

FAYETTEVILLE CITY COUNCIL

MINUTES

MAY 11, 2009

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)(attended by phone); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Jeffrey Powell, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Patricia Bradley, Assistant City Attorney

Tom Bergamine, Chief of Police

Lisa Smith, Chief Financial Officer

Rob Anderson, Chief Development Officer

Jimmy Teal, Planning Director

Karen Hilton, Assistant Planning Director

Victor Sharpe, Community Development Director

Bobby Teague, Engineering and Infrastructure Director

Jackie Tuckey, Communications Manager/Public Information Officer

Steven K. Blanchard, PWC CEO/General Manager

Dwight Miller, PWC Chief Financial Officer

Terri Union, Public Works Commission

Wilson Lacy, Public Works Commission

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

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

1. APPROVAL OF AGENDA

MOTION: Council Member Massey moved to approve the agenda.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne and Council Member Evans, on behalf of the City Council and City of Fayetteville, presented a certificate of recognition to Barbara Spigner for her dedication to community service.

Council Member Haire announced a fish-fry would be held on Saturday, May 16, 2009 beginning at 11:00 a.m. on Foxfire Road as a fundraiser for the Foxfire community.

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, recognized the City's Corporate Communications and Creative Services divisions for their winning four awards at the North Carolina City-County Communicators Conference.

B. Comment Period

Mayor Chavonne opened the public comment period.

Sylvia Ray, 204 Hillside Avenue, Fayetteville, NC 28301 thanked Mayor Chavonne and the citizens of Fayetteville for their participation in the Fayetteville Stars Gala arranged by the Women's Center.

Carrie King, Executive Director of the Fayetteville Dogwood Festival, 145 Person Street, Fayetteville, NC 28301 thanked the City of Fayetteville and its employees for their efforts and

assistance in producing a recording breaking Dogwood Festival event.

Gwen York, Fayetteville, NC spoke regarding domestic violence issues.

3. CONSENT:

Council Member Bates requested Item 3.B. and Item 3.M. pulled for discussion.

Council Member Evans requested Item 3.J. pulled for discussion.

MOTION: Council Member Meredith moved to approve the agenda with the exception of Item 3.B., Item 3.J., and Item 3.M.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

The following items were approved.

A. Approve Minutes:

- 1. City Council Work Session Held on April 6, 2009**
- 2. City Council Meeting Held on April 13, 2009**
- 3. City Council Special Meeting Held on April 20, 2009**
- 4. City Council Agenda Briefing Held on April 23, 2009**
- 5. City Council Dinner and Discussion of Agenda Items Meeting Held on April 27, 2009**
- 6. City Council Meeting Held on April 27, 2009**
- 7. City Council Special Meeting Held on April 28, 2009**

B. Pulled at the request of Council Member Bates.

C. Approval of a Budget Amendment to the 2009-2010 Community Development Annual Action Plan Regarding the 2009 CDBG and HOME Allocations of Funds

The purpose of this item is to amend the Community Development 2009-2010 Annual Action Plan that was approved by City Council on April 27, 2009. The City recently received information on its funding allocations from HUD. The City will receive \$1,447,994 for its CDBG allocation and \$899,979 for its HOME allocation. These amounts represent increases of \$28,235 (CDBG) and \$92,392 (HOME). The City will not receive funding through the American Dream Down Payment Initiative. This represents a decrease of \$6,298 as represented in the adopted plan. The additional funds will be applied to the City's Housing Rehabilitation Program activities.

D. Adopt a Resolution Abandoning Portions of a Drainage Easement and Utility Easement

RESOLUTION OF ABANDONMENT OF PORTIONS OF A DRAINAGE EASEMENT AND UTILITY EASEMENT. RESOLUTION NO. R2009-031

E. Approve Edward Byrne Justice Assistance Grant

F. Approve Amendment of the Consolidated Plan 2008-2009 Annual Action Plan for the Homeless Prevention and Rapid Re-Housing Program

G. Approve Resolution in Support of a HUD Section 202 Affordable Housing Development for the Elderly by the Evrytanian Association of America

RESOLUTION IN SUPPORT OF A HUD SECTION 202 AFFORDABLE HOUSING DEVELOPMENT BY THE EVRYTANIAN ASSOCIATION OF AMERICA-VELOUCHI

#2. RESOLUTION NO. R2009-032

H. Consider Revision to City Council Policy 102.2 Regarding Public Hearings

I. Consider Revisions to 2009 City Council Meeting Dates Calendar

J. Pulled at request of Council Member Evans.

K. Adopt a Resolution Setting a Public Hearing to Consider the Paving Assessments of Six City Streets

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR BARGES LANE (FROM LAMON STREET TO EXISTING PAVEMENT). RESOLUTION NO. R2009-033

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON

PRELIMINARY ASSESSMENT ROLL FOR CHURCH STREET (FROM THE CENTERLINE OF LAKELAND STREET SOUTHEASTERLY APPROXIMATELY 215.57 FEET). RESOLUTION NO. R2009-036

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR MEETING STREET (FROM N. COOL SPRING STREET TO DEAD END). RESOLUTION NO. R2009-035

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR MILAN ROAD (FROM NORTH STREET TO DEAD END). RESOLUTION NO. R2009-037

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR OSCAR STREET (FROM BLACKWELL STREET TO FAIRVIEW STREET). RESOLUTION NO. R2009-039

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR SEMINOLE DRIVE (FROM GOINS DRIVE TO DEAD END). RESOLUTION NO. R2009-038

L. Set Public Hearing to Consider Amendments to Chapter 23, Stormwater Management, of the City Code of Ordinances

M. Pulled at request of Council Member Bates.

N. Approve Sign Permit for the Fayetteville Guard for Their Football Games on May 30th, June 6th and June 27th at the Crown Center

3.B. Adopt Resolution of the Fayetteville City Council Authorizing the Execution of a Contract for Loan Guarantee Assistance and the Issuance of a Note Through the Section 108 Loan Guarantee Program

Victor Sharpe, Community Development Director, provided an overview of the Section 108 loan guarantee provision of the Community Development Block Grant (CDBG) program. Mr. Sharpe explained City Council authorized the filing of an application for the HUD Section 108 loan in the amount of \$750,000 to meet the City's commitment to the Capitol Family Entertainment Project. Mr. Sharpe further explained the City's application had been approved and Council would need to adopt a resolution authorizing the execution of certain documents should it choose to proceed with the loan. Mr. Sharpe stated approval of the loan documents was consistent with the FY 2009 budget approved by Council and the City's financial plan for the project. Mr. Sharpe responded to questions.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING THE EXECUTION OF A CONTRACT FOR LOAN GUARANTEE ASSISTANCE AND THE ISSUANCE OF A NOTE THROUGH THE SECTION 108 LOAN GUARANTEE PROGRAM. RESOLUTION NO. R2009-030

MOTION: Council Member Bates moved to adopt the resolution and proceed with the loan.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

3.J.No Parking Ordinance - Skye Drive

Dale E. Iman, City Manager, explained an ordinance amendment would be necessary in order to place a No Parking sign and prohibit parking in front of the property on Skye Drive. Bobby Teague, Engineering and Infrastructure Director, spoke to staff investigation of the property owner's request and resulting recommendation. Mr. Iman and Mr. Teague responded to questions.

Karen M. McDonald, City Attorney, advised should a parking violation occur, an ordinance would be necessary for enforcement by the Fayetteville Police Department.

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2009-008A

MOTION: Council Member Evans moved to deny the request and ask staff to provide an explanation of No Parking signs at a future work session for additional discussion.

SECOND: Council Member Mohn

Discussion ensued regarding alternatives to the property owner's request.

VOTE: FAILED by a vote of 4 in favor (Council Members Evans, Massey, Mohn and Crisp) to 6 in opposition (Council Members Chavonne, Meredith, Hurst, Haire, Bates and Applewhite).

MOTION: Council Member Meredith moved to adopt the ordinance as recommended by staff.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 6 in favor (Council Members Chavonne, Meredith, Hurst, Haire, Bates and Applewhite) to 4 in opposition (Council Members Evans, Massey, Mohn and Crisp).

3.M. Adopt Resolution Pursuant to N.C.G.S 160A-58.2 Setting May 26, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Longhill Pointe – Located on the Northwest Corner of McCloskey Road and Ramsey Street)

Council Member Bates expressed concern regarding traffic along Ramsey Street and inquired regarding disadvantages to the city should the property not be annexed. Mr. Iman advised the city would still receive the impact of the development but not the associated benefits.

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. R2009-034

MOTION: Council Member Bates moved to set the public hearing for May 26, 2009.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

4.PWC FISCAL YEAR 2009-2010 BUDGET

Steven K. Blanchard, PWC CEO/General Manager, advised the Public Works Commission, during their April 22, 2008 meeting, adopted the Fiscal Year 2009-2010 PWC budget and authorized staff to move forward with the budget ordinance for City Council consideration of adoption. Mr. Blanchard provided an overview of the PWC Fiscal Year 2009-2010 budget to include the six-year Capital Improvement Plan, rate stabilization funds, commitments to the City of Fayetteville, economic development funding, personnel costs and electric rate adjustments proposed for May 1, 2010. Mr. Blanchard responded to questions related to alternative energy sources, applications for stimulus funding and comparisons of water, sewer and electric rates to those of other North Carolina municipalities and counties.

5. PRESENTATION OF THE IMPLEMENTATION FEASIBILITY ANALYSIS FOR THE LAND USE AND ECONOMIC DEVELOPMENT PLAN FOR THE MURCHISON ROAD CORRIDOR

Victor Sharpe, Community Development Director, advised the City contracted with Marshall A. Isler, Real Estate Development and Acquisition Consultant, to prepare an implementation feasibility analysis as a follow up to the Land Use and Economic Development Plan for the Murchison Road Corridor.

Mr. Isler provided an overview of sites #1, #3 and #6, three of the nine catalyst sites identified in the plan, and defined specific development concepts for each based on the recommendations of the plan and discussions with major land and business owners. Mr. Isler demonstrated the economic feasibility of the recommended concepts and defined the public economic incentives necessary to make the proposed development attractive to developers.

Mr. Isler concluded his presentation with an investment summary for each of the projects and a development and financing schedule for a twenty year period. Mr. Isler responded to questions.

MOTION: Council Member Haire moved to receive the report as information and have staff report back with an action plan for implementation within ninety days.

SECOND: Council Member Mohn

Additional questions followed. Mr. Iman spoke to the City's participation level, financial implications to the City and proposed economic incentives.

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

6. CLOSED SESSION

MOTION: Council Member Haire moved to go into closed session for economic development matters.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

The regular session recessed at 9:15 p.m.

MOTION: Council Member Meredith moved to reconvene in open session.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

The regular session reconvened at 9:28 p.m.

There being no further business, the meeting adjourned at 9:30 p.m.