

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
NOVEMBER 13, 2012
7:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (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); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Lee Jernigan, Traffic Engineer
Karen Hilton, Planning and Zoning Division Manager
Patricia Bradley, Police Attorney
Pamela Megill, City Clerk
Members of the Pres

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

3.0 PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS AND RECOGNITION

Mayor Chavonne stated the Inner Mongolia Normal University (IMNU) was the first higher education institution established in China to educate minority students, especially Mongolians. He reported IMNU currently had approximately 36,000 full-time undergraduate students, 4,200 full-time graduate students, 400 international students, and 2,400 full-time faculty and staff members and approximately 50 percent of the students, faculty, and staff were minorities. He explained in 2004 Fayetteville State University (FSU) had established a partnership with IMNU and since then, IMNU had sent several students to study at FSU and a faculty member to assist FSU in establishing a Chinese program. He further explained in 2007 eight FSU students participated in a summer program hosted at IMNU and beginning in 2008 IMNU had provided full scholarships to FSU students enabling them to study Chinese. He announced that currently two FSU graduates were working on their Master degrees in Psychology and Economics at IMNU. He further announced that FSU and IMNU signed an agreement to establish a 2+2 Dual Degree Program which would enable more students from IMNU to study at FSU. Mayor Pro Tem Arp presented a plaque to the group and a City Coin to each visiting member.

Council Members Chavonne and Massey presented a proclamation to Mr. Jack Bowman, General Manager of Cape Fear Heroes, the 2012 American Indoor Football National Champion, proclaiming appreciation and admiration to the Cape Fear Heroes Professional Indoor Football Team and offering best wishes in all their future endeavors.

Council Members Chavonne and Davy presented a proclamation to Ms. Carol Thomas, Ms. Vickie Walter, Ms. Anita Buck, and Ms. Brenda Matthews from Amedisys Home Health Care and Mr. Wayne Wampler, Community Relations Representative for United Hospice of Eastern North Carolina, proclaiming November 2012 Home Care and Hospice Month.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda with the addition of Item 6.19, public hearing for November 26, 2012, for economic development incentives, and

Item 6.20, Goodyear Tire Company - \$70,000.00 per year for the next ten years and providing a minimum of 2,000 employees.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Mr. S. Barnes, 4809 Ellsworth Drive, Fayetteville, NC 28304, expressed concerns regarding out of town roofing companies operating in the City.

Saint Michael, 8816 Tin Lizza Drive, Fayetteville NC 28314, announced he was organizing a fundraiser to purchase Christmas gifts for the 600 children in Cumberland County foster homes and care.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28301, announced she was leaving Fayetteville and invited everyone to attend a farewell “dessert pot luck” party for herself. She also spoke in favor of the Parks and Recreation Bond.

6.0 CONSENT

MOTION: Council Member Applewhite moved to approve the consent agenda with the exception of Item 6.8.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

6.1 Approval of a Municipal Agreement with NCDOT for maintenance of traffic signals on the State Highway System.

6.2 Approval of speed limit recommendations along Reilly Road near Old Raeford Road and at Ben Martin Elementary School.

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (From SR 3569 TO 0.23 mile south of SR 1400) – Car (55 MPH) and Truck (55 MPH)]. ORDINANCE NO. NS2012-037.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (Between 0.24 mile north of SR 3569 AND 0.23 MILE SOUTH OF SR 1400) - Car (55 MPH) and Truck (55 MPH)]. ORDINANCE NO. NS2012-038.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (Between SR 3569 and 0.24 mile north of SR 3569) – Car (45 MPH) and Truck (45 MPH)]. ORDINANCE NO. NS2012-039.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (Between 0.60 mile south of SR 1406 and 0.27 mile south of SR 1406 – Benjamin Martin Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only) - Car (35 MPH) and Truck (35 MPH)]. ORDINANCE NO. NS2012-040.

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (Between 0.60 mile south of SR 1406 and 0.27 mile south of SR 1406 – Reilly Road Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only) – Car (35 MPH) and Truck (35 MPH)]. ORDINANCE NO. NS2012-041.

6.3 Award contract for culvert replacement on Murray Hill Road and Branson Creek to Sandy’s Hauling & Backhoe Service, Inc., Roseboro, NC, lowest responsive, responsible bidder, in the amount of \$506,477.94.

Bids were received as follows:

Sandy’s Hauling and Backhoe Service, Inc. (Roseboro, NC).....	\$506,477.94
Utilities Plus, Inc. (Linden, NC).....	\$536,754.66
TA Loving Company Construction Services (Goldsboro, NC).....	\$552,854.00
Hine Sitework, Inc. (Goldsboro, NC).....	\$554,873.00
RF Shinn Contractor, Inc. (Concord, NC).....	\$664,001.00
Triangle Grading and Paving, Inc. (Burlington, NC).....	\$748,045.10
Lanier Construction Company, Inc. (Snow Hill, NC).....	\$757,783.67

ES & J Enterprises Inc. (Autryville, NC)..... \$883,000.00

6.4 Bid recommendation for purchase of one cab and chassis with service body and PTO mounted compressor awarded to Terex Equipment Services, Inc., Rock Hill, SC, lowest bidder in the amount of \$97,481.30.

Bids were received as follows:

Terex Equipment Services (Rock Hill, SC)..... \$97,481.30
Terex Equipment Services (Rock Hill, SC)..... \$100,746.22
Smith International (Fayetteville, NC)..... \$101,971.00
Piedmont Truck Center (Greensboro, NC)..... \$112,000.00

6.5 Sale and redevelopment of 301 Bragg Boulevard AKA Old Days Inn site. RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER TO PURCHASE AND DEVELOP CITY-OWNED PROPERTY COMMONLY KNOWN AS 301 BRAGG BOULEVARD AND AUTHORIZE PUBLICATION OF LEGAL NOTICE OF UPSET BID PROCESS PURSUANT TO N.C.G.S. § 160-269. RESOLUTION NO. R2012-044

6.6 Budget Ordinance Amendment 2013-7 (Encumbrances, designations and other items).

The amendment appropriated \$1,876,667.00 across several annually budgeted funds for purchase orders and contracts outstanding at the close of fiscal year 2011-2012, and \$1,200,541.00 in the General Fund for specific items designated from the fiscal year 2011-2012 budget and for unspent donations. The amendment also appropriated an additional \$82,439.00 from General Fund fund balance for other items which included \$8,803.00 to pay upfront software license costs for savings compared to lease costs, \$20,550.00 to conduct a community survey, \$30,000.00 for the Police Chief selection process, and \$23,086.00 for crime analysis software training for Police staff that was planned in fiscal year 2012, but not implemented.

6.7 Capital Project Ordinance Amendment 2013-20 (Airport - Rehabilitation of Taxiway "A" Pavement and Lighting).

The amendment appropriated \$163,250.00 in passenger facility charge revenue and reduced the transfer from the Airport Operating fund by \$163,250.00, resulting in no change in the overall budget for the project.

6.8 Pulled for discussion by Council Member Applewhite.

6.9 Approve meeting minutes:

August 6, 2012 – Work Session

August 13, 2012 - Regular

6.10 Request for public hearing at the November 26, 2012, 7:00 p.m., City Council meeting on the formation of a Citizen Review Board.

6.11 Bid recommendation to award annual contracts for purchase of miscellaneous electric inventory items as recommended by PWC to the lowest bidders.

Contracts were awarded as follows:

Contract #1: HD Supply Power Solutions (Wake Forest, NC)..... \$437,082.90
Contract #2: WESCO Distribution (Raleigh, NC)..... \$594,531.60
Contract #3: Stuart C. Irby (Rocky Mount, NC)..... \$587,948.56

6.12 Resolution of the City of Fayetteville, North Carolina, approving a state loan promissory note.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, APPROVING A STATE LOAN PROMISSORY NOTE. RESOLUTION NO. R2012-043.

6.13 Award contract for resurface of various Streets, 2013 - Phase II, to Highland Paving Company, LLC, Fayetteville, NC, lowest responsive, responsible bidder, in the amount of \$1,966,095.19.

Bids were received as follows:

Highland Paving Company LLC (Fayetteville, NC)..... \$1,966,095.19
Barnhill Contracting Company (Fayetteville, NC)..... \$2,213,111.35
Zoladz Construction Co., Inc. (Fuquay Varina, NC)..... \$2,454,875.70

6.14 Special Revenue Fund Project Ordinance Amendment 2013-5 (Washington Drive School Site Project).

The amendment added an additional \$12,245.00 to the project budget for demolition and asbestos abatement.

6.15 Special Revenue Fund Project Ordinance Amendment 2013-3 (CDBG Program) and Special Revenue Fund Project Ordinance Amendment 2013-4 (HOME Program).

The amendments appropriated program income for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME) in the amounts of \$131,383.00 and \$56,123.00 respectively.

6.16 Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
ActivCare Physical Therapy, LLC	2011	Corrected Assessment	\$224.16
Mansour, MA	2011	Corrected Assessment	<u>287.43</u>
Total			<u>\$511.59</u>

6.17 The Public Works Commission of the City of Fayetteville requests Council approve tentative award of contract for Outfall Rehabilitation Project to Insituform Technologies, Chesterfield, MO, lowest responsive, responsible bidder, in the amount of \$2,736,171.00 and adopt resolution.

Bids were received as follows:

Insituform Technologies (Chesterfield, MO).....	\$2,736,171.00
SAK Construction, LLC (O'Fallon, MO).....	\$3,355,120.00
Layne Inliner, LLC (Charlotte, NC).....	\$3,779,400.00
Am-Liner East (Berryville, VA).....	\$4,320,499.00

RESOLUTION OF TENTATIVE AWARD OUTFALL REHABILITATION. RESOLUTION NO. R2012-042.

6.18 Resolution to adopt the 2013 proposed City Council meeting dates calendar. RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ADOPT THE 2013 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2012-045.

6.19 Set a public hearing for November 26, 2012, economic development incentives.

6.20 Goodyear Tire and Rubber Company – Amendment to Incentive Agreement dated January 1, 2008.

The incentive payment was established at \$70,000.00 per year with the first incentive payment to be paid by January 1, 2013, and continuing for nine more years as long as employment at the Fayetteville plant remained above 2,000 personnel.

6.8 Resolution introducing Bond Order authorizing \$45,000,000.00 Parks and Recreation Bonds, setting the public hearing thereon, and other related matters.

This item was pulled for discussion by Council Member Applewhite. She stated she had sent an e-mail to Ms. Lisa Smith, Chief Financial Officer, to inquire what the total financial cost of the Parks and Recreation Bond would be. She requested that Ms. Smith repeat the information she had provided for the benefit of the citizens. Ms. Smith explained the total amount for the bond package was an amount not to exceed \$45 million which was the principal amount. She further explained a scenario was created where they estimated a 5 percent interest cost on the \$45 million which was a very conservative estimate. She stated the cost to conduct the bond referendum was approximately \$18,000.00 and the cost of the educational campaign was roughly \$74,000.00.

Council Member Applewhite stated a final good faith estimate that included the bond package, interest, and transfers from the general fund would amount to approximately \$83 million at the end of a 20-year period. She further stated at the previous work session a discussion had taken place regarding moving the tennis and sports complexes to Shaw Heights and requested that Mr. Michael Gibson, Parks, Recreation and Maintenance Director, provide an overview of why the Shaw Heights location became an option for these facilities. Mr. Gibson responded that I-

295 was located there and with it there was an opportunity to generate economic opportunity. He explained the Shaw Heights location had better terrain than the original location. A brief discussion period ensued regarding the possibility of eminent domain to acquire all of the necessary parcels should this location be selected.

Council Member Applewhite inquired of Mr. Gibson if Fort Bragg was included when they counted the population. Mr. Gibson responded in the affirmative.

Council Member Applewhite inquired if the six swimming pools on Fort Bragg were considered in the package. Mr. Gibson replied in the negative and explained only 15 percent of enlisted military resided on Fort Bragg and recreational service areas were based on zip codes.

Council Member Applewhite inquired what the planned fee for an annual pass was for a family of four to utilize the aquatic center. Mr. Gibson responded it was \$600.00 and families unable to pay that amount could have the fee cut by 50 percent if they met the criteria for the discount.

Council Member Applewhite inquired of Mr. Kristoff Bauer, Assistant City Manager, as to what the budget was for the education outreach program. Mr. Bauer responded it was \$74,000.00 to cover the costs of providing educational meetings, brochures, advertising, salary for an intern, media buys, and a commercial.

Council Member Applewhite inquired if the \$83 million price tag had been disclosed at the educational meetings. Mr. Bauer responded the ballot measure that would be in front of the voters was for the \$45 million and that was the amount of debt authorized by statute.

Council Member Hurst inquired of Mr. Bauer if the 5 percent interest rate was a very conservative estimate. Mr. Bauer responded in the affirmative and stated recent bond issues had an interest rate of 3.5 percent.

Council Member Hurst stated that citizens would be voting on a general obligation bond of \$45 million and not \$83 million and inquired of Mr. Bauer if that was a true statement. Mr. Bauer replied in the affirmative.

Council Member Fowler stated it was impossible to give a good faith estimate when the interest rate was not known. He further stated they needed to publish the amount the City would be borrowing, not what the City would be paying back which was the requirement of State law.

Mayor Pro Tem Arp stated once the County withdrew from the Parks and Recreation bond package, the City began looking at alternative sites for the sports complex. He stated from an economic development standpoint, the major corridors they were looking at were Bragg Boulevard and Murchison Road. He inquired of Mr. Gibson if locating a sports facility would bring about revitalizing economic growth. Mr. Gibson responded having the traffic in the area would be a positive impact and deferred the question of economic development to the City Manager. Mr. Ted Voorhees, City Manager stated the proximity of interchange I-295 with the Bragg Boulevard and Murchison Road corridor coupled with a major sports complex was a very compelling economic generator.

Mayor Chavonne inquired of Mr. Gibson how many meetings he had attended to help educate the bond package. Mr. Gibson responded approximately 40.

Mayor Chavonne inquired how the meetings had fared. Mr. Gibson responded he had gone before many diverse groups within the community and the responses had been supportive and overwhelmingly recognizant of the value in the proposal put forward.

Mayor Chavonne stated the purpose of the item was to set a public hearing for November 26, 2012, to give the citizens an opportunity to come to the Council meeting and voice their opinion.

Council Member Davy inquired how a group, such as church, civic, and organization groups, could arrange to have the City provide an educational briefing on the Parks and Recreation bond proposal. Mr. Gibson responded all they would need to call the Parks and Recreation Department and schedule an appointment, and presentations could also be provided on Saturdays and Sundays.

Further discussion ensued regarding public transportation to recreation facilities, travel to larger areas that facilitate all-star games, and safe walking areas to proposed swimming pool facilities.

MOTION: Council Member Hurst moved to adopt the resolution introducing the bond order authorizing \$45,000,000.00 Parks and Recreation Bonds, designating the Chief

Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement, and schedule the public hearing on the bond order for November 26, 2012, at 7:00 p.m. in the Council Chambers; and direct the City Clerk to publish the bond order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Davy

SUBSTITUTE MOTION: Council Member Applewhite moved to delay adoption of the resolution introducing the bond order authorizing \$45,000,000.00 Parks and Recreation Bonds and setting a public hearing until such time as the community could be better educated on the projects and their locations and until such time as the City established a clear outline of the community outreach for educating the citizens.

SECOND: Council Member Haire

VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Chavonne, Arp, Hurst, Bates, Fowler, and Davy)

ORIGINAL MOTION VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Fowler, Bates, Applewhite, Massey, Haire, and Crisp)

7.0 PUBLIC HEARINGS

7.1 Amendment to City Code Chapter 30 to create a Business Park zoning district with related changes in use definitions and classification.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated the proposed amendment was drafted as a new Business Park zoning district to define allowed principal and accessory uses, development standards, sign regulations, and other related standards for development. She explained the district would be placed on a property of 50 acres or more only through the normal map change (rezoning) process and could be accompanied by a conditional zoning request to establish more specific standards or list of uses.

She further explained the zoning district was intended to address the need for a wide mix of uses consistent with models of successful industrial or business parks. She stated the Commission discussed advantages and disadvantages of an overlay versus a new base district and the members recommended a base district format as presented in the ordinance. She stated the two primary issues were (1) a district with a sufficiently wide range of allowed uses and less stringent setback standards and (2) a framework of development standards that would encourage compatibility among such diverse uses but would also allow the developer room to establish more specific standards to create the identity and unifying features important to such parks. She advised the Planning Commission and staff recommended adoption of the proposed ordinance as presented creating a new Business Park base zoning district based upon the finding that all seven standards for review of zoning text amendments listed in Article 30-2 had been met.

A brief discussion period ensued.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO ESTABLISH A BUSINESS PARK ZONING DISTRICT; TO CREATE DEFINITIONS FOR CORPORATE HEADQUARTERS, CARETAKER'S DWELLING, DEVELOPABLE AREA, AND OFFICE-WAREHOUSE; AND TO ASSIGN CORPORATE HEADQUARTERS, CARETAKER'S DWELLING, AND OFFICE-WAREHOUSE USES TO ZONING DISTRICTS. ORDINANCE NO. S2012-024.

MOTION: Council Member Bates moved to adopt the proposed ordinance as presented creating a new Business Park base zoning district, based upon the finding that all seven standards for review of zoning text amendments listed in Article 30-2 had been met.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

7.2 Amendments to City Code Chapter 30 to make corrections and minor adjustments to various sections, tables, and figures, including setbacks in SF-10, SF-15, and NC

districts, auto-oriented standards, parking and loading, calculating gross residential densities, zero lot line, paint/body shop standards, easements and setbacks, performance bonds, glazing in DT district, and other changes consistent with interpretations to date.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and stated staff had identified additional corrections and minor changes or cleanup through regular use of the new Development Code and comments received from the private sector users. She further stated the Unified Development Ordinance (UDO) provided seven standards of review for proposed text amendments. She explained the ordinance was consistent with those standards as provided in the staff report. She advised the Planning Commission and staff recommended adoption of the amendments as presented by staff based on the finding that all seven review standards provided in Article 30-2 for text amendments had been met.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

A brief discussion period ensued pertaining to fast food establishments' pick-up windows, entrances, and exits.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO MAKE MINOR CORRECTIONS AND ADJUSTMENTS INCLUDING SETBACKS IN NC DISTRICTS, AUTO-ORIENTED STANDARDS, PARKING AND LOADING STANDARDS, CALCULATION OF GROSS RESIDENTIAL DENSITIES, ZERO LOT LINE, RESIDENTIAL CORNER SIDE AND REAR SETBACKS, PAINT AND BODY SHOP STANDARDS, SETBACK COMPLIANCE AND EASEMENTS, PERFORMANCE BONDS, GLAZING IN DOWNTOWN DISTRICT, AND OTHER CHANGES CONSISTENT WITH INTERPRETATIONS TO DATE AS WELL AS OTHER CORRECTIONS INCLUDING NUMEROUS FIGURES (COLLECTIVELY REFERRED TO AS SET 6). ORDINANCE NO. S2012-025.

MOTION: Council Member Crisp moved to adopt the amendment as presented by staff based on the finding that all seven review standards provided in Article 30-2 for text amendments had been met.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Applewhite)

7.3 Request by Lamar Advertising for an amendment to City Code Chapter 30 to permit conversion of an existing billboard to a digital face with the removal of two other existing billboard faces.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation. She provided background on a text amendment change requested by Lamar Outdoor Advertising that would allow the installation of a single digital billboard to replace three conventional billboard faces, including the face being upgraded to digital. She briefly reviewed the current standards and regulations and advised current regulations would not permit digital billboards as new billboards were only allowed in LI and HI industrial districts and only if they met specific standards for spacing. She stated currently nonconforming billboards could be upgraded under certain standards through a hearing process at the Planning Commission. She stated the objective was a public benefit for the gradual reduction in number, in exchange for those that remained better maintained, stronger, and more attractive. She stated the few existing digital billboards in the City were the result of a 2008 agreement between the City and Lamar Advertising which had allowed one nonconforming billboard face to upgrade to digital with removal of three other nonconforming billboard faces. She stated in this request, the focus on nonconforming signs was deleted to allow the upgrade of a conforming billboard face to digital with the removal of any two other existing billboard faces. She stated there was no opposition at the Planning Commission and there were three representatives of Lamar Advertising speaking in favor of the amendment, including the changes recommended by staff except for the higher trade-off ratio of 3 for 1. She stated among discussion items, the Planning

Commission considered the potential of a more rapid upgrading to digital with the lower trade-off rate. She advised the staff and Planning Commission recommended that the transfer/upgrade process be placed in the Nonconformities chapter (Art. 30-7) because nearly all upgrades or transfers would be nonconforming signs. She further advised the fundamental objective would continue to be to amortize nonconforming billboards, steadily reducing the number while allowing maintenance that would acknowledge changes in technologies. She stated an administrative permit process was recommended instead of the public hearing. She concluded by stating the staff recommended a 3 for 1 transfer for an upgrade to a digital face for the following reasons:

- 1.The upgrade would enable a disproportionate increase in the number of advertisements capable of being displayed on the upgraded digital face during any given period versus the static faces.
- 2.The 3:1 exchange would reduce the overall number of billboards a little more rapidly and would have the effect of capping the total number of digital billboards in the future at a slightly lower level.
- 3.While this was a different situation, the 3:1 transfer rate seemed effective during the settlement period.

Ms. Hilton stated the Planning Commission reasoned that the requested 2:1 trade-off would encourage a more rapid upgrading of the existing nonconforming billboards around the community while continuing to reduce the total number of billboards.

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

Mr. Neil Yarborough, 115 Russell Street, Fayetteville, NC 28301, appeared in favor on behalf of Mr. Lloyd Johnson, Mr. Mark Stocks, and Ms. Rebecca Eatman-Jackson and requested Council vote to approve the Planning Commission's recommendation.

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

Council Member Crisp inquired of Mr. Yarborough how many digital billboards Lamar Advertising planned to erect in the next year. Mr. Yarborough responded five.

Further discussion ensued regarding locating boards that needed to be taken down.

Mr. Ted Voorhees, City Manager, stated the amendment would look better with a revision to the sign code and the settlement agreement was driven by a standalone treatment of the particular type of sign, not a community based project.

Mayor Pro Tem Arp inquired how much it would cost to advertise on digital billboard signs. Mr. Yarborough responded it would be dependent on several factors, length of advertising period, amount of data, etc.

Further discussion ensued pertaining to the 2 for 1 and 3 for 1 exchange, billboards serving a beneficial purpose, and consistency with the sign code.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO ALLOW CONVERSION OF AN EXISTING NONCONFORMING STATIC BILLBOARD FACE TO A DIGITAL BILLBOARD FACE UNDER CERTAIN CONDITIONS. ORDINANCE NO. S2012-026.

MOTION: Mayor Pro Tem Arp moved to deny the request and address the sign code update.

SECOND: Council Member Davy

VOTE: FAILED by a vote of 3 in favor to 7 in opposition (Council Members Applewhite, Crisp, Fowler, Bates, Massey, Haire, and Hurst)

MOTION: Council Member Bates moved to approve the request with a trade-off of 3:1.

SECOND: Council Member Applewhite

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Fowler, Arp, and Hurst)

8.0 OTHER ITEMS OF BUSINESS

8.1 National League of Cities (NLC) Conference Voting Delegates

Mr. Ted Voorhees, City Manager, presented this item and stated the NLC's Annual Business Meeting would be held on December 1, 2012. He stated as a direct member city, Fayetteville

was entitled to vote at this meeting. He advised in order to cast votes on behalf of the City of Fayetteville, the City Council must select one Voting Delegate and one Alternate Voting Delegate. He stated City Council members attending this years' conference were Mayor Chavonne and Council Members Bates, Davy, and Fowler.

MOTION: Council Member Fowler moved to nominate Council Member Bates as the Voting Delegate and Council Member Bates nominated Council Member Fowler as the Alternate Voting Delegate.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for September 2012.

2012 Taxes.....	\$2,164,853.03
2012 Vehicle.....	311,668.56
2012 Taxes Revit.....	4,736.81
2012 Vehicle Revit.....	215.60
2012 FVT.....	37,165.58
2012 Transit.....	37,165.56
2012 Storm Water.....	78,863.19
2012 Fay Storm Water.....	157,981.67
2012 Fay Recycle Fee.....	104,384.60
2012 Annex.....	0.00
2011 Taxes.....	31,704.86
2011 Vehicle.....	61,215.97
2011 Taxes Revit.....	22.26
2011 Vehicle Revit.....	0.00
2011 FVT.....	8,462.33
2011 Transit.....	8,462.31
2011 Storm Water.....	975.64
2011 Fay Storm Water.....	1,951.29
2011 Fay Recycle Fee.....	2,111.58
2011 Annex.....	0.00
2010 Taxes.....	2,679.93
2010 Vehicle.....	2,707.48
2010 Taxes Revit.....	55.97
2010 Vehicle Revit.....	4.21
2010 FVT.....	610.67
2010 Transit.....	610.69
2010 Storm Water.....	112.25
2010 Fay Storm Water.....	224.49
2010 Fay Recycle Fee.....	186.01
2010 Annex.....	0.00
2009 Taxes.....	754.96
2009 Vehicle.....	727.86
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	0.00
2009 FVT.....	197.21
2009 Transit.....	197.23
2009 Storm Water.....	24.00
2009 Fay Storm Water.....	48.00
2009 Fay Recycle.....	76.00
2009 Annex.....	0.00
2008 and Prior Taxes.....	7,400.04

2008 and Prior Vehicle.....	1,422.30
2008 and Prior Taxes Revit.....	0.00
2008 and Prior Vehicle Revit.....	0.00
2008 and Prior FVT.....	302.81
2008 and Prior Transit.....	105.00
2008 and Prior Storm Water.....	9.28
2008 and Prior Fay Storm Water.....	0.00
2008 and Prior Fay Recycle Fee.....	0.00
2008 and Prior Annex.....	6.71
Interest.....	11,071.39
Revit Interest.....	18.05
Storm Water Interest.....	105.38
Fay Storm Water Interest.....	197.88
Annex Interest.....	0.64
Fay Recycle Interest.....	223.89
Fay Transit Interest.....	964.23
Total Tax and Interest.....	\$3,042,985.40

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:52 p.m.