

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
CITY HALL, COUNCIL CHAMBER
NOVEMBER 20, 2012
5:30 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (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); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Dana Clemons, Assistant City Attorney
Karen Hilton, Planning and Zoning Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda.

SECOND: Council Member Massey

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Applewhite and Haire)

5.0 OTHER ITEMS OF BUSINESS

5.1 Motion to suspend City Code Section 2-3(d) regarding reconsideration of the resolution introducing the Bond Order authorizing \$45,000,000.00 Parks and Recreation Bonds, setting the public hearing and other related matters.

Council Member Applewhite inquired of the City Manager as to why this item was added to the agenda two hours prior to the meeting taking place. Mr. Ted Voorhees, City Manager, responded it was a procedural process as the rule had to be suspended in order to proceed. Council Member Applewhite inquired who had placed this item on the agenda. Mr. Voorhees responded he had placed the item on the agenda and explained if the item was not passed they could not move forward to the next item.

Council Member Applewhite inquired of the City Attorney as to how many votes were required to reconsider an item. Ms. Karen McDonald, City Attorney, responded it would require a three-fourths vote which would be eight.

Council Member Applewhite further inquired how many votes were required to suspend the rules. Ms. McDonald responded suspending the rules would require a two-thirds vote which would be seven. She also confirmed the City had adopted the "Suggested Rules of Procedure for a City Council" by Professor A. Fleming Bell, II.

Mayor Chavonne inquired of the City Attorney if all Council members were provided an opportunity to contact Professor Bell regarding suspending the rules. Ms. McDonald responded in the affirmative.

Mayor Chavonne stated Professor Bell was considered an expert on City Council parliamentary procedures.

MOTION: Council Member Davy moved to suspend City Code Section 2-3(d) regarding reconsideration of the resolution introducing the Bond Order authorizing \$45 million Parks and Recreation Bonds, setting the public hearing and other related matters.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Applewhite, Crisp, and Haire)

5.2 Parks and Recreation – Resolution introducing Bond Order authorizing \$45,000,000.00 Parks and Recreation Bonds, setting the public hearing thereon and other related matters.

MOTION: Council Member Davy moved to adopt the resolution introducing the Bond Order authorizing \$45 million Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement and schedule the public hearing on the Bond Order for December 3, 2012, at 6:00 p.m. in the Council Chamber; and directing the City Clerk to publish the Bond Order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Massey

Mayor Pro Tem Arp stated he had been vocal regarding the amount of \$45 million being too large and offered a substitute motion.

SUBSTITUTE MOTION: Mayor Pro Tem Arp moved to adopt the resolution introducing the Bond Order authorizing \$35 million Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement and schedule the public hearing on the Bond Order for December 3, 2012, at 6:00 p.m. in the Council Chamber; and directing the City Clerk to publish the Bond Order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Hurst

Mayor Chavonne requested staff to address why the motion was so complex and how they would reduce the package from \$45 to \$35 million. Mr. Kristoff Bauer, Assistant City Manager, requested the City Clerk provide the Council with a copy of the \$35 million bond sworn statement of debt. Mr. Bauer explained approval of the resolution would direct the City Clerk to present the sworn statement of debt, publish the Bond Order, and schedule the public hearing for the December 3, 2012, Council meeting. He further explained staff was proposing to remove the field house from the multi-million dollar aquatic facility, reduce the square footage of the facility, and delay starting on some of the projects up to one year to accommodate the lesser \$35 million bond.

Council Member Applewhite inquired why the field house was selected as an item to remove from the package. Mr. Bauer responded that staff was requested to look at how the original \$45 million package could be reduced by \$10 million and based on feedback and having the least impact the decision to remove the field house was made.

Council Member Applewhite inquired how City staff would reengage the citizens that had previously been briefed, and notify them of a lesser bond package. Mr. Voorhees responded this would be widely covered in the media, staff would educate the public to the best of their ability, and public hearings would be held. He further responded that educational materials would be adjusted to reflect the revised information.

Council Member Crisp stated the substitute motion was made seven minutes ago and yet staff was able to provide Council with a document pertaining to the \$35 million bond package immediately following the motion and second, so therefore staff must have had prior knowledge that the substitute motion was going to be made, and inquired why he had not received the information earlier. Mr. Bauer responded that staff was aware the substitute motion may be made with an appropriate second, and had prepared the documentation in case the motion was actually made.

Council Member Crisp stated there was nothing in the document that addressed the tax rate.

Council Member Haire stated at the prior meeting the Chief Financial Officer had provided the final cost, including interest, for the \$45 million bond, and inquired if he had the final figure, to include interest, that was provided in the \$35 million bond information. Mr. Bauer responded in

the negative but that the information could be provided to Council.

Council Member Applewhite stated the substitute motion was made very spontaneously and inquired of Mr. Bauer as to who had requested the \$35 million bond document be prepared. Mr. Bauer responded the Mayor had made the request.

Council Member Applewhite inquired who was at the meeting when the request for the \$35 million bond document was made. Mr. Voorhees responded he was in attendance. Mayor Chavonne further responded he had been in many hours of discussion with various Council members regarding the bond package.

MOTION: Council Member Crisp moved to table this item for \$35 million.

SECOND: Council Member Applewhite

Council Member Haire inquired of Mr. Bauer if the \$35 million bond item passed, would staff be disclosing the full cost to the citizens through the educational program. Mr. Bauer stated if a citizen asked a specific question regarding cost, the City would certainly provide the information, but what the educational program would do was explain the wording that would appear on the ballot which was the authorization of \$35 million.

Council Member Crisp stated Council had not had sufficient time to analyze the \$35 million bond option.

Council Member Crisp requested to withdraw his motion to table this item.

Council Member Fowler stated it appeared the Council was deeply divided on the issue, but there had been issues raised this evening that warranted deep thought.

SUBSTITUTE MOTION RESTATED: Mayor Pro Tem Arp moved to adopt the resolution introducing the Bond Order authorizing \$35 million Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement and schedule the public hearing on the Bond Order for December 3, 2012, at 6:00 p.m. in the Council Chamber; and directing the City Clerk to publish the Bond Order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Hurst

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Applewhite, Haire, Fowler, Bates, and Crisp)

ORIGINAL MOTION RESTATED: Council Member Davy moved to adopt the resolution introducing the Bond Order authorizing \$45,000,000.00 Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement and schedule the public hearing on the Bond Order for December 3, 2012, at 6:00 p.m. in the Council Chamber; and directing the City Clerk to publish the Bond Order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Massey

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Applewhite, Haire, Fowler, Bates, and Crisp)

4.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:12 p.m.