided an update of the project. Mr. Sharpe stated the first set of apartments would be completed in December 2010. He reviewed the City's \$1 million commitment and the Gillespie Street site. Mr. Sharpe stated residents may need to be relocated and recommended that the City assist accordingly, to include renters.

Mr. Sharpe responded to questions posed by Council regarding the contacting of residents and developer interest. He stated residents would be contacted contingent upon the direction provided by Council and that the market would dictate developer interest. Mr. Iman added the City was responsible for soliciting developers.

Council Member Crisp requested staff to confirm whether the five residents were renters or owners.

Mayor Chavonne requested staff to present the process by which locations were selected.

Consensus of Council was to move forward with the project.

4.4 Parking Deck Bid Review and Update

Mr. Rusty Thompson, City Traffic Engineer, presented this item and reviewed the bid process, site plan, exterior and interior fly throughs, Franklin and Donaldson Streets views, and pedestrian bridge. Mr. Thompson stated six bids were received with the lowest responsible, responsive bid being from LeChase for \$6,132,000.00. He stated the contract must be awarded prior to December 31, 2010.

Mr. Thompson responded to questions posed by Council regarding LeChase's experience in constructing parking decks and the monitoring of cameras. He stated LeChase had prior experience in the construction of parking decks. Mr. Thompson informed Council that Parks and Recreation would monitor the cameras, which would provide continuous recording and that panic and call buttons would be installed on each stairway.

Consensus of Council was to move forward with the project.

4.5 City's Americans with Disabilities Act Self Evaluation and Transition Plan

Mr. Ron McElrath, Human Relations Director/ADA Coordinator, presented this item and stated Self Evaluation and Transition Plan (SETT) members received extensive training and a formal self-evaluation was conducted of City facilities, services, signage, curb cuts, access, communications, and accommodations for persons with all types of disabilities (whether visible or not) over the last 28 months. Mr. McElrath stated the final self-evaluation and transition plan would include the following basic elements, which have been implemented since 2008 and were part of an ongoing process:

Designation of a responsible employee to manage ADA compliance;

- Posting/publishing of a notice of nondiscrimination on the basis of disability;
- Grievance procedure;

- Self evaluation; and
- Transition plan.

Mr. McElrath confirmed that in completing the self-evaluation and transition plan report, SETT members also interacted with the County-Wide Disabilities Committee chaired by Mr. Charles Yates. He stated the update was to share staff's progress and to identify ongoing responsibilities.

4.6 Noise Ordinance Update Regarding Nightclub Behavior

Mr. Charles Kimble, Assistant Police Chief, presented this item and stated they reviewed the current noise ordinance and established that it worked well dealing with individual violators, such as residential and radio noises, but wanted more for repeat violators that affected the quality of life such as large establishments. He stated they researched the issue and looked at the option of environmental court. He stated Judge Tucker indicated she would be more than happy to bring repeat violators of the noise ordinance to environmental court.

Ms. Patricia Bradley, Police Attorney, explained they would seek a criminal summons from the magistrate's office which would then be taken to environmental court.

Council Member Haire inquired if environmental court would only be for business violators or for residential violators also. Mr. Kimble responded they would have options wherein if the violation could be resolved they would try that. He stated with environmental court they would have the subpoena power to go to surrounding property owners to obtain testimony that could be used in court and tougher sanctions could be issued.

Council Member Bates inquired what would be considered repeat offenders. Ms. Bradley explained they would be considered offenders with the first notice and if a second notice was issued they could be taken to environmental court. Mr. Kimble further explained their objective would be to work with the violators first to try to resolve the noise issue.

Ms. Karen McDonald, City Attorney, stated this would be no different than what they already do with noise violations. She stated the response to a noise violation would be no different than what they do now. She stated what would be different would be the enforcement of the issuance of the citation.

Consensus of Council was to move forward with the noise ordinance.

4.7 Taxi Regulations Operational Changes and Results Presentation

Mr. Kristoff Bauer, Assistant City Manager, presented this item and reviewed problems, revisions in code enforcement, and the inspection process. Mr. Bauer explained visual changes were larger stickers. He stated stickers on meters had double seals and taxicab companies were required to have distinctive identifying color schemes.

Council Member Massey inquired whether shuttle services were required to comply with the regulations. Mr. Rob Anderson, Chief Development Officer, responded only those which were registered in Fayetteville. Staff explained these were operational changes not code changes and the goals were communication and teamwork. It was further clarified that approximately 20 cab companies had dropped off the list since the inclusion of K-9 units at taxicab inspections. A brief question and answer period ensued.

4.8 Unified Development Ordinance (UDO) Discussion Post Public Hearing

Mr. Rob Anderson, Chief Development Officer, presented this item and reviewed the following aspects of the UDO: lighting, garages, landscape/buffers, transitional, and connectivity.

A discussion period ensued regarding lighting exemptions, a PWC exemption, garage size limitations, and connectivity requirements. Mr. Anderson explained that the three lighting exemptions were for athletic fields, street lights within a street right-of-way, and Historic District approved lighting. Mr. Dale Iman, City Manager, further stated the PWC exemption was for the older subdivisions which had fixtures that would not be in compliance.

Consensus of Council was to direct staff to amend the UDO to include Council's directives and to present this item for action at the December 13, 2010, City Council meeting.

4.9 Review of Proposed 2011 City Council Meeting Dates Calendar

Consensus of Council was to bring this item back for action at the December 13, 2010, City Council meeting.

5.0 Discussion of District 9 Appointment

Consensus of Council was for each District 9 candidate to address Council at the December 13, 2010, City Council meeting; thereafter, voting would be in alphabetical order by last names, each Council member having one vote. The City Clerk would record the votes and the candidate receiving the most votes would be the District 9 designate.

6.0 Closed Session for Consultation with the City Attorney

MOTION: Mayor Pro Tem Haire moved to go into closed session.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0)

The regular session recessed for the closed session and the regular session reconvened after the closed session.

7.0 ADJOURNMENT

There being no further business, the meeting adjourned.