

FAYETTEVILLE CITY COUNCIL

MINUTES

APRIL 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
Kyle Sonnenberg, Assistant City Manager
Stanley Victrum, 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

Ron McElrath, Human Relations Director

Cynthia Priest, Real Estate Manager

Jackie Tuckey, Communications Manager/Public Information Officer

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Pastor Emory Goodman, Cliffdale Christian Center, followed by the Pledge of Allegiance to the American Flag.

1. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne, assisted by Council Member Hurst, recognized Emilie Helms, Air Quality Coordinator, Fayetteville Area Metropolitan Planning Organization. Mayor Chavonne read a proclamation proclaiming the week of April 28, 2008 through May 2, 2008 as "Air Quality Awareness Week". Ms. Helms offered comments regarding Cumberland County's attainment status.

Council Member Massey called on Sylvia A. Adamczyk, Vice Chair of the Fayetteville-Cumberland County Human Relations Commission and Chair of the Diversity Committee. Council Member Massey and Ms. Adamczyk presented a Certificate of Excellence and City coin to Mia Commedo, third place winner of the "Celebrate Yourself" youth writing contest.

Mayor Chavonne, assisted by Council Member Haire, recognized the FIRST Robotics Team and the Girl's Basketball Team of Westover High School. Mayor Chavonne read a proclamation proclaiming Monday, April 14, 2008 as "Westover High School 'Champions' Day". Council Members Haire and Applewhite presented City coins to the students. Former City of Fayetteville Mayor, Marshall Pitts; Fayetteville Observer columnist, Myron Pitts; and Westover High School principal, Mark Smith, elaborated on the achievements of the students.

Mayor Chavonne, assisted by Council Members Evans and Massey, recognized Fayetteville State University Men's Basketball Team for reaching the finals of the 2008 CIAA tournament. Mayor Chavonne read a proclamation regarding the team's accomplishments during the 2007-2008 season of play.

Council Member Hurst announced a city-wide clean up would be held on Saturday, April 19, 2008 at 9:00 a.m. beginning at the Dr. Martin Luther King entrance on Ramsey Street.

Mayor Chavonne announced the April 28, 2008 City Council meeting would begin at 5:00 p.m. to enable riders of the public transit system to attend the public hearing regarding transit funding. Mayor Chavonne announced the meeting would be televised on TimeWarner cable beginning at 5:00 p.m.

B. Comment Period

Mayor Chavonne opened the public comment period.

Jody Risacher, Director of Cumberland County Public Library, 300 Maiden Lane, Fayetteville, NC 28301 invited citizens to participate in "The Big Read" of Fahrenheit 451 by Ray Bradbury, an initiative of the National Endowment for the Arts designed to restore reading to the center of American culture.

Mary Talley, Chairperson of the Dogwood Festival, 2381 Tom Geddie Road, Fayetteville, NC 28312 stated the Dogwood Festival encourages all groups to participate as hosts of events or as food vendors and doesn't exclude anyone who wishes to participate.

Michael P. Fletcher, Senior Pastor of Manna Church, 607 Argyll Road, Fayetteville, NC 28303 stated when Manna Church applied to participate in the Dogwood Festival, it was told the board decided not to allow political or religious groups to participate and it was not informed of the option to apply as a vendor.

Michael R. Mansfield, 325 N. Eastern Boulevard, Fayetteville, NC 28301 shared a prayer that was previously read to the Kansas State Senate and Psalms 9:17.

Barbara Carman, 701 Poole Drive, Fayetteville, NC 28303 read several quotations from the internet and stated the Dogwood Festival is one of her favorite events.

Imam Economy Mohammed, 2700 Murchison Road, Fayetteville, NC 28301 stated the Dogwood Festival is an opportunity for freedom of speech and religion.

Wanda M. Albury, 7619 Shillinglaw Circle, Fayetteville, NC 28314 spoke to the need for a turn signal at the intersection of the Brook Run community and Prestige Boulevard.

The regular session recessed at 7:55 p.m.

The regular session reconvened at 8:05 p.m.

2. APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

3. CONSENT:

Council Member Hurst requested Item 3.G. pulled for discussion.

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

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve minutes:

1. **Special Meeting held on March 17, 2008**

2. **Regular Meeting held on March 17, 2008**

3. **Agenda Briefing Meeting held on March 19, 2008**

4. **Special Meeting held on March 19, 2008**

5. **Regular Meeting held on March 25, 2008**

6. **Special Meeting held on March 31, 2008**

7. **Annual Boards and Commissions Breakfast held on April 1, 2008**

B. Capital Project Ordinance 2008-7 (Cape Fear River Trail - Phase 2)

This capital project ordinance will appropriate \$1,250,000 for Phase 2 of the Cape Fear River Trail project. The funding sources consist of \$750,000 from the North Carolina Department of Transportation (NCDOT), \$250,000 in Federal Enhancement Funds and \$250,000 from the General Fund. These funds will be used for the design and development of the project. This ordinance is consistent with the NCDOT agreement approved by City Council in October 2007.

C. Adopt Resolution Approving and Authorizing the City of Fayetteville, North Carolina to Replace the Remarketing Agent for Certain Bonds of the City with a Successor Remarketing Agent

RESOLUTION APPROVING AND AUTHORIZING THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO REPLACE THE REMARKETING AGENT FOR CERTAIN BONDS OF THE

D. Proposed Increase for Taxi Fares

E. Bid Recommendation - Purchase of Network Equipment for Core Switch

Replacement

Award bid to Northland Systems, Inc. in the amount of \$236,698.00.

Bids were received as follows:

Northland Systems, Inc. (Plymouth, MN).....	\$236,698.00
NWN Corporation (Morrisville, NC).....	285,576.00

F. Recommendation to Expunge Assessment and Interest on Parcel ID: 0418-27-3919 (222 Gertrude Street)

G. Pulled at the request of Council Member Hurst

H. Adopt Resolution Pursuant to N.C.G.S. 160A-58.2 Setting April 28, 2008 as a Date for a Public Hearing for a Petition-Initiated Non-Contiguous Annexation Area (Floyd Property – Located on the Southern side of Clinton Road, an addition to Cape Fear Crossing Subdivision)

RESOLUTION FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED NON-CONTIGUOUS ANNEXATION AREA PURSUANT TO N.C.G.S. 160A-58.2. RESOLUTION NO. R2008-024

I. Adopt Resolution Pursuant to N.C.G.S. 160A-31 Setting April 28, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Cumberland Christian Center – Located on the Southern side of Clinton Road, Between Eleanor Avenue and Draper Road)

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. R2008-025

J. Approve Sign Permit for the Annual Fort Bragg Fair to be Held in April and May

K. Adoption of Written Decision Denying Lamar's Application for a Billboard Transfer 3.G. Authorize Advertisement of an Offer to Purchase Vacant City-Owned Lot for Upset Bids

Council Member Hurst stated the offer to purchase represented only 70% of the tax value and the property was among those set aside by the City Council for the Hope VI redevelopment project.

MOTION: Council Member Hurst moved to reject the offer to purchase to hold out for better pricing.

SECOND: Council Member Meredith

FRIENDLY AMENDMENT:

Council Member Bates moved to have staff identify Hope VI areas in the future.

Council Members Hurst and Meredith accepted the friendly amendment.

VOTE: UNANIMOUS (10-0)

4. PUBLIC HEARING

Consider sixty-day moratorium beginning April 15, 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.

Jimmy Teal, Planning Director, stated when Council adopted the billboard transfer ordinance in February 2007, they also requested a review of the ordinance after one year. Mr. Teal reviewed staff's recommendation that City Council consider a sixty-day moratorium and stated the eleven requests received to date from Lamar Outdoor Advertising had been accepted and would be processed.

Council Member Bates inquired whether the applications had been returned for any specific reason. Mr. Teal responded additional information related to size, square footage and height had been requested following receipt of the applications.

Council Member Massey asked if there were issues outside of the one-year period that prompted the proposed moratorium. Mr. Teal responded the moratorium would allow Council to review issues that have arisen regarding billboard sizes and emerging technology. This is the advertised public hearing set for this date and time. The public hearing opened at 8:12 p.m.

No one appeared in favor.

Attorney Garris Neil Yarborough, The Yarborough Law Firm, 115 E. Russell Street, Fayetteville, NC appeared in opposition as legal counsel for Lamar Outdoor Advertising and stated although the eleven applications submitted by his client would move forward on the standard track, his request was that Council not institute a sixty-day moratorium. Mr. Yarborough stated neither he nor his client had been notified of the public hearing.

There was no one further to speak and the public hearing closed at 8:15 p.m.

In response to questions posed by Council Member Applewhite and Crisp regarding legal notification requirements, Mrs. McDonald stated the statutory notice requirements were met.

In response to a question posed by Council Member Crisp, Mrs. McDonald clarified the eleven applications submitted by Lamar Outdoor Advertising would proceed through the process. Mrs. McDonald further clarified Lamar Outdoor Advertising owned one hundred eight billboards throughout the City and should Council adopt the moratorium, the moratorium would preclude them or anyone else from submitting applications beyond the eleven currently accepted for processing.

Council Member Evans inquired as to who would be affected should Council adopt the moratorium. Mrs. McDonald responded the moratorium would affect any parties with nonconforming billboards in the City.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ENACTING A SIXTY (60) DAY MORATORIA REGARDING CHAPTER 30 (ZONING ORDINANCE), SECTION 30-262(g), NONCONFORMING SIGNS – TRANSFER DURING AMORTIZATION. ORDINANCE NO. NS2008-003

MOTION: Council Member Bates moved to approve the ordinance placing a sixty-day moratorium on the billboard transfers.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 7 in favor (Council Members Chavonne, Crisp, Bates, Applewhite, Haire, Meredith and Hurst) to 3 in opposition (Council Members Evans, Massey and Mohn)

INFORMATION ITEMS:

1. Report of Tax Refunds Less Than \$100

NAME YEAR BASIS CITY REFUND

Brickey, Lounetta M. 2006 Corrected Assessment \$3.82

TOTAL \$3.82

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

2007 Taxes.....	\$587,343.84
2007 Vehicle Taxes.....	440,736.39
2007 Revit.....	880.61
2007 Vehicle Revit.....	379.23
2007 FVT.....	47,567.48
2007 Storm Water.....	32,101.52
2007 Fay Storm Water.....	40,314.88
2007 Annex.....	0.00
2006 Annex.....	\$16,876.84
2006 Taxes.....	12,521.37
2006 Vehicle Taxes.....	31,381.79

2006 Revit.....	0.00
200 Vehicle Revit.....	9.08
2006 FVT.....	4,505.22
2006 Storm Water.....	670.50
2005 Taxes.....	\$4,443.42
2005 Vehicle Taxes.....	2,393.95
2005 Revit.....	0.00
2005 Vehicle Revit.....	0.00
2005 FVT.....	447.16
2005 Storm Water.....	216.67
2004 Taxes.....	1,307.43
2004 Vehicle Taxes.....	2,358.72
2004 Revit.....	0.00
2004 Vehicle Revit.....	0.00
2004 FVT.....	332.51
2004 Storm Water.....	77.38
2003 and Prior Taxes.....	1,148.15
2003 and Prior Vehicle Taxes.....	3,175.70
2003 and Prior Revit.....	0.00
2003 and Prior Vehicle Revit.....	0.00
2003 and Prior FVT.....	648.10
2003 and Prior Storm Water.....	63.61
Interest.....	38,172.01
Interest (Revit).....	36.42
Interest (Storm Water).....	1,254.61
Interest (Fay Storm Water).....	1,333.76
Interest (Annex).....	561.02
Total Collections.....	\$1,273,259.37

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