

**FAYETTEVILLE CITY COUNCIL
MINUTES
DECEMBER 8, 2008
7:00 P.M.
CITY HALL COUNCIL CHAMBER**

Present: Mayor Anthony G. Chavonne
Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2)(attended by teleconference call); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6)(attended by teleconference call); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Victor Sharpe, Community Development Director
Bobby Teague, Engineering and Infrastructure Director
Jimmy Teal, Planning Director
Ron Macaluso, Transit Director
Tony Means, Transit Operations Superintendent
Craig Hampton, Special Projects Manager
Rob Anderson, Chief Development Officer
Luis Collazo, Human Relations Specialist
David Nash, Planner II
Jackie Tuckey, Communications Manager/Public Information Officer
Michael Crowell, UNC School of Government

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Imam Abdul Haneef followed by the Pledge of Allegiance to the American Flag lead by Boy Scout Troop 957, sponsored by Manna Church.

1. APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne announced Council Member Crisp and Council Member Evans would be participating through a teleconference call.

B. Comment Period

Mayor Chavonne opened the public comment period.

Phillip Gilfus, 727 Duck Court, Apt. 48, Fayetteville, NC 28306 stated he was unable to participate in the city's recycling program because he lived in an apartment and asked that recycling be extended to condominiums, apartments, and commercial properties.

3. CONSENT

MOTION: Council Member Bates moved to approve the consent agenda.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve minutes:

1. City Council Meeting Held on October 27, 2008

2. **Special Joint Meeting Held on October 28, 2008**

3. **Special Meeting Held on November 8, 2008**

B. Authorize the Mayor to Execute a Contract with Cherry, Bekaert and Holland to Audit Accounts for Fiscal Year 2008-2009

C. Adopt the Following Capital Project Ordinance Closeouts:

· **Capital Project Ordinance Closeout 2009-1 (Various Information Technology Upgrades)**

· **Capital Project Ordinance Closeout 2009-2 (Contribution for Martin Luther King, Jr. Park)**

· **Capital Project Ordinance Closeout 2009-3 (Park Land Acquisition)**

· **Capital Project Ordinance Closeout 2009-4 (Parking Improvements, Demolition Activities and Land Acquisition)**

· **Capital Project Ordinance Closeout 2009-5 (FY2006 Street Resurfacing Project)**

The projects referenced above were completed in prior fiscal years and the associated revenues and expenditures have been audited. The purpose of the requested action is to formally authorize closure of the projects for accounting purposes.

D. Consideration of an Application to the Rural Center for the Building Reuse and Restoration Grants Program for the Kidsville Bouncehouse at Campbellton Landing

RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO APPLY FOR FUNDING THROUGH NORTH CAROLINA RURAL CENTER BUILDING REUSE AND RESTORATION GRANTS PROGRAM FOR THE KIDSVILLE BOUNCE HOUSE AT CAMPBELLTON LANDING PROJECT. RESOLUTION NO. R2008-058

E. Consider Resolution to Adopt 2009 Council Meeting Schedule

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2009 CITY COUNCIL MEETING DATES CALENDAR TO CLAIRFY THE TIME AND LOCATION OF CITY COUNCIL REGULAR MEETINGS FOR 2009. RESOLUTION NO. R2008-059

F. Consider Approving Technical Amendments to Chapter 18 of the Fayetteville City Code

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 18, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2008-025

4. PUBLIC HEARINGS:

A. Multi-Modal Transportation Facility

Craig Hampton, Special Projects Director, provided a presentation of the site evaluation and market feasibility study conducted by GHA Architects for the multi-modal transportation center. Mr. Hampton stated following meetings with City Council, Site 3 and Site 6 had been identified for further review and study. Mr. Hampton reviewed pros and cons for Site 3 (Robeson, Emmett, Winslow and Rankin) and Site 6 (Robeson, Franklin, Russell and Winslow) as contained in the presentation.

Council Member Haire inquired regarding provisions for the handicapped and elderly between a multi-modal center constructed on Site 6 and the Amtrak station. Mr. Iman responded a plan could be devised to accommodate people with disabilities or other unique needs to transport them from the multi-modal center to the train station. Mr. Iman stated electric carts, electric buses, small trucks, or green vehicles could be used to transport individuals.

Mr. Hampton and Mr. Iman responded to further questions regarding shelters, maintenance costs, available parking space, taxicab stands, and relocation of the Amtrak station. Mayor

Chavonne requested that a parking solution or potential parking deck be included as part of the proposal.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:28 p.m.

Don Stewart, 312 Murray Hill Road, Fayetteville, NC appeared in favor and stated the multi-modal center should be located as close as possible to the core downtown area to be successful.

Jesse Kirkland, 20 Lake Avenue, Fayetteville, NC appeared in favor and stated the city should maintain what it has because money is tight.

No one appeared in opposition and the public hearing closed at 7:35 p.m.

MOTION: Council Member Bates moved to authorize the current location as location number one.

SECOND: Council Member Evans

VOTE: FAILED by a vote of 3 in favor (Council Members Crisp, Bates, and Evans) to 7 in opposition.

MOTION: Council Member Meredith moved to approve Site 6 as the preferred location for the multi-modal center.

SECOND: Council Member Applewhite

At the request of Council Member Mohn, Mr. Hampton reviewed the next steps in the process. Mr. Iman stated because multi-modal transportation facilities were one of the highest rated projects in the federal economic stimulus package, there was a possibility of 100% funding for the project.

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Bates, Crisp, and Evans).

B. Public Hearing for Public Input on Proposed Redistricting Plan

Michael Crowell, UNC School of Government, stated as a result of the annexation of Ft. Bragg, the area needed to be added to the city's nine election districts. Mr. Crowell reviewed the basic requirements for a redistricting plan. Mr. Crowell stated Council had reviewed several different plans and Plan 13D met all the requirements. Mr. Crowell further stated Plan 13D followed existing precinct lines and used major streets as boundaries better than the other plans. Mr. Crowell reviewed a map and statistics for the proposed nine districts. Mr. Crowell stated following the 2010 census, the likelihood was that the districts would have to be redrawn in time for the 2011 municipal election.

Council Member Mohn inquired regarding the redistricting effective date. Mr. Crowell advised the effective date would be the date reflected on the pre-clearance letter that would be sent by the U. S. Department of Justice. Mr. Crowell responded to further questions regarding district population changes, alterations to district boundaries, and minority district statistics.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 8:00 p.m.

MOTION: Council Member Meredith moved to adopt Plan 13D to be used in the 2009 election and direct staff to submit the plan to the U. S. Department of Justice.

SECOND: Council Member Haire

Council Member Crisp inquired how less than a unanimous vote by Council would affect pre-clearance by the U. S. Department of Justice. Mr. Crowell explained African-American percentages were going to go down because the black percentage of the population of Ft. Bragg was lower than the percentage in the city as a whole. Mr. Crowell advised the test under Section 5 of the Voting Right Act was not whether the districts had the same percentage as in the present plan, but whether the plan would provide black voters the ability to elect the candidates of their choice. Mr. Crowell spoke to other areas in North Carolina with military bases incorporated into municipalities that appeared to have a majority white population but actually had a majority of black registered voters.

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Evans and Massey)

C. Consider extending the sixty-day moratorium an additional sixty days beginning December 11, 2008 on the acceptance, processing, or granting of applications, and any

other operation of Section 30-262(g) of the Fayetteville Code, entitled nonconforming signs-transfer during amortization.

Jimmy Teal, Planning Director, stated a moratorium was placed on the billboard transfer process in October 2008 for sixty days to resolve issues regarding the billboard transfer ordinance. Mr. Teal further stated review of the issues was nearing completion and additional time was needed for to complete the review beyond the December 11th date when the sixty-day moratorium was set to expire.

This is the advertising public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 8:12 p.m.

MOTION: Council Member Bates moved to approve the sixty-day moratorium extension.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

5. NORTH CAROLINA VETERANS PARK

A.PRESENTATION OF RECOMMENDATION OF A/E FIRMS FOR SERVICES TO ENGINEER, DESIGN AND PREPARE CONSTRUCTION DOCUMENTS FOR NC STATE VETERANS PARK

Mr. Hampton referenced additional information provided to Council regarding Vandewalle and Associates' role throughout the project and stated once the scoping process was completed and tasks and responsibilities were further refined, the city would have all information necessary to conduct the final phase of negotiations with the two recommended firms. Mr. Hampton and Mr. Iman responded to questions regarding grant funding for the concept/design and master planning phases, whether state agencies would be involved in the project, and projected accomplishments in Phase I and Phase II of the project.

MOTION: Council Member Meredith moved to authorize the City Manager to proceed with the City Council's selection of URG and Vandewalle to complete the planning and scoping process at an amount not to exceed \$200,000. Further, the City Council directs the Manager to report back to the City Council on the results of the planning and scoping process that includes the refinement of tasks and responsibilities to be performed by URG and Vandewalle, and final contracts for approval of the architectural, engineering and master planning services.

SECOND: Council Member Massey

Council Member Applewhite inquired whether consideration should be given to including state agencies in the process.

FRIENDLY AMENDMENT:

Council Member Meredith moved to amend the motion to explore state supporting services.

SECOND: Council Member Massey

A brief discussion ensued. Council Member Crisp requested the motion be restated.

RESTATED MOTION:

Council Member Meredith moved to authorize the City Manager to proceed with the City Council's selection of URG and Vandewalle to complete the planning and scoping process at an amount not to exceed \$200,000. Further, the City Council directs the Manager to report back to the City Council on the results of the planning and scoping process that includes the refinement of tasks and responsibilities to be performed by URG and Vandewalle, and final contracts for approval of the architectural, engineering and master planning services. And, to explore any state supporting services that might help in the project.

VOTE ON RESTATED MOTION:

PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates).

B. APPOINTMENTS TO VARIOUS COMMITTEES FOR THE NORTH CAROLINA STATE VETERANS PARK

Mr. Hampton reference names assembled for Council's consideration for membership to the various committees critical to the success of the programming of the North Carolina State Veterans Park and to serve on the North Carolina State Veterans Park Management Board. Mr. Hampton requested input from Council.

MOTION: Council Member Hurst moved to refer to the City Council's Appointment Committee identification of necessary committees, composition, and recommendations for those appointments to said committees for the development of the State Veterans Park with a report back to the City Council within thirty days.

SECOND: Council Member Meredith

Mr. Hurst stated the meeting date would be publicized to all Council Members to encourage input.

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

INFORMATION ITEMS:

1. Copy of 2008-2009 Levy for City of Fayetteville from the Cumberland County Tax Administrator

There being no further business, the meeting adjourned at 8:20 p.m.