

**FAYETTEVILLE CITY COUNCIL
MINUTES
MARCH 17, 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); 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)

Absent: Council Member Darrell J. Haire (District 4)

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

Victor Sharpe, Community Development Director

Robert Barefoot, Parks and Recreation Director

Kenny Horne, Purchasing Manager

Jackie Tuckey, Communications Manager/Public Information Officer

Scott Harrington, Consultant with Vandewalle and Associates

Dean Proctor, Landscape Architect/Architect with Vandewalle and Associates

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Imam Abdul Haneef, Omar Ibn Sayyid Masjid, 1831 Murchison Road, Fayetteville, NC. The Pledge of Allegiance to the American Flag followed and was lead by Girl Scout Troop 789.

1. APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to modify the agenda by moving Item 5 before Item 2.

SECOND: Council Member Meredith

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

2. APPROVAL OF THE NORTHWEST GATEWAY AND NORTH CAROLINA STATE VETERANS PARK PLANS

Mayor Chavonne introduced Scott Harrington, Consultant with Vandewalle and Associates. Mr. Harrington presented an overview of final recommendations for the Northwest Gateway plan and displayed maps depicting current conditions and critical linkages necessary for the gateway concept to work. Mr. Harrington outlined project objectives to include use of the investment in Veterans Park to eliminate blight and catalyze redevelopment; improve visual, physical, transportation, and social connections between the downtown, FSU, adjoining neighborhoods and Bragg Boulevard corridors; integrate redevelopment sites, Veterans Park, ASOM, Freedom Park, existing neighborhoods, and FSU into a cohesive district; and provide a clear entry or gateway to the downtown from the northwest.

Mr. Harrington stated the proposed gateway concept would organize primary streets; create high-quality redevelopment sites, link FSU/ASOM/Veterans Park/Downtown Core; unlock land for a much larger NC Veterans Park; provide for mixed-use development and public park enhancements; extend Linear Park to the east and north; and relocate businesses out of floodways to more visible and accessible locations. Mr. Harrington continued with an overview of residential site objectives and concept plans for Rowan Commons and gateway housing.

Dean Proctor, Landscape Architect/Architect with Vandewalle and Associates, spoke to the storyline and theme interwoven into the physical plan for the NC Veterans Park and stated the purpose of the park was to honor NC veterans, enhance the Northwest Gateway to the downtown area and provide a community park in downtown. Mr. Proctor presented the proposed site objectives and area concept plans to include enhancements to Bragg Boulevard, Freedom Memorial Park and Trail, ASOM, area parking and Phase I and II of the NC Veterans Park.

Mr. Harrington responded to questions regarding the FSU downtown transition area, environmental impact studies and integration of public open space into an urban environment. Dale E. Iman, City Manager, responded to questions regarding the net gain of open space, development agreements and the use of revenues.

A. Adoption of plans and a resolution requesting funding support from the North Carolina General Assembly for the development of the North Carolina State Veterans Park.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SEEK SUPPORT FROM THE GENERAL ASSEMBLY FOR NORTH CAROLINA STATE VETERANS PARK. RESOLUTION NO. R2008-021

MOTION: Council Member Hurst moved to approve the NC Veterans Park, Northwest Gateway and transportation plan, and gateway residential plan excluding the Rowan Street Park and Rowan Commons.

SECOND: Council Member Meredith

Discussion ensued and distinction was made between the gateway residential plan and Rowan Commons.

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Massey moved to approve the resolution requesting funding for development of NC Veterans Park.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

B. Adoption of a resolution requesting funding support from the North Carolina Federal Congressional Delegation for acquiring historical WWII structures from Fort Bragg for use in North Carolina State Veterans Park

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SEEK FEDERAL FUNDING FOR RELOCATION OF HISTORIC FORT BRAGG BUILDINGS. RESOLUTION NO. R2008-022

MOTION: Council Member Crisp moved to adopt the resolution requesting funding for acquiring historical WWII structures.

SECOND: Council Member Hurst

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

MOTION: Council Member Hurst moved to leave Rowan Park alone and not consider any development of Rowan Park.

SECOND: Council Member Evans

Discussion ensued and Council Members requested clarification of the motion.

VOTE: PASSED by a vote of 5 in favor (Council Members Evans, Hurst, Mohn, Bates and Crisp) to 4 in opposition (Council Members Chavonne, Meredith, Applewhite and Massey)

3. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne, assisted by Council Member Applewhite, recognized Victor Sharpe, Community Development Director, and Carlos Swinger, member of the Redevelopment Commission. The Mayor read a Proclamation proclaiming the week of March 24, 2008 through March 30, 2008 as "Community Development Block Grant Week". Mr. Sharpe spoke to the impact of block grant funds on the community.

Council Member Evans recognized Fred Clark who was recently inducted into the C.I.A.A. Officials Hall of Fame. Family members and Robert Barefoot, Fayetteville-Cumberland Parks

and Recreation Director, and Renee Burkes, Festival Park Coordinator, joined Mr. Clark.

B. Comment Period

Mayor Chavonne opened the public comment period.

Archie E. Barringer, 2271 Jenna Shane Drive, Fayetteville, NC 28306 spoke to the removal of all Judeo-Christian items from the Veteran's Administration Hospital chapel and requested a resolution from Council in support of restoring the items.

Harmony Sell, 403 Dunn Road, Fayetteville, NC 28312 spoke regarding her efforts towards a fundraiser.

Denny Shaffer, 2910 Skye Drive, Fayetteville, NC 28303 spoke to the gain and loss of open space in the Northwest Gateway Plan and stated there was probably merit to considering the inclusion of the Murchison Road area.

Mary Kay Hennessey, 219 Claremont Drive, Fayetteville, NC 28305 expressed her thanks to those who voted in favor of excluding Rowan Street Park and Rowan Commons from the Northwest Gateway Plan.

Janette Morgan, 2805 Morganton Road #16, Fayetteville, NC 28305 spoke of her experiences as a public transit system rider and stated all citizens should pay taxes for services that benefit the community whether they use the services or not.

Carrie V. Carroll, 205 Woodside Avenue, Fayetteville, NC 28301 expressed her appreciation to Council for their support of preserving Rowan Street Park.

Virginia Corbett Carroll, 2404 Morganton Road, Fayetteville, NC 28305 spoke to dreams of past citizens having been preserved in Council's decision to exclude Rowan Street Park from the Northwest Gateway plan.

Robert J. Lints, 728 Athens Avenue, Fayetteville, NC 28301 expressed gratitude for the preservation of Rowan Street Park.

Imam Eronomy Mohammed, 2700 Murchison Road, Fayetteville, NC 28301 spoke to opportunities in Fayetteville, the new chancellor at Fayetteville State University and upgrades to the city's gateways.

Richard A. Hall, 606 Westmont Drive, Fayetteville, NC 28305 spoke to the aesthetic, ecological, economical, human health therapeutic and spiritual values that were validated in the preservation of Rowan Street Park.

Charles Fager, 223 Hillside Avenue, Fayetteville, NC 28301 expressed appreciation for the preservation of Rowan Street Park and cautioned against future threats to the park.

Leslie Lewis, 229 Murray Hill Road, Fayetteville, NC 28303 spoke to citizen access to local government information and stated it was nice to learn she could go to all members of the Fayetteville City Council.

Colbert L. Dilday, 523 Westmont Drive, Fayetteville, NC 28305 thanked Council for their decision in support of saving Rowan Street Park and spoke to the impact the increase in people, roadways and construction would have on the park area.

Robert C. Cook, 309 Hinsdale Avenue, Fayetteville, NC 28305 spoke in support of restoring the Judeo-Christian items to the Veteran's Administration Hospital chapel.

Pritchard G. Adams, 333 Hilliard Drive, Fayetteville, NC 28311 spoke in support of restoring the Judeo-Christian items to the Veteran's Administration Hospital chapel.

Tom Hennessey, 219 Claremont Drive, Fayetteville, NC 28305 spoke to highways that become barriers and asked that plans for the city be carefully scrutinized in order that highways do not become dividers between various parts of the city.

Foster W. Dean, 1043 C. Rulnick Street, Fayetteville, NC 28304 provided information regarding the mission of the FWD Movement, a non-profit organization working with community youth.

Wayne Riggins, 122 Hillside Avenue, Fayetteville, NC 28301 spoke in support of the North Carolina Veterans Park project as a beautiful tribute to those who sustain us.

Connie McLeod, 3604 Abernathy Drive, Fayetteville, NC 28311 spoke in support of restoring the Judeo-Christian items to the Veteran's Administration Hospital chapel and different forms of art in Fayetteville.

Terry Ciszek, 2604 N. Edgewater Drive, Fayetteville, NC 28303 spoke to stormwater runoff in her area and stated Hybart Branch Creek was not contained in the stormwater plan.

Russell A. Bramlett, 308 McAllister Street, Fayetteville, NC 28305 spoke in support of the Northwest Gateway and North Carolina Veterans Park plans and Moses King's relationship to Rowan Street Park.

4. CONSENT:

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

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

The following items were approved:

A. Approve Minutes:

1. Regular Meeting held on February 11, 2008
2. Annual Retreat held on February 15, 2008
3. Annual Retreat held on February 16, 2008
4. Town Hall Meeting held on February 18, 2008
5. Agenda Briefing held on February 20, 2008
6. Special Meeting held on February 20, 2008
7. Special Meeting held on February 25, 2008
8. Regular Meeting held on February 25, 2008
9. Work Session held on March 3, 2008

B. Accept Report of Use of Contingency Budget and Adopt Budget Ordinance Amendment 2008-7 (Other Appropriations - Transfer to PWC for Rim Road Water Project)

This ordinance amendment will appropriate \$135,200 of General Fund fund balance to the Other Appropriations budget to fund the City's contribution for the extension of water service to homes in the Rim Road area. As the agreement with the Public Works Commission required payment of the contribution prior to execution of this budget amendment, the contingency budget of \$122,441 and other available funding in Other Appropriations budget were used to temporarily fund the contribution. Consistent with state law and the original fiscal year 2008 budget ordinance, the use of the contingency budget must be reported to City Council at the next available meeting. This budget amendment will restore the funding temporarily used for this project, to include the contingency budget.

C. Tax Refunds Greater Than \$100

D. Approve the Following Airport Items Related to the West General Aviation Lower Ramp Rehabilitation Project:

1. Adopt Resolution Approving the Grant Agreement with the N.C. Department of Transportation (NCDOT)

RESOLUTION. RESOLUTION NO. R2008-017

2. Adopt Capital Project Ordinance 2008-6

This ordinance will establish the project budget to rehabilitate the pavement in the west general aviation lower ramp area as well as provide improved drainage. The ordinance will appropriate \$459,171 and will be funded by a state grant of \$413,254 and a local airport match of \$45,917.

E. Approval of Municipal Agreement with NCDOT for the installation of a traffic signal at Bonanza Drive (SR 1408) and Glen Canyon Drive/Westover School Entrance

F. Stop Sign Ordinances

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2008-002

G. Approve Downtown Rail Relocation Study Recommendations

H. Consideration of a Resolution to make application to the State for a second Urban Progress Zone designation

RESOLUTION IN SUPPORT OF AN URBAN PROGRESS ZONE. RESOLUTION NO. R2008-018

I. Adopt BRAC Marketing Plan

J. Adopt Resolution Declaring Property Surplus

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2008-019

K. Adopt Resolution Declaring Property Surplus

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2008-020

L. Approve sign permit for the annual Fayetteville Area Dogwood Exchange Club Barbecue Fundraising event to be held on Friday, April 4th at 2900 Village Drive.

M. Approve sign permit and tent inspection fee waiver for the annual Dogwood Festival to be held from April 25th through April 27th

N. Approve sign permit for the Fayetteville Fire Department's annual "change your clock-change your battery" promotion.

5. PUBLIC HEARING:

CONSIDER A REQUEST FROM LAMAR ADVERTISING TO UPGRADE A ONE-SIDED BILLBOARD TO A TWO-SIDED BILLBOARD IN THE VICINITY OF WALMART ON RAMSEY STREET IN EXCHANGE FOR REMOVING A TWO-SIDED BILLBOARD IN THE VICINITY OF WALMART ON RAMSEY STREET.

Kyle Garner, Planner II, provided a brief overview of the current billboard exchange process as outlined in the revised Billboard Transfer Ordinance passed by Council in February 2007. Mr. Garner presented maps depicting the location for the billboard removal on Ramsey Street/Meadowcroft Drive and the billboard upgrade at 4509 Ramsey Street. Mr. Garner reviewed the surrounding zoning and stated the billboard at 4509 Ramsey Street was non-conforming because: 1) it was not within a C3 or M2 Zoning District; 2) it was located within 500 feet of a residentially zoned district; and 3) the proposed upgrade was currently within 2,000 feet from another off-premises billboard. Mr. Garner reviewed the findings of fact on which transfer permits could be approved and stated the Planning Commission recommended approval of the billboard exchange.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:50 p.m.

Attorney Garris Neil Yarborough, The Yarborough Law Firm, 115 E. Russell Street, Fayetteville, NC appeared in favor, reviewed the findings of fact by the Planning Commission and submitted six exhibits into evidence. Mr. Yarborough provided a PowerPoint presentation that outlined the legal principals involved in the quasi-judicial hearing and showed pictures of billboard rebuilds and removals throughout the city to include Ramsey Street. Mr. Yarborough spoke to the benefits and misconceptions related to digital signs and billboards.

Michael Walter Tantala, Tantala Associates, 4903 Franklin Avenue, Philadelphia, PA 19124 appeared in favor and provided a presentation of slides and an executive summary from "A Study of the Relationship Between Digital Billboards and Traffic Safety in Cuyahoga County, Ohio". Mr. Tantala stated the overall conclusion of the study was that billboards are safety neutral and demonstrate no significant statistical relationship with the occurrence of accidents.

Robert S. Bates, Lamar Advertising Company, 2605 West Broad Street, Elizabethtown, NC 28337 appeared in favor and provided an overview of an article containing information regarding an Arbitron study, which found the public to be broadly favorable to electronic displays.

In conclusion, Mr. Yarborough stated it would not be economically beneficial for his client to further avail himself of the billboard transfer program and reduce the number of billboards if replacement options did not include digital billboards.

No one appeared in opposition and the public hearing closed at 10:25 p.m.

Council Member Evans stated he did not recall prior conversations about replacement billboards being digital. Mr. Bates stated there had been no specific conversations about digital billboards.

Council Member Crisp asked whether long-term studies had been conducted in places other than Ohio. Mr. Tantala responded Virginia Tech had conducted a study; however, Ohio was chosen because of the length of time the digital billboards had been in operation.

Council Member Crisp asked if it had been Lamar's intent, prior to their letter dated September 12, 2007, to carry out the replacement with a digital billboard. Mr. Bates responded in the negative.

Mrs. McDonald asked Mr. Bates whether he had been involved in the revisions to the billboard transfer ordinance and whether size and height were part of the discussion. Mr. Bates responded in the affirmative. Mrs. McDonald asked Mr. Bates whether his position was that digital would be allowed as part of the transfer ordinance and why. Mr. Bates responded in the affirmative. Mr. Yarborough responded the ordinance does not restrict the use of digital billboards and does not make a distinction between upgrading to digital or non-digital.

Mrs. McDonald asked Mr. Yarborough if it was his position that the billboard could be moved as part of the application. Mr. Yarborough responded as part of the upgrade, the billboard could be relocated on the same property. Mrs. McDonald asked where in the findings of fact did it state the billboard could be moved. Mr. Yarborough stated the specific location was identified in the presentation to the Planning Commission. Mrs. McDonald asked if the Planning Commission approved the moving of the billboard. Mr. Yarborough responded the Planning Commission approved the request.

Council Member Applewhite asked Mr. Bates whether he should have brought up the topic of digital billboards when he was collaborating with staff on the revised ordinance. Mr. Bates responded the goal was associated with outdated billboards.

Council Member Applewhite asked about billboard illumination at night in residential areas. Mr. Yarborough responded there were residential areas along the commercial strip on Ramsey Street and digital billboards would reduce the illumination to an appropriate level.

Council Member Applewhite asked how the billboard transfer request would promote the gateway. Mr. Yarborough responded the billboard would be appreciably more attractive than the current billboard that has an unfaced back.

Council Member Meredith requested clarification of the billboard locations.

Mrs. McDonald asked Mr. Tantala to compare the spatial relationship between the proposed billboard and the roadway, the height of the proposed billboard and the traffic count on Ramsey Street to those in his study. Mr. Tantala responded he had not studied this area, was not representing himself as an expert in this area and was present merely to present Ohio findings.

Mayor Chavonne asked about the Foundation for Outdoor Advertising Research and Education. Mr. Tantala responded the foundation was a non-profit group affiliated with trade associations and the foundation had funded his study.

Mrs. McDonald asked the height of the billboard proposed for upgrade. Mr. Bates responded it was currently twenty-six feet and the proposal was to increase it to thirty feet. Mr. Bates further stated the square footage would shrink from four hundred square feet to one hundred square feet.

MOTION: Council Member Meredith moved to disapprove Lamar's request based on the following findings of fact: the billboard is not within a C3 or M2 zoning district; the billboard is located within 500 feet of a residential zoned district; the proposed upgrade is currently within 2,000 feet from another off-premise billboard.

SECOND: Council Member Bates

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

6. ADOPTION OF AN INTERLOCAL AGREEMENT WITH CUMBERLAND COUNTY ESTABLISHING A MUNICIPAL INFLUENCE AREA FOR THE CITY OF FAYETTEVILLE

Kyle Sonnenberg, Assistant City Manager, provided background information and an overview of the proposed interlocal agreement as well as a map depicting the City of Fayetteville, the proposed MIA and the proposed sewer service area. Mr. Sonnenberg noted should Council adopt the interlocal agreement, adjustments would need to be made to the current zoning ordinance and City Council policies and a new Municipal/County Planning Commission would

need to be established.

MOTION: Council Member Meredith moved to adopt the interlocal agreement.

SECOND: Council Member Evans

VOTE: UNANIMOUS (9-0)

7. APPROVAL OF DEVELOPMENT INCENTIVES FOR THE CORE OF THE CITY OF FAYETTEVILLE

Mr. Sonnenberg provided an overview of the proposed development incentives for the core of the city where excess service capacity exists and showed a map depicting the proposed development incentive area. Incentives included a property tax grantback program, a density bonus, and a land aggregation program.

MOTION: Council Member Meredith moved to adopt the incentives policy.

SECOND: Council Member Evans

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

8. APPOINT A TRANSIT ADVISORY COMMITTEE

Ron Macaluso, Transit Director, provided a brief overview of the functions of the Transit Advisory Committee and reviewed a list of persons nominated to the Transit Advisory Committee.

By acclamation of Council, the following members were appointed to the Transit Advisory Committee: Charles Luther, Dean Lingerie, Spring Lake Mayor Pro Tem James O'Garra, Alvin Bess, Denise Jones, Rusty Russell, Jimmy Teal, Matthew Davis, Albert Bryant, Kyle Sonnenberg and Council Member Evans.

9. FAYETTEVILLE FORWARD FINAL REPORT

Mr. Dale E. Iman, City Manager, provided an overview of the Fayetteville Forward report card which covered progress made on the fifteen areas the Mayor and City Council concentrated on during their first one hundred days in office.

MOTION: Council Member Meredith moved to receive the report.

SECOND: Council Member Evans

VOTE: UNANIMOUS (9-0)

INFORMATION ITEMS:

- 1. General Fund Revenue and Expenditure Report for the Six-Month Period Ended December 31, 2007**
- 2. Standard communication letter from Cherry Bekaert & Holland describing the nature and scope of the audit to be performed for the fiscal year ending June 30, 2008.**
- 3. Statement of taxes collected for the month of January 2008 from the Cumberland County Tax Administrator**

2007 Taxes.....	\$1,385,185.07
2007 Vehicle Taxes.....	475,853.84
2007 Revit.....	9,198.41
2007 Vehicle Revit.....	183.78
2007 FVT.....	52,256.41
2007 Storm Water.....	74,238.71
2007 Fay Storm Water.....	102,530.07
2007 Annex.....	75.30
2006 Annex.....	\$30,535.83
2006 Taxes.....	13,250.84
2006 Vehicle Taxes.....	56,787.61
2006 Revit.....	16.40
2006 FVT.....	7,829.39
2006 Storm Water.....	828.76
2005 Taxes.....	\$3,122.52
2005 Vehicle Taxes.....	3,749.76
2005 Revit.....	0.00

2005 Vehicle Revit.....	0.00
2005 FVT.....	803.55
2005 Storm Water.....	400.49
2004 Taxes.....	476.91
2004 Vehicle Taxes.....	1,643.97
2004 Revit.....	0.00
2004 Vehicle Revit.....	0.00
2004 FVT.....	399.06
2004 Storm Water.....	60.00
2003 and Prior Taxes.....	1,221.36
2003 and Prior Vehicle Taxes.....	5,496.11
2003 and Prior Revit.....	0.00
2003 and Prior Vehicle Revit.....	0.00
2003 and Prior FVT	1,031.85
2003 and Prior Storm Water.....	405.79
Interest.....	60,824.15
Interest (Revit).....	218.96
Interest (Storm Water)	2,378.03
Interest (Fay Storm Water)	2,748.75
Interest (Annex).....	718.61
Total Collections.....	\$2,294,470.29

There being no further business, the meeting adjourned at 11:20 p.m.