

FAYETTEVILLE CITY COUNCIL
MINUTES
JUNE 9, 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
Kyle Sonnenberg, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
B.E. (Benny) Nichols, Fire/Emergency Management Chief
Tracey Broyles, Budget and Evaluation Manager
Jimmy Teal, Planning Director
Karen Hilton, Assistant Planning Director
Kyle Garner, Planner II

Bobby Teague, Engineering and Infrastructure Director
Steven K. Blanchard, PWC CEO/General Manager
James Rose, PWC Chief Administrative Officer
Jackie Tuckey, Communications Manager/Public Information Officer
Nathan Walls, Public Information Specialist
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Rev. Sherry Arnold Graham 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 Bates

VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne and Council Members Mohn and Applewhite, on behalf of City Council, recognized Dr. Rollinda Thomas, Assistant Professor of Art Education at Fayetteville State University and sixty-four volunteers who participated in the mural of Fayetteville on the railroad car at the corner of Reilly Road and Cliffdale Road.

Mayor Chavonne and Council Member Haire, on behalf of City Council, presented a proclamation officially recognizing the achievements of the first graduates of the Fire Science Academy at E. E. Smith High School. B.E. Nichols, Fire/Emergency Management Chief, offered remarks regarding the origination of the fire science curriculum and graduates of the Fire Science Academy.

Mayor Chavonne and Council Member Bates, on behalf of City Council, recognized volunteers who devoted their time and energy to the Field of Honor project. City Coins were presented to the volunteers.

Mayor Chavonne and Council Member Bates, on behalf of City Council, presented a proclamation to the Methodist University Women's Golf Team for the 11th straight national championship and their 21st overall since 1986. Monday, June 9, 2008 was proclaimed as a Special Day of Recognition to acknowledge their accomplishments.

Mayor Chavonne and Council Member Hurst, on behalf of City Council, presented a proclamation of appreciation to the Highlands Chapter of the American Red Cross. Annette H. Smith, Board Chair, recognized members of the Board of Directors.

Mayor Chavonne, on behalf of Council, expressed condolences to Council Member Bates and his family on their recent loss.

B. Comment Period

Mayor Chavonne opened the public comment period.

Harmony Sell, 403 Dunn Road, Fayetteville, NC requested assistance in locating an attorney.

Patricia Stewart, 623 Bessemer Circle, Fayetteville, NC asked that the connector streets from Bragg Boulevard to Pennsylvania Avenue, to Jasper Street eastward to Topeka, West Cochran to intersections at Corina, be taken out of future planning for the Murchison Road corridor.

John Malzone, 3305 Hutton Place, Fayetteville, NC spoke to the importance of the city's Downtown Development Manager position as a single point of contact for business and property owners in the downtown area.

Robert G. Bailey, 1601 Scampton Drive, Fayetteville, NC spoke to his rezoning efforts for 1227 Pamalee Drive and 1601 Scampton Drive.

Moses Best, 1824 Broadell Drive, Fayetteville, NC spoke to the need for security in areas along Murchison Road.

Freddie Robertson, 2335 Rosehill Road, Fayetteville, NC thanked Fayetteville for supporting the Mason and Shriner youth talent contests.

3. CONSENT:

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

Council Member Haire requested Item 3.I. pulled for discussion.

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

A. Approve minutes:

- 1. **Work Session Held on May 5, 2008**
- 2. **City Council Meeting Held on May 12, 2008**
- 3. **Budget Work Session Held on May 15, 2008**
- 4. **Town Hall Meeting Held on May 19, 2008**
- 5. **Agenda Briefing Held on May 21, 2008**
- 6. **Budget Work Session Held on May 21, 2008**
- 7. **Dinner and Discussion of Agenda Items Held on May 27, 2008**

B. Tax Refunds Greater Than \$100

BILL NO.	YEAR	BASIS	CITY REFUND
Partners, LLC 2533952	2003-2007	Corrected Assessment	\$5321.20
			\$5321.20

**C. Budget Amendments – Public Works Commission
Adopt the following budget amendments which were adopted by the Public Works Commission during their meeting of May 28, 2008:**

1. Maintenance Internal Service Fund Budget Amendment #3 (Effective date June 9, 2008)

Budget amendment #3 will make final adjustments to the Electric, Water/Sanitary Sewer and Fleet Maintenance Internal Service Fund (FMISF) budgets. The total budget amount increases by \$1,200,000 to \$268,562,251 for Fiscal Year 2008.

2. Electric Utility System Rate Stabilization Fund Amendment #5 (Effective date June 9, 2008)

The amendment increases this budget by \$1,000,000, for Fiscal Year 2008, for the additional amount appropriated in the General Fund budget amendment #3. The anticipated balance at the end of Fiscal Year 2008 is \$16,394,725.

3. Electric Utility System Rate Stabilization Fund Amendment #6 (Effective Date of July 1, 2008)

This amendment increases the budget by \$3,350,000, for Fiscal Year 2009, for the amount appropriated in the Fiscal Year 2009 General Fund Budget and projected interest income. The anticipated balance at the end of Fiscal Year 2009 is \$19,744,725.

4. Water and Wastewater Utility Systems Rate Stabilization Fund Amendment #3 (Effective date July 1, 2008)

This amendment increases the budget by \$526,700, for Fiscal Year 2009, for the amount appropriated in the Fiscal Year 2009 General Fund Budget and projected interest earnings. The anticipated balance at the end of Fiscal Year 2009 is \$2,705,000.

5. Water/Sewer 2003A Revenue Bond Capital Project Fund Amendment #4 (Effective Date June 9, 2008)

This amendment is the final close-out adjustment for this fund. It adjusts upward the interest earnings by \$1,787, decreases the cost of the project by \$62,149 and transfers the balance of \$63,936 to the General Fund.

6. Series 2008 Revenue Bond Capital Project Fund Amendment #1 (Effective Date June 9, 2008)

This amendment adjusts the bond proceeds for Cost of Issuance by \$1,961.

7. Annexation Phase V - Project 1 Capital Project Fund Amendment #2 (Effective Date June 9, 2008)

This amendment adjust the Cost of Issuance of the Series 2008 Revenue Bonds and credits the City and PWC contribution amount by \$421 each.

D. Pulled at the request of Council Member Meredith.

E. Municipal Agreement for Morganton Road Improvements

F. Supplemental Municipal Agreements for Reimbursement for Railroad Crossing Improvements

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [NCDOT SUPPLEMENTAL AGREEMENT (PROJECT Z-3606E) – RAILROAD CROSSING INSTALLATION AT LEVY DRIVE]. RESOLUTION NO. R2008-034

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [NCDOT SUPPLEMENTAL AGREEMENT (PROJECT Z-3806H) – RAILROAD CROSSING REVISION AT VILLAGE DRIVE]. RESOLUTION NO. R2008-035

G. Approval of MIA Agreement with Cumberland County

H. Approve conveyance of lot 10 in the Fairley Estates II Subdivision to Kingdom Community Development Corporation for the construction of affordable housing.

I. Pulled at the request of Council Member Haire.

J. Adopt Resolution Pursuant to N.C.G.S. 160A-31 Setting June 23, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Shah Property #1 – Located on Owen Drive between Dyer and Cope Streets)

A RESOLUTION FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA PURSUANT TO N.C.G.S. 160A-31. RESOLUTION NO. R2008-036

K. Adopt Resolution Pursuant to N.C.G.S. 160A-31 Setting June 23, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Shah Property #2 – Located on Owen Drive between Dyer and Cope Streets)

A RESOLUTION FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA PURSUANT TO N.C.G.S. 160A-31. RESOLUTION NO. R2008-037

3.D. Bid Award – Customer Service Center, 955 Old Wilmington Road

Award bid for construction of Customer Service Center, 955 Old Wilmington Road to Construction Management and Development

Services, Raleigh, NC, the lowest responsive bidder as recommended by Public Works Commission.

Bids were received as follows:

Bordeaux Construction Co., Inc. (Durham, NC).....	\$3,311,000
Construction Management & Development Services (Raleigh, NC).....	\$2,899,000
Daniels & Daniels Construction (Goldsboro, NC).....	\$3,398,000
Graka Builders, Inc. (Whiteville, NC).....	\$3,417,000
M&E Contracting, Inc. (Fayetteville, NC).....	\$3,505,900
Pro Construction, Inc. (Ft. Bragg, NC).....	\$3,315,500

At the request of Council Member Meredith, Steve K. Blanchard, PWC CEO/General Manager, and James Rose, PWC Chief Administrative Officer, provided renderings of the soon to be constructed Customer Service Center. Mr. Blanchard stated the facility would house PWC customer service operations currently located at the Robert C. Williams Business Center on Hay Street. Mr. Rose stated once constructed, the facility would qualify for a silver Leader in Energy Efficient Design (LEED) designation in recognition of its efficient building design. Mr. Rose outlined some of the LEED functions incorporated into the building.

MOTION: Council Member Meredith moved to accept the recommendation of the Public Works Commission and award the bid to Construction Management and Development Services.

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

3.I. Boards and Commissions Recommendations

Council Member Haire posed questions regarding the selection criteria as contained in the board and commission recommendations. Doug Hewett, Assistant City Manager, outlined the selection and appointment process to include the function of the Appointment Committee. Mr. Hewett stated the entire list of applicants who are eligible to serve would be forwarded to the City Council for consideration of nomination and appointment. Mr. Hewett provided further clarification and explained the recommendations had been modified based on feedback received during Council work sessions. A brief discussion followed.

MOTION: Council Member Meredith moved to approve the recommendations for boards and commissions.

SECOND: Council Member Hurst

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

4. PUBLIC HEARINGS

A. Consider amendments to the Fayetteville Code of Ordinances, Zoning, Article VIII, Advertising and Sign Regulations, Section 30-258, Table 8 D.5 and Section 30-262(g) prohibiting billboards as permitted uses in any zoning district, restricting or prohibiting digital billboards and limiting copy area for billboards upgraded as part of the billboard transfer process.

Jimmy Teal, Planning Director, provided background information related to Council's adoption of the transfer billboard ordinance in February 2007 and Council's enactment of a sixty-day moratorium on billboard transfers in April 2008. Mr. Teal provided a summary of the proposed changes to include staff and Planning Commission recommendations.

Council Member Bates expressed concern that non-digital billboard lights may encroach on air space. Council Member Applewhite asked whether the Federal Highway Administration study, due to be completed in 2009, could be used as legal basis to postpone implementation of digital billboards in Fayetteville. Karen M. McDonald, City Attorney, responded Council could consider that as an option.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:07 p.m.

Mark Ledger, 430 Lionshead Road, Fayetteville, NC appeared in favor, spoke to conclusions reached in a review of two studies as released by the Outdoor Advertising Association of

America and the relationship of the sign ordinance to the Unified Development Ordinance. No one appeared in opposition and the public hearing closed at 8:24 p.m.

MOTION: Council Member Haire moved to delay action for additional study.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

B.Consider extending the sixty-day moratorium an additional sixty days beginning June 14, 2008 on the acceptance, processing, or granting of applications, and any other operation of Section 30-262(g) of the Fayetteville City Code, entitled nonconforming signs-transfer during amortization

Mr. Teal stated based on Council's decision to delay action on the transfer billboard ordinance, staff recommendation was for Council to approve the continuation of the sixty-day moratorium. This is the advertised public hearing set for this date and time. The public hearing opened at 8:26 p.m.

No one appeared in favor.

Mark Ledger, 430 Lionshead Road, Fayetteville, NC appeared in opposition and requested Council provide guidance to the Planning Commission and staff for the transfer billboard ordinance.

There was no one further to speak and the public hearing closed at 8:28 p.m.

MOTION: Council Member Haired moved to approve the recommended actions of staff for a sixty-day moratorium.

SECOND: Council Member Bates

Council Member Massey inquired whether the moratorium could be extended for ninety days. Mrs. McDonald advised the moratorium should be extended for sixty days or less consistent with the advertisement for the public hearing.

VOTE: UNANIMOUS (10-0)

5. APPROVAL OF THE MURCHISON CORRIDOR LAND USE AND STRATEGIC ECONOMIC DEVELOPMENT PLAN AND IMPLEMENTATION STRATEGIES

Scott Lagueux, Consultant with LandDesign, stated the purpose of the plan was to establish a hierarchy of investment for the Murchison Road corridor, review mobility and transportation issues, enhance the image and attractiveness for investment, and provide realistic and workable approaches to corridor development. Mr. Lagueux further stated the economic and land use plan had been prepared in coordination with the Murchison Road Task Force, members of the community, staff and members of Council who participated in the process.

Mr. Lagueux provided an overview of the final report of the City of Fayetteville Land Use and Economic Development Plan: Murchison Road Corridor to include the process involved in the development of the plan, key outreach milestones, summary of corridor conditions and issues, corridor market and economic analysis, land use strategies, and catalyst site recommendations. Mayor Chavonne inquired about Phase II. Mr. Lagueux stated Phase II would encompass a detailed analysis of transportation issues along the corridor due to increased transportation demands and regional issues.

Council Member Haire stated concerns had been expressed to him regarding possible connector streets along the Murchison Road corridor. Mr. Lagueux spoke to the idea of broadening east/west connectors along the Murchison Road corridor and stated he would recommend continued study and analysis of transportation issues under Phase II of the Murchison Road corridor study. Mr. Lagueux and Karen Hilton, Assistant Planning Director, responded to questions regarding recommendations related to Jasper and Topeka Streets. Discussion ensued.

MOTION: Council Member Haire moved to approve as presented.

SECOND: Council Member Meredith

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

6. CONSIDER ADOPTION OF THE FISCAL YEAR 2008-2009 BUDGET ORDINANCE, FEE SCHEDULE, CAPITAL PROJECT ORDINANCES 2009-1 THROUGH 2009-12, AND CAPITAL PROJECT ORDINANCE AMENDMENTS 2009-1 AND 2009-2

The enclosed budget ordinance for fiscal year 2008-2009 incorporates revisions to the recommended budget presented on May 5, 2008, consistent with City Council direction. The enclosed capital project ordinances and capital project amendments appropriate transferred funds in the fiscal year 2008-2009 annual budget and establish or amend project budgets for the following items included in the adopted Capital Improvement Plan:

- Community and economic development projects consisting of \$2.25 million for HOPE VI and \$84,376 for the Texfi project
- Significant maintenance projects consisting of \$50,000 each for parking lot maintenance, building maintenance, downtown brick paver/sidewalk repairs, \$73,725 for building demolition, and \$1 million for rehabilitation of the Airport parking lot
- Public safety projects consisting of \$180,000 for police server upgrades and \$125,000 for Fire Station 12 facility renovations
- Infrastructure projects consisting of \$3 million for street resurfacing, \$150,000 for sidewalk improvements, and \$200,000 for downtown streetscape projects
- Parks and Recreation projects consisting of \$150,000 for playground equipment and improvements and \$30,500 for Phase 2 of the Cape Fear River Trail

Mr. Iman provided a brief summary of the fiscal year 2008-2009 budget to include the general fund budget in the amount of \$134.4 million, the city budget excluding the Public Works Commission (PWC) in the amount of \$175.3 million, and the total city budget to include all operations and the PWC budget in the amount of \$441 million. Mr. Iman stated the capital improvement plan totaled \$36.5 million and the five-year plan totaled \$120.8 million. Mr. Iman stated the property tax rate would remain at 53.0 cents.

MOTION: Council Member Crisp moved to adopt the proposed budget ordinance, fee schedule, capital project ordinances and capital project ordinance amendments with the exception that funding for the Downtown Manager be included in the budget but for the position not to be authorized for filling until the City Manager has been given an opportunity to review current staff capacity, makes a detailed report of the job description to Council and the position is approved by vote of Council.

SECOND: Council Member Applewhite

Council Member Evans inquired about the Downtown Manager position and whether the downtown area encompassed areas outside the Hay Street and Person Street areas. Mr. Iman replied the position was for the broader downtown area and major projects contained therein. Council Member Applewhite stated management of downtown projects is needed; however, the City Manager should determine whether the management responsibilities could be incorporated into an existing staff position.

Council Member Crisp spoke to concerns expressed by his constituency regarding the additional expenditure of \$75,000 for the Downtown Manager position. Council Member Crisp noted Council had not set a time frame for the report from the City Manager.

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

There being no further business, the meeting adjourned at 9:27 p.m.