

FAYETTEVILLE CITY COUNCIL

MINUTES

JANUARY 26, 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)(via teleconference); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Lisa Smith, Chief Financial Officer

Stanley Victrum, Chief Information Officer

Rob Anderson, Chief Development Officer

Victor Sharpe, Community Development Director

Bradley Whited, Fayetteville Airport Director

Bobby Teague, Engineering and Infrastructure Director

Rusty Thompson, Traffic Engineer

Jimmy Teal, Planning Director

Karen Hilton, Assistant Planning Director

David Nash, Planner II

Ron Macaluso, Transit Director

Tony Means, Transit Operations Superintendent

Gloria Wrench, PWC Purchasing Manager

Jackie Tuckey, Communications Manager/Public Information Officer

Rebecca Rogers-Carter, Management Analyst

Shelby Olive, Graphics Supervisor

Scott Lagueux, Consultant, LandDesign

Michale M. Rutkowski, Kimley-Horn and Associates

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Pastor Crawford Humphrey, Abney Chapel Seventh Day Adventist Church, followed by the Pledge of Allegiance to the American Flag.

RECOGNITIONS AND ANNOUNCEMENTS

Mayor Chavonne and Council Member Meredith, on behalf of the City Council and City of Fayetteville, recognized faculty and students from the Management Information Systems class at the University of North Carolina Pembroke for their development of a customized database to improve the City's print shop inventory management.

Mayor Chavonne and Council Member Applewhite, on behalf of the City Council and City of Fayetteville, recognized the Seventy First High School football team, coaches and principal for being the 2008 4-A State Football Champions.

1. APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

2. CONSENT:

Council Member Evans requested Item 2.I. pulled.

Council Member Haire requested Item 2.D. pulled.

MOTION: Council Member Hurst moved to approve the consent agenda with the exception of Item 2.D. and Item 2.I.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve Minutes:

1. Work Session Held on January 5, 2009

2. City Council Meeting Held on January 12, 2009

B. Adopt a Reimbursement Resolution for Soil Street Paving and Hope VI Redevelopment Project Infrastructure Improvements

The adopted capital improvement plan and fiscal year 2008/2009 budget include planned financing of soil street paving projects and infrastructure improvements for the Hope VI redevelopment project. This reimbursement resolution will allow the City to reimburse itself from the financing proceeds for any expenditures paid prior to the acquisition of the financing. The total amount expected to be financed for these infrastructure projects within the next twelve months is \$2,413,550.

RESOLUTION DECLARING THE INTENTION OF SAID CITY TO REIMBURSE ITSELF FROM PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH PAVING OF SOIL STREETS AT VARIOUS LOCATIONS, AND INFRASTRUCTURE IMPROVEMENTS INCLUDING STREETS, SIDEWALKS, DRAINAGE, WATER AND SANITARY SEWER ASSOCIATED WITH A HOPE VI DEVELOPMENT PROJECT. RESOLUTION NO. R2009-006

C. Adopt Capital Project Ordinance Amendment Change 2009-12 (AIP 33 - Airport Lighting Vault Improvement Project)

This Capital Project Ordinance Amendment will appropriate an additional \$65,662 from an Airport Operating Fund transfer to address an increase in concrete removal and additional modifications necessary to prepare for the future renovation of Station 10. Ultimately, the City expects to be reimbursed 95% of the cost of the expense from the FAA.

D. Pulled at the request of Council Member Haire.

E. Addition of Certain Streets to the City of Fayetteville System of Streets

F. Resolution to Set Public Hearing to Consider Closing an Un-named 25' Street/Alley off N. Reilly Road

RESOLUTION CALLING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF A PORTION OF A 25-FOOT WIDE UN-NAMED ALLEY/STREET LOCATED BETWEEN NORTH REILLY ROAD AND SQUIRE LANE. RESOLUTION NO. R2009-007

G. NCDOT Safe Routes to School, Infrastructure Reimbursement Program Application

A RESOLUTION OF SUPPORT AND ADMINISTRATION FOR THE APPLICATION OF NORTH CAROLINA SAFE ROUTES TO SCHOOL GRANTS AND ACTION PLAN. RESOLUTION NO. R2009-008

H. Consider Adoption of a Resolution to the North Carolina Department of Transportation (NCDOT) for a Possible Grant to be Awarded in FY2010 for an Urban Advanced Technology Grant

RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE TO ENTER INTO AN GRANT FOR FY2010, IF AWARDED, FOR AN URBAN ADVANCED TECHNOLOGY GRANT PROGRAM WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R2009-009

I. Pulled at the request of Council Member Evans.

J. Approve sign permit for Methodist University Loyalty Day event on Tuesday, February 10th

K. Approve the application to amend a previously approved mixed use district\conditional zoning to expand a dog kennel by adding 30 dog units for property located at 2102 Strickland Bridge Road. Containing 4.1 acres more or less and being the property of Lisa Adams-Turner. Case Number P08-60F

2.D. Consider Setting a Public Hearing on Economic Development Incentive Agreement with Goodyear Tire and Rubber Company

Council Member Haire inquired regarding the purpose of the public hearing. Dale E. Iman, City Manager, briefly reviewed the City's September 25, 2006 tentative agreement to provide an incentive package to Goodyear Tire and Rubber Company contingent upon the company making a capital investment of at \$200 million by December 31, 2012 and retaining 2,000 employees. Mr. Iman stated North Carolina state law requires that a public hearing be held on these type of economic development incentive agreements.

MOTION: Council Member Haire moved to set a public hearing for February 9, 2009 to consider the Goodyear Tire and Rubber Company incentive.

SECOND: Council Member Bates

VOTE UNANIMOUS (10-0)

2.I. Consider Adoption of Resolution Approving Assignment of Voluntary Annexations to Electoral Districts

Council Member Evans inquired regarding the effect of the annexations on the upcoming election. Karen M. McDonald, City Attorney, stated the voluntary annexations had already occurred and the small number of citizens involved would be assigned to the current electoral districts. Mrs. McDonald further stated should Council adopt the resolution, the submission would be forwarded to the U.S. Justice Department for clearance.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCOUNTING FOR EIGHT ANNEXATIONS OF TERRITORY TO THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2009-010

MOTION: Council Member Evans moved to approve the resolution.

SECOND: Council Member Bates

VOTE UNANIMOUS (10-0)

3. PUBLIC HEARINGS:

A. Consideration of an Application to the North Carolina Department of Commerce for a Grant through the Neighborhood Stabilization Program

Victor Sharpe, Community Development Director, stated City Council in October 2008 approved the submission of a Letter of Intent for the Neighborhood Stabilization Program. Mr. Sharpe explained the purpose of the program. Mr. Sharpe stated the City's intent is to apply for \$5 million and a public hearing regarding the City's application and intent to apply is required. Mr. Sharpe responded to questions regarding areas with high foreclosure numbers.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 7:35 p.m.

MOTION: Council Member Massey moved to approve.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

B.Consider the rezoning from M1 industrial district to R6 residential district or to a more restrictive zoning district for property located at the end of Quality Drive and Shedd Avenue. Containing 66.33 acres more or less and owned by Broadwell Land Company. Case Number P08-49F

Karen Hilton, Assistant Planning Director, showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mrs. Hilton stated the applicant wished to rezone a former textile mill site from M2 industrial zoning to R6 residential zoning in order to construct new housing. Mrs. Hilton reminded Council of the case history and that the public hearing was continued from September 22, 2008.

This is the advertised public hearing continued for this date and time. The public hearing opened at 7:45 p.m.

John White, 2949 Delaware Drive, Fayetteville, NC 28304 appeared in favor and stated the neighborhood learned that their issues might be associated with underground water, not stormwater, which had caused damage to streets and residences.

Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC 28305 appeared in favor, stated the site plan had been redesigned to integrate stormwater controls and any underground water problems on the site would be addressed.

No one appeared in opposition and the public hearing closed at 7:49 p.m.

Mr. Kizer responded to questions posed by Council Members Evans and Crisp regarding sound issues associated with the railroad, plans for a natural tree buffer and use of retention ponds to eliminate any increase in the development's stormwater runoff.

MOTION: Council Member Evans moved to approve the rezoning from M1 industrial district to R6 residential district.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

4. APPROVAL OF THE RAMSEY STREET CORRIDOR PLAN FOR LAND USE AND SPECIFIC FOCUS AREAS

Ms. Hilton introduced Scott Lagueux, LandDesign Consultant.

Mr. Lagueux presented a summary of the final draft plan to include recommended land uses for the next fifteen to twenty years for the corridor from Martin Luther King Boulevard to the northern city limits. Mr. Lagueux reviewed plans for the focus area from Country Club Drive to Methodist University and recommendations for other enhancements and implementations.

Mr. Lagueux responded to questions posed by Council Members. Mrs. Hilton clarified the corridor plan was for land use and if adopted, would provide local guidance along with the Unified Development Ordinance.

MOTION: Council Member Bates moved to approve the proposed corridor land use plan.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

5. APPROVAL OF THE MURCHISON ROAD CORRIDOR STUDY, PHASE II, TRANSPORTATION

Mr. Thompson provided an overview of events leading up to the study of the Murchison Road corridor and introduced Michael M. Rutkowski, Consultant with Kimley-Horn and Associates. Mr. Rutkowski introduced the transportation study by providing a brief synopsis of the planning process and public outreach efforts to include a taskforce, stakeholders and a collaborative four-day charrette that was attended by over two hundred and fifty individuals. Mr. Rutkowski called attention to the design concept plans and reviewed the guiding principles used during the study process to include those associated with connectivity, potential impact on property, and context sensitivity of the entire corridor and surrounding community.

Mr. Rutkowski reviewed transportation elements for design sections along the length of the corridor and provided data associated with traffic volumes, signalized and unsignalized intersection operations, level of service measures and the top ten crash intersections.

Mr. Rutkowski concluded the presentation with an outline of proposed recommendations for improvements to the design sections along the corridor and the development potential for various projects on Murchison Road. Questions followed regarding connectivity options, controls placed on left-hand turns off of Murchison Road and utilization of the transportation study.

MOTION: Council Member Haire moved to accept the Murchison Road Corridor Study.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

6. BID AWARD – RESURFACE VARIOUS STREETS – 2009

Bobby Teague, Engineering and Infrastructure Director, stated bids were received on January 13, 2009 for the 2009 resurfacing contract for ninety-seven streets totaling approximately nineteen and one-third miles. Mr. Teague further stated of the three bids received, Highland Paving Company of Fayetteville was the low bidder in the amount of \$2,798,861.22. Mr. Teague stated staff recommendation is to award the contract to Highland Paving Company in

the amount of \$2,798,861.22.

MOTION: Council Member Meredith moved to award the contract according to staff recommendation.

SECOND: Council Member Massey

Mr. Teague outlined the rating system used for evaluating which city streets need to be resurfaced. Mr. Iman spoke to Council's appropriation of \$3.5 million for each of the past three years for resurfacing of streets throughout the city. Mr. Teague responded to additional questions.

VOTE: UNANIMOUS (10-0)

7. FY 2008-09 STRATEGIC PLAN 2ND QUARTER REPORT

Doug Hewett, Assistant City Manager, outlined the three main areas of the city's Strategic Plan and reviewed the Strategic Plan second quarter report to include the status of Top and High Policy Agenda targets for action and the status of Top and High Management Agenda targets for action.

Mr. Hewett introduced Doug Peters, Fayetteville Cumberland Chamber of Commerce President, who reported on the Chamber of Commerce's Workforce Development Plan and, diverse tax base and economic development strategies.

Mr. Hewett concluded his presentation and responded to questions.

INFORMATION ITEMS:

1. Statement of taxes collected for the month of December 2008 from the Cumberland County Tax Administrator

2008 Taxes.....	\$12,168,328.33
2008 Vehicle Taxes.....	524,616.41
2008 Revit.....	26,691.91
2008 Vehicle Revit.....	300.24
2008 FVT.....	53,327.77
2008 Transit Fee.....	44,008.56
2008 Storm Water.....	645,479.76
2008 Fay Storm Water.....	970,735.11
2008 Recycle Fee.....	386,424.57
2008 Annex.....	(33.18)
2007 Taxes.....	\$16,931.55
2007 Vehicle Taxes.....	58,094.40
2007 Revit.....	11.04
2007 Vehicle Revit.....	0.00
2007 FVT.....	7,369.73
2007 Storm Water.....	1,132.58
2007 Fay Storm Water.....	848.73
2007 Annex.....	15.17
2006 Annex.....	\$19,800.99
2006 Taxes.....	4,474.84
2006 Vehicle Taxes.....	2,136.12
2006 Revit.....	0.59
200 Vehicle Revit.....	0.00
2006 FVT.....	464.91
2006 Storm Water.....	364.85
2005 Taxes.....	\$1,896.14
2005 Vehicle Taxes.....	739.91
2005 Revit.....	0.00
2005 Vehicle Revit.....	0.00
2005 FVT.....	183.35
2005 Storm Water.....	226.60

2004 and Prior Taxes.....	\$1,849.83
2004 and Prior Vehicle Taxes.....	1,498.30
2004 and Prior Revit.....	0.00
2004 and Prior Vehicle Revit.....	0.37
2004 and Prior FVT.....	391.51
2004 and Prior Storm Water.....	295.19
Interest.....	\$15,241.79
Interest (Revit).....	2.71
Interest (Storm Water).....	364.97
Interest (Fay Storm Water).....	91.87
Interest (Annex).....	106.21
Interest (Fay Recycling).....	0.00
Total Collections.....	\$14,957,413.73

2. General Fund Revenue and Expenditure Report for the Four-Month Period Ended October 31, 2008

There being no further business, the meeting adjourned at 9:53 p.m.