

**FAYETTEVILLE CITY COUNCIL
MINUTES
AUGUST 11, 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); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)
Absent: Council Member Valencia A. Applewhite (District 7)
Others Present: Dale E. Iman, City Manager
Kyle Sonnenberg, Assistant 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
Tracey Broyles, Budget and Evaluation Manager
Jerry Dietzen, Solid Waste Management Director
Craig Hampton, Special Projects Director
Jimmy Teal, Planning Director
Karen Hilton, Assistant Planning Director
David Nash, Planner II
Jackie Tuckey, Communications Manager/Public Information Officer
Butch Raynor, Assistant Cumberland County Attorney
Bobby Howard, Cumberland County Solid Waste Director
Candice H. White, City Clerk
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Rabbi Yosef Levanon, Beth Israel Synagogue, followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

Council Member Mohn requested the addition of an item that "the Fayetteville City Council initiate the formation of a citizen task force to study affordable and sustainable location options within the current downtown Municipal Service District for our new Fayetteville Museum of Art. The task force will include a total of nine citizens and will report back to Council within ninety days from the date the task force is formed. Appointment of this task force is to occur on 25 August 2008 during the next regularly scheduled Council meeting".

MOTION: Council Member Mohn moved to approve an addition to the agenda for the formation of a citizen task force as Item 7.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Meredith moved to approve the agenda with the addition of Item 7.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne and Council Member Meredith recognized Victoria Weeks Baskett, crowned 2008 Young Miss North Carolina, at the Little Miss North Carolina State Scholarship Pageant held in Lenoir, North Carolina. Miss Baskett spoke to what it meant to her to have been selected as Little Miss North Carolina.

Council Member Evans recognized Donna M. Cotter and Angela Covington who spoke regarding the statewide Recovery North Carolina Campaign being launched with assistance

from the State Division of Mental Health, Developmental Disabilities and Substance Abuse Services. Ms. Cotter explained the campaign was designed to engage and empower persons in treatment and/or in recovery from addiction.

Dr. Hank Parfitt and Harry Shaw shared events from the local delegation's visit to the City of Fayetteville's sister city, St. Avold, France and presented a painting to the city that was received as a gift from St. Avold. Congressional recognition items were also presented in honor of the celebration of Marquis De Lafayette's 250th birthday.

Council Member Haire recognized Dr. James A. Anderson, who was installed as the new Chancellor of Fayetteville State University (FSU) on June 9, 2008. Dr. Anderson spoke to FSU student involvement in the community and to the creation of partnerships between FSU and the City.

Council Member Haire invited citizens to attend the Umoja Festival to be held on August 23, 2008 at Seabrook Park at 12:00 p.m.

B. Comment Period

Mayor Chavonne opened the public comment period. There was no one present to speak and Mayor Chavonne closed the public comment period.

3. CONSENT:

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

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

The following items were approved:

A. Approve minutes:

1. Agenda Briefing Meeting held on July 23, 2008

B. Adopt Capital Project Ordinance Amendment 2009-4 (Appropriation of Investment Income for the Phase V Water and Sewer Infrastructure Projects)

In 2004, the City entered into an electric service territorial agreement with Lumbee River Electric Membership Corporation (LREMC) for \$3,449,709. Since that time, the City has invested the available proceeds from the agreement and expects to generate approximately \$272,000 in investment income by August 31, 2008. The original proceeds from the agreement and associated investment income must be used for water and sewer system improvements within LREMC's territory in the Phase V annexation area. City Council previously appropriated the LREMC funds of \$3,449,709 and investment income of \$125,000 for this project. At this point, the remaining \$147,000 in investment income must be appropriated by City Council before these funds can be used for the project. If approved, this amendment will increase the project ordinance budget to \$3,721,709.

C. Adopt Capital Project Ordinance 2009-13 (2008 Soil Streets Paving Project)

This capital project ordinance will appropriate \$600,000 for the 2008 soil street construction contract, as well as any ancillary costs associated with completing the project. Consistent with the approved capital improvement plan, the source of funds for this project will be installment financing proceeds.

D. Bid Award – Year #1 – 2008 Soil Streets Paving Project

Award contract to Billy Bill Grading Co., Fayetteville, NC in the amount of \$560,740 for the paving of Canal Street, Farrell Avenue, Gurley Street, Adam Street, Lucas Street, Upton Street and Guthrie/McDuffie Street.

Bids were received as follows:

Billy Bill Grading Co. (Fayetteville, NC)	\$560,740.00
McArthur Construction Co. (Lumberton, NC)	\$560,766.85
Utilities Plus, Inc. (Linden, NC)	\$584,214.77
Triangle Grading and Paving (Burlington, NC)	\$646,699.74
Barnhill Contracting Co. (Fayetteville, NC)	\$726,391.68
Highland Paving Co. (Fayetteville, NC)	\$756,065.00

E. Adopt Capital Project Ordinance 2009-14 (Council Chambers Telecast System Upgrade and Renovations)

This capital project ordinance will appropriate \$148,453 for the Council Chambers telecast system upgrade and related Council Chambers renovations. The source of funds for this project is a General Fund transfer available due to funds remaining from the FY2007-2008 Management Services operating budget. The project budget includes a 10% contingency.

F. Bid Award – City Council Chambers Telecast System Upgrade

Award contract in the amount of \$134,957.37 to Imagination Systems, Inc., Raleigh, NC, for all materials labor and equipment necessary to upgrade the City Council Chamber Telecast System in accordance with the equipment list and all other specifications contained in the City's Invitation to Bid dated June 19, 2008.

Bids were received as follows:

Imagination Systems, Inc. (Raleigh, NC)	\$134,957.37
Clark Powell (Morrisville, NC)	\$157,941.00

G. License Agreement and Memorandum of License Agreement with T-Mobile South, LLC

H. Bid Award – Annexation, Phase V – Arran Lakes West

Award bid for Annexation, Phase V- Arran Lakes West to Triangle Grading and Paving, Burlington, NC, lowest responsive, responsible bidder in the total amount of \$1,838,846.80.

Bids were received as follows:

Triangle Grading and Paving (Burlington, NC)	\$1,838,846.30
Utilities, Plus Inc. (Linden, NC)	\$1,993,459.83
Billy Bill Grading Co. (Fayetteville, NC)	\$2,134,134.20
ES&J Enterprises (Autryville, NC)	\$2,144,156.06
TA Loving Co. (Goldsboro, NC)	\$2,469,705.00

I. Lease Agreement for Office Space at the Robert C. Williams Business Center

J. Approve Resolution in Support of NCLM Green Challenge Program

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IN SUPPORT OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES' GREEN CHALLENGE. RESOLUTION NO. R2008-043

K. Approve Downtown Manager Position

L. Adopt Amendments to Special Events and Picketing Ordinance and Direct Staff to Format the Amendments Consistent with Section 1-5 of the City Code

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, AND CHAPTER 24, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2008-013

M. Approve Big Box Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, ARTICLE IV, DISTRICT USE REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, NORTH CAROLINA. ORDINANCE NO. S2008-012

N. Narrative Descriptions for FY 2008-2009 Strategic Plan Targets for Action

O. Approve Sign Permit for 18th Annual Greek Festival Taking Place September 11th through September 15th

4. PUBLIC HEARINGS

A. Consider a Franchise Agreement between the City of Fayetteville and Cumberland County for the operation of a municipal solid waste construction and demolition waste facility at the existing Ann Street Landfill.

Harvey Raynor, Deputy County Attorney, introduced Bobby Howard, Cumberland County Solid Waste Director, and explained that the North Carolina Department of Environment and Natural Resources recently enacted regulations requiring operators of municipal solid waste facilities to obtain a franchise agreement from the local jurisdiction in which the facilities are located. Mr. Raynor further explained the purpose of the regulation was to provide greater public awareness of landfills and to provide governmental entities a voice regarding landfills coming into their communities. Mr. Raynor stated the County's construction and demolition permit expired and as

of July 1, 2008, construction and demolition waste could no longer be placed in the construction and demolition landfill. Mr. Raynor further stated the construction and demolition waste was being placed in the subtitle D or garbage landfill and taking up valuable space. Mr. Raynor stated the desire is to attempt to maximize the landfill's life and for this reason, a thirty-year franchise was being requested.

Finally, Mr. Raynor explained the City's recycling efforts would serve to extend the life of the landfill.

Mr. Raynor responded to questions regarding the construction and demolition landfill and the subtitle D landfill.

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 7:40 p.m.

Council Member Meredith noted City and County staff were currently involved in negotiations with regard to the franchise agreement.

MOTION: Council Member Meredith moved for Council not to take action tonight on the issue about granting a franchise agreement.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

B. Consider extending the sixty-day moratorium an additional sixty days beginning August 13, 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 June 2008 to provide time for the City to review the billboard ordinance amendment. Mr. Teal further stated the review is ongoing but has not been completed and the moratorium expires on Tuesday, August 12th. Mr. Teal requested approval of a sixty-day moratorium extension in order for the City to complete its review.

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 7:42 p.m.

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

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

5. APPROVAL OF ANNEXATION REPORT FOR GATES FOUR

Kyle Sonnenberg, Assistant City Manager, provided an overview of the report as required by general statutes for annexation of the Gates Four area. Mr. Sonnenberg stated approval of this report will set in motion several actions including publication of the notices for the public information meeting and public hearing in local newspaper, holding said meetings, and ultimately passage of the annexation ordinance. Mr. Sonnenberg provided a timeline associated with the annexation of the Gates four area and stated the effective date for the annexation was anticipated to be November 30, 2009.

Mr. Sonnenberg responded to questions related to the annexation date and tax bills, streetlights on privately owned streets in the Gates Four area, and challenges associated with correlating the annexation effective date with the election primary. Council Member Haire asked whether the Phase V special local act that spread tax payments over a period of time would be applicable to tax bills for the Gates Four area. Karen M. McDonald, City Attorney, advised staff would look into the matter should Council have interest in doing so.

MOTION: Council Member Meredith moved to approve the report as presented.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of six in favor to three in opposition (Council Members Bates, Crisp and Mohn)

6. APPOINTMENT OF MEMBERS TO AN AD HOC RAMSEY CORRIDOR TASK FORCE TO HELP GUIDE DEVELOPMENT OF A CORRIDOR PLAN

Mayor Chavonne reviewed the names of members previously appointed to the Ramsey Corridor Task Force and opened the floor for nominations of additional members. Council Member Bates nominated Paul Monroe.

MOTION: Council Member Haire moved to add Paul Monroe to the Ramsey Corridor Task Force.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

Mayor Chavonne noted the first meeting of the Ramey Corridor Task Force would be Thursday, August 14, 2008 at 6:00 p.m. at the Ramsey Street School.

7.FORMATION OF A CITIZEN TASK FORCE TO STUDY AFFORDABLE AND SUSTAINABLE LOCATION OPTIONS WITHIN THE CURRENT DOWNTOWN MSD FOR THE NEW FAYETTEVILLE MUSEUM OF ART

Council Member Mohn restated his initial motion that "Fayetteville City Council initiate the formation of a citizen task force to study affordable and sustainable location options within the current downtown Municipal Service District for our new Fayetteville Museum of Art. The task force will include a total of nine citizens and will report back to Council within ninety days from the date the task force is formed. Appointment of this task force is to occur on 25 August 2008 during the next regularly scheduled Council meeting".

Council Member Mohn stated he would like the Arts Council to submit five names from which City Council would select three members; the Museum of Art Board of Directors submit three names from which City Council would select three members; and City Council members submit names from which three members would be selected. Council Members Mohn stated the City Manager would provide the appropriate staff members based on the needs of the task force. Council Member Mohn read the proposed Mission Statement for the task force: "The citizen task force will first evaluate the Museum of Art's long-term financial sustainability model to determine the size and scope of a building that can be afforded; then the task force will determine the minimum parking requirements for that size building; task force will then identify all potential sites within Fayetteville's current Municipal Service District and provide their recommendation (site selection) for our new Fayetteville Museum of Art".

MOTION: Council Member Mohn moved that the Fayetteville City Council initiate the formation of a citizen task force to study affordable and sustainable location options within the current downtown Municipal Service District for our new Fayetteville Museum of Art. The task force will include a total of nine citizens and will report back to Council within ninety days from the date the task force is formed. Appointments of this task force is to occur on 25 August 2008 during the next regularly scheduled Council meeting.

SECOND: Council Member Bates

Council Member Evans inquired about the purpose of the task force considering the City Council had no intentions of revoking the previous transfers of property. Council Member Mohn spoke to discussions and emails regarding the affordability of the Museum of Art and stated should there be a lack of citizen support for the Museum of Art in Festival Park, the museum may not be successful in its fund raising efforts. Council Member Mohn spoke to personal conversations he had with members of the Museum of Art Board of Directors who shared with him that the museum was currently in the negative in its fund raising efforts.

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Evans)

INFORMATION ITEMS:

1. Confirmation of City of Fayetteville Taxes for the 2007-2008 Fiscal Year and Tax Levy for 2008-2009 from Cumberland County Tax Administrator

There being no further business, the meeting adjourned at 8:05 p.m.