

FAYETTEVILLE CITY COUNCIL

MINUTES

JULY 14, 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); 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
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
B.E. (Benny) Nichols, Fire/Emergency Management Chief
Lisa Smith, Chief Financial Officer
Karen Hilton, Assistant Planning Director

Jackie Tuckey, Communications Manager/Public Information Officer

Rebecca Rogers-Carter, Management Analyst

Ben Amstead, Appalachian State University Intern

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Captain Tyrone Nelson, Chaplain with the United States Army Special Operations Command, followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, presented a special recognition to Firefighter Zachary Wages for rendering assistance at the scene of an accident while off duty on December 3, 2007. B.E. Nichols, Fire/Emergency Management Chief, spoke on behalf of Firefighter Wages.

B. Comment Period

Mayor Chavonne opened the public comment period.

Harry L. Bowman, 414 Homestead Drive, Fayetteville, NC 28303 expressed concern for noise associated with the Big Apple Bar and Sports Pub and the city's noise ordinance. Mr. Bowman stated he had provided a petition to Council Members outlining the complaints and recommendations for the same.

Teresa Y. del Giudice, PO Box 36197, Fayetteville, NC 28303 expressed concern for operations associated with cable access Channel 7 and stated as a member of the public, she found it impossible to get a show broadcast on the community channel.

Ervin Farmer, Jr., PO Box 64824, Fayetteville, NC 28306 informed Council the youth department of the Grand Order of the Eastern Star was strong and growing in the City of Fayetteville.

Daunte Hill, 1424 Grundy Place, Fayetteville, NC 28314 provided a brief overview of the Knights of Pythagoras involvement with training youth in the community in the areas of leadership, responsibility and brotherhood.

Freddie A. Robertson, 2335 Rosehill Road, Fayetteville, NC 28301 spoke to the assemblage of the Knights of Pythagoras on July 10, 2008 and expressed concern for the lack of media support for the event.

Imam Eronomy Mohammed, 2700 Murchison Road, Fayetteville, NC 28301 spoke to his attendance at the Legislative Black Caucus in Raleigh, NC and expressed the need for more transportation and youth activities in the area.

Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28311 spoke to anticipated growth due to the Fort Bragg annexation and BRAC and stated it is only through the combined contribution of the City Council and citizens that the area will be ready.

Richard A. Vanwy, 1413 Paisley Avenue, Fayetteville, NC 28304 asked that connections to PWC sewer in his neighborhood not take place until after school in order to avoid potential traffic problems in his neighborhood associated with school buses and connection activity.

3. CONSENT:

Council Member Evans requested Item 3.D. pulled for discussion.

Council Member Bates requested Item 3.E. pulled for discussion.

MOTION: Council Member Bates moved to approve the consent agenda with the exception of Item 3.D. and Item 3.E.

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve minutes:

1. **Work Session Meeting Held on June 2, 2008**
2. **Dinner and Discussion of Agenda Items Held on June 9, 2008**
3. **City Council Meeting Held on June 9, 2008**
4. **Agenda Briefing Meeting Held on June 18, 2008**
5. **City Council Meeting Held on June 23, 2008**

B. Adopt Budget Ordinance Amendment 2009-1 (Inspections Department)

The Inspections Department is implementing a new software application to enhance operating efficiencies at an expected cost of \$88,573. The fiscal year 2007/2008 department budget included \$40,000 for this project, and the fiscal year 2008/2009 includes an additional \$48,573. This budget ordinance amendment will reappropriate \$40,000 from General Fund fund balance (resulting from the unspent fiscal year 2007-2008 budget) to make the needed funding available for this project in the current fiscal year.

C. Adopt Capital Project Ordinance Amendment 2009-3 (Transportation Museum) and Approve the Supplemental Funding Agreement from the North Carolina Department of Transportation (NCDOT)

This ordinance amendment will appropriate an additional \$132,146 for the Transportation Museum project to expand the museum into an adjacent building known as the Market Building. The source of funds for the amendment consists of a \$105,717 grant from the NCDOT and a required local match of \$26,429 from the General Fund. City Council is also asked to approve the supplemental funding agreement as required by NCDOT.

D. Pulled at the request of Council Member Evans.

E. Pulled at the request of Council Member Bates.

3.D. Consider Resolution Amending Resolution Number R2004-060 Regarding Appointment to ElectriCities of North Carolina, Inc.

Council Member Evans inquired about ElectriCities, member responsibilities and the reason for the proposed amendment regarding appointments. Dale E. Iman, City Manager, stated ElectriCities was a consortium of cities having municipal power companies and those appointed to the consortium advocated for the electric power needs of their municipality. Mr. Iman further stated following discussions between the Council and the Public Works

Commission (PWC), it was determined it would be more appropriate for PWC to make the appointments to the ElectriCities' board.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING RESOLUTION NUMBER R2004-060 REGARDING APPOINTMENT TO ELECTRICITIES OF NORTH CAROLINA, INC. RESOLUTION NO. R2008-040

MOTION: Council Member Evans moved to amend the resolution regarding the appointments to ElectriCities.

SECOND: Council Member Meredith

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

3.E. Consider the rezoning from R15, R10 and R5A residential districts to C1P commercial district for property located along the west side of Gillis Hill Road and south of Raeford Road. Containing 76.00 acres more or less and being the property of John M. Gillis Et al & Gillis Group Partnership. Case Number P08-29F

Mayor Chavonne stated Case Number P08-29F was heard at the June 23, 2008 meeting and approved by a vote of five to four. Mayor Chavonne further stated because it did not receive the requisite two-thirds vote, a second reading was required and Council would vote without discussion.

MOTION: Mayor Chavonne moved to recommend rezoning to C1P minus the two parcels identified on the graphic on the west side of Two Bale Lane which immediately abut R15 of Lancaster at West.

SECOND: Council Member Mohn

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

Council Member Mohn asked that the developer be allowed to initiate a rezoning of the two parcels adjacent to the neighborhood of Lancaster at Weston sooner than the one-year requirement and that the developer be required to meet with neighborhood residents to negotiate the buffering requirements before appearing before the City Council.

Karen M. McDonald advised it would be within the developer's purview to reinstate the rezoning process for matters in his best interest for a final decision by the City Council.

MOTION: Council Member Mohn moved to waive the one-year rule to allow those discussions that are going to potentially come back to Council short of one year.

SECOND: Council Member Crisp

Mrs. McDonald advised the appropriate motion would be to allow the developer to initiate the rezoning process for the two parcels that were not rezoned.

RESTATED MOTION: Council Member Mohn moved to waive the one-year rule and allow the developer to initiate the rezoning process for the two parcels that were not rezoned.

SECOND: Council Member Crisp

In response to a question posed by Council Member Applewhite, Council Member Mohn stated communications he had engaged in with the developer and residents of Lancaster at Weston indicated a willingness of both parties to further discuss buffering and rezoning of the two parcels.

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

4. STRATEGIC PLAN ITEMS

A. FY 2007-08 STRATEGIC PLAN 4th QUARTER REPORT AND FINAL REPORT

Doug Hewett, Assistant City Manager, presented this item and provided an update of the policy, management, and intergovernmental agendas to include project descriptions, progress made, and anticipated actions for the final quarter of the FY 2007-2008 Strategic Plan.

Council Member Bates provided an update regarding the Consolidated City-County Transportation Study and stated as Phase I neared completion, the City and County would need to decide whether to continue with Phase II, which included the creation of a combined transit authority.

Council Members Crisp requested discussion in a work session regarding ways to communicate to citizens the activities that had been planned and accomplished to date. Council Member Evans requested discussion in a work session as to whether the joint parks and recreation department had benefited citizens.

MOTION: Council Member Crisp moved that the report be accepted and staff commended for the excellent work.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

B. FY 2008-09 STRATEGIC PLAN OVERVIEW

Mr. Hewett presented this item and stated the narratives provided to Council represented a continuation of the multi-year Strategic Plan and FY 2008-2009 targets for action. Mr. Hewett stated if approved, the targets for action would govern the direction of the City's Strategic Plan through June 30, 2009. Mr. Hewett further stated the targets for action were provided to City Council for informational purposes and based on feedback, would be presented to City Council for review and approval at the August 4, 2008 work session.

Mr. Hewett stated a continuation of Council's Strategic Plan was scheduled during the month of February 2009. Mayor Chavonne asked Council Members to tentatively hold the dates of February 5, 6, and 7, 2009.

5. CLOSED SESSION FOR PERSONNEL MATTERS

MOTION: Council Member Meredith moved to go into closed session for personnel matters.

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

The regular session recessed at 8:10 p.m.

The regular session reconvened at 8:55 p.m.

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

INFORMATION ITEMS:

1. Report of tax refunds less than \$100.

NAME YEAR BASIS CITY REFUND

Finch, James H.	2006	Corrected Assessment	<u>\$98.10</u>
TOTAL			<u>\$98.10</u>

2. Statement of taxes collected for the month of June 2008 from the Cumberland County Tax Administrator.

2007 Taxes.....	\$181,159.24
2007 Vehicle Taxes.....	450,258.06
2007 Revit.....	87.66
2007 Vehicle Revit.....	334.31
2007 FVT.....	45,893.76
2007 Storm Water.....	10,058.55
2007 Fay Storm Water.....	12,151.87
2007 Annex.....	95.16
2006 Annex.....	\$7,116.00
2006 Taxes.....	6,935.75
2006 Vehicle Taxes.....	7,456.53
2006 Revit.....	2.50
200 Vehicle Revit.....	0.00
2006 FVT.....	1,113.99
2006 Storm Water.....	296.31
2005 Taxes.....	\$1,361.81
2005 Vehicle Taxes.....	1,543.72

2005 Revit.....	0.00
2005 Vehicle Revit.....	0.00
2005 FVT.....	337.74
2005 Storm Water.....	103.03
2004 Taxes.....	\$207.28
2004 Vehicle Taxes.....	297.53
2004 Revit.....	0.00
2004 Vehicle Revit.....	0.00
2004 FVT.....	91.65
2004 Storm Water.....	56.47
2003 and Prior Taxes.....	\$859.72
2003 and Prior Vehicle Taxes.....	1,801.54
2003 and Prior Revit.....	0.00
2003 and Prior Vehicle Revit.....	0.00
2003 and Prior FVT.....	469.83
2003 and Prior Storm Water.....	132.00
Interest.....	\$21,285.78
Interest (Revit).....	10.28
Interest (Storm Water).....	698.40
Interest (Fay Storm Water).....	684.17
Interest (Annex).....	338.13
Total Collections.....	\$753,238.77

There being no further business, the meeting adjourned at 8:56 p.m.