

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JULY 12, 2010
7:00 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); 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
Stanley Victrum, Chief Information Officer
Craig Hampton, Special Projects Director
Ron Macaluso, Transit Director
Craig Harmon, Planner II
Marcus Townsend, City Webmaster
Rebecca Rogers-Carter, Management Services Manager
Jackie Tuckey, Public Information Officer
Rita Perry, City Clerk
Members of the Press

• **CALL TO ORDER**

Mayor Chavonne called the meeting to order at 7:00 p.m.

• **INVOCATION**

The invocation was offered by Imam Abdul Haneef of Masjid Omar Ibn Sayyid.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the Pledge of Allegiance to the American Flag was led by the audience.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Davy moved to approve the agenda with the addition of Item 9.4, Transit update presentation.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

• **Announcements and Recognition**

Mayor Chavonne and Council Member Bates, on behalf of the City Council and City of Fayetteville, presented a proclamation commemorating July 26, 2010, as the 20th Anniversary of the Americans with Disabilities Act and applauded the many contributions people with disabilities have made and continue to make throughout the City and renew our commitment to upholding the fundamental principles of the Americans with Disabilities Act. Comments followed.

• **public forum**

• **PUBLIC FORUM**

NAME/ADDRESS	SUBJECT/CONCERN
Raymond Wright P.O. Box 1475 Fayetteville, NC 28302	Police Department service of summons process
Stephen Wheeler 509 S. Edgewater Drive Fayetteville, NC 28303	False alarm fee schedule

<p>wen York 703 Cypress Road Fayetteville, NC 28304</p>	<p>Domestic violence</p>
<p>oses Best 324 Broadell Drive Fayetteville, NC 28301</p>	<p>Murchison Road Police Substation</p>
<p>reddie Robertson 335 Rosehill Road Fayetteville, NC 28301</p>	<p>Masonic Community Picnic, 7/31/10, North Street Park</p>
<p>idney Irvin James, Sr. 19 Neal Street Fayetteville, NC 28312</p>	<p>Transit</p>

- **CONSENT**
- **Consent**

MOTION: Mayor Pro Tem Haire moved to approve the consent agenda with the exception of Items 7.2, 7.3, 7.4, and 7.5.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

- Adopt a resolution declaring real property surplus.

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2010-065.

- Pulled at the request of Council Member Hurst.
- Pulled at the request of Council Member Bates.
- Pulled at the request of Council Member Mohn.
- Pulled at the request of Mayor Pro Tem Haire.

7.2 Special Sign Permit request for temporary event signs for the SwampDogs Baseball Team.

This item was pulled by Council Member Hurst.

The City Council routinely approved similar requests for other events in recent years. Those requests were always for a limited consecutive day period (usually two weeks or less). Staff has been working to remove temporary signs from the City's streetscape. Staff regularly recommended authorizing fewer signs than requested for a shorter period of time than requested. The SwampDogs would like to use these signs throughout their three-month summer season.

MOTION: Council Member Hurst moved to approve Option 2 (Grant the special sign permit for 30 signs within 24 hours of game days as described above as requested by applicant, locations and size to be negotiated by staff).

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.3 Amendment to Chapter 15, Licenses, of the City of Fayetteville Code of Ordinances in accordance with the FY 2010-2011 Schedule of Fees.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 15, LICENSES, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-008.

This item was pulled by Council Member Bates.

The ordinance amended Chapter 15, Licenses, of the City of Fayetteville Code of Ordinances for electronic gaming operation annual privilege license tax in accordance with the FY 2010-2011 Schedule of Fees.

Council Member Bates questioned the affect the General Assembly's passage of a ban on internet sweepstakes cafés would have on the amendment. Ms. Karen McDonald, City Attorney, clarified the fee schedule was approved as part of the FY 2011 budget with an

effective date of June 30, 2010, and the effective date of the proposed ban was December 2010.

Mayor Pro Tem Haire inquired whether raising the fees was an option and were the fees governed by the State. Ms. McDonald replied in the negative. She stated the proposed fee schedule was modeled after that of the Town of Hope Mills.

Council Member Bates requested the time frame for owners to comply. Ms. Karen McDonald, City Attorney, stated the Finance Department would conduct collections in conjunction with the Inspections Department assessment. She stated the owner would have 30 days to comply and would be delinquent as of September 1, 2010.

Council Member Bates requested clarification that this proposed revenue was not budgeted into the FY 2011 budget. Mr. Dale Iman, City Manager, answered in the affirmative.

Council Member Mohn questioned the expenditure of this money. Mayor Chavonne stated this was addressed during the budget meetings.

Mayor Pro Tem Haire asked Mr. Phil Cannady, Assistant Police Chief, to explain the negative factors as it related to internet café businesses. Ms. McDonald requested clarification of the question. Mayor Pro Tem Haire requested clarification of the Police Department concerns. Assistant Police Chief Cannady stated any games of chance bring a certain element of the population which adds a greater demand on law enforcement.

Mayor Chavonne questioned whether legally a municipality had the right to ban internet cafés. Ms. McDonald stated the City only had the authority to regulate.

MOTION: Council Member Bates moved to approve the amendment to Chapter 15, Licenses, of the City of Fayetteville Code of Ordinances.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Mayor Pro Tem Haire)

7.4 Approval to award contract for the purchase of police cars.

This item was pulled by Council Member Mohn for clarification.

The Police Department needed to purchase 34 new police cars. Formal bids for the purchase of police cars were received February 16, 2010. The bid documents allowed for the purchase of additional units at the same price within a one-year period, upon the agreement of both parties.

The low bidder, Ilderton Dodge Chrysler Jeep, High Point, NC, agreed to extend the February bid price for the purchase of 34 additional 2010 Dodge Charger Police Cars. The contract would consist of the purchase of 10 unmarked cars at a cost of \$26,836.00 each and 24 marked cars at a cost of \$28,361.00 each. The total contract amount for the purchase of the additional 34 cars was \$949,024.00. The cars are budgeted in the FY 2011 budget. The total budgeted amount is \$1,206,000.00.

Council Member Mohn questioned the change from previous amounts as it related to the February cost. Mr. Dale Iman, City Manager, stated the proposal was initially generated in February. He explained that it was determined the Police Department would be better served with six additional marked units instead of SUVs.

MOTION: Council Member Bates moved to approve the contract award.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.5 Consider amendments to Alarm Systems Regulations Ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 4, ALARM SYSTEMS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-009.

This item was pulled by Council Member Bates.

Council Member Haire inquired whether there was stakeholder involvement. Mr. Charles Hunter, Police Captain, stated at the June 7, 2010, work session, Council direction was to forego the permitting process and to mirror Greenville. He stated staff sent out notices which informed citizens of the adopted fee schedules.

Council questioned why stakeholders were not involved. Captain Hunter stated the fee schedule had already been adopted and the amendment was necessary to enforce the adopted fee schedule. Mr. Dale Iman, City Manager, further stated the alarm fee was driven by the PERF study which determined that 66 percent of police time was spent on calls for service. Mr. Iman explained that a contributing factor was that the false alarms were very high. A discussion period ensued regarding false alarm responses, the appeal process, residents and businesses impacted, and public awareness/notification.

MOTION: Council Member Bates moved to approve the amendment to the Alarm System Regulation Ordinance.

SECOND: Council Member Applewhite

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

8.0 PUBLIC HEARING

8.1 Case No. P10-20F. The rezoning of property located at 6452 Raeford Road from R10 Residential and PND Planned Neighborhood Development Districts to R6/CZ Residential Conditional Zoning District. Wayne S. West, Vincent J. West, Joseph P Riddle, III, Carolyn R. Armstrong and Sharlene R. Williams, owners.

Mr. Craig Harmon, Planner II, presented this item. He 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. Mr. Harmon stated the Zoning Commission and staff recommended approval of the rezoning based on the following: (1) although the 2010 Land Use Plan called for low-density residential, it was staff's opinion that medium-density residential was also appropriate, provided that a stronger buffer be placed between the development and the single-family residential development to the east; (2) the property was located along a major thoroughfare; and (3) an apartment complex would be compatible with the character and development pattern of Raeford Road.

Council Member Applewhite requested affirmation that 156 units were permitted in R10 and 252 units in PND. Mr. Harmon concurred. He explained the occurrences at the community meeting. Council Member Applewhite questioned whether traffic was a topic of conversation and requested a narrative of community meetings. Mr. Harmon stated the developer could provide that information.

Council Member Meredith questioned who or what determines when a gate could be constructed. Mr. Harmon stated typically apartment complexes do not allow gates. Council Member Meredith asked what the protocol was for a gate and lockbox. Mr. Harmon stated there was no protocol for apartment complexes.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:25 p.m.

Mr. Jonathan Charleston, 201 Hay Street; Suite 2000, Fayetteville, NC 28301, appeared in favor on behalf of the petitioner. He stated the current zoning would permit the development of apartments and the only concern at the community meeting was the traffic impact. Mr. Charleston clarified there would be no access to the gated community except for emergency services and all conditions had been accepted by the developer.

Mr. Jimmy Kizer, Jr., 115 Broadfoot Avenue, Fayetteville, NC 28305, appeared in favor and elaborated on the conditions. He stated the minutes from the community meeting would be available.

Mr. Brantley White, 718 Dover Road, Greensboro, NC 27408, and Mr. Rick Hopkins, 1833-B9 Banking Street, Greensboro, NC 27408, declined to speak.

There were no speakers in opposition.

There being no one further to speak, the public hearing closed at 8:35 p.m.

Council Member Bates questioned the request for an emergency access. Mr. Kizer stated this was the desire of the developer.

Council Member Applewhite questioned whether this could be developed without the emergency entrance. Mr. Kizer answered in the affirmative and stated the police, fire, and EMS would

appreciate the flexibility of having an alternate entrance.

Council Member Applewhite questioned whether there was any consideration to build a project of lower density. Mr. Kizer stated the desire was for a higher density.

Council Member Applewhite requested clarification regarding staff's decision to recommend the high density in reference to the 2010 plan and questioned the permitting of approximately 100 extra units because of a larger buffer. Mr. Harmon stated it would lessen the affect. Council Member Applewhite questioned the proposed 656 parking spaces for 292 units. Mr. Kizer explained the applicant wished to provide two parking spaces per unit. Council Member Applewhite questioned whether the complex would have garages and storage units. Mr. Kizer answered in the affirmative and stated the garages and storage units were included in the calculations.

Council Member Meredith requested staff to be more consistent in regards to the recommendations.

MOTION: Council Member Applewhite moved to deny the rezoning to R6/CZ.

The motion died due to lack of a second.

MOTION: Council Member Bates moved to approve the rezoning to R6/CZ.

SECOND: Council Member Meredith

Council Member Mohn requested limitations for the use and maintenance of the back entrance during the construction phase. Council Member Bates explained the City's ordinance addresses those regulations.

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 Preview of the City's new website redesign.

Mr. Marcus Townsend, City's Webmaster, presented the components of the City's new website design.

A brief question and answer period ensued regarding the contents of the website.

MOTION: Council Member Hurst moved for the website to proceed with the launch of the new redesign of the City's main website.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

9.2 FY 2010-11 Strategic Plan adoption.

Ms. Rebecca Rogers-Carter, Management Services Manager, reviewed the components of the strategic plan to include the vision statement, mission statement, and core values and spoke to modifications made by Council in the FY 2010-2011 Strategic Plan. She provided a recap of the 2010-2011 policy and management agenda targets for action and noted top priority and high priority items would receive equal attention and effort.

MOTION: Council Member Davy moved to adopt the FY 2010-2011 Strategic Plan.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

9.3 Award of construction contract for Visitor Center for Veterans Park.

Mr. Craig Hampton, Special Projects Director, summarized the budget for this item. He informed Council that LeChase Construction Services, Inc., Durham, NC, the same company that had been awarded the main park contract, had been determined to be the lowest responsible and responsive bidder. He stated that (1) LeChase exceeded the 10 percent minority business goal of this project by 7 percent, all other bidders failed to meet the goal; (2) LeChase would be the on-site contractor for both the main park and visitor center; (3) approximately 30 percent of the contract would be performed by local contractors and 20 percent of materials would be purchased from local businesses; and (4) additional savings by changes in plans or specifications would be analyzed and applied with assurance there would be no compromise in quality or performance of the finished product. Weekly project reports would outline future project savings.

Mayor Pro Tem Haire requested a list of the minority contractors.

Council Member Bates requested confirmation of bonding requirements. Mr. Hampton clarified that performance and payment bonds would be required.

MOTION: Council Member Bates moved to approve the award of the construction contract for the Visitor Center for Veterans Park.

SECOND: Council Member Crisp

Council Member Massey requested that the list of the minority participation included the category.

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

Mr. Hampton informed Council that General Shelton's statute was positioned at the Airborne and Special Operations Museum.

9.4 Transit update regarding shelters and benches.

Council Member Davy briefed Council regarding the previous presentation of this item to the Transit Advisory Committee in May 2010.

Mr. Dale Iman, City Manager, stated the presentation was generated to address a citizen letter received by Council Member Mohn. He stated the issues were as follows:

- Help identifying the total number of FAST bus stops to include all FAST bus stops even if they are not technically in the City Limit.
- How many of these bus stops are simply a sign on a pole. We are interested in there being at least a:
 - Bench at each bus stop, and hopefully eventually; and
 - A weather covering.
- How many total bus stops are there?
- How many bus stops currently have a bench?
- How many bus stops currently have a weather covering?
- Is there a plan to place benches and weather coverings at all bus stops?
- If so, what is the time table to complete this project?
- If not, we would appreciate a documented excuse as to why not.

Mr. Iman explained on August 10, 2009, Council received a Transit Development Plan (TDP) from the KFH Group, Inc, providing suggestions to improve the City's transit system, which staff implemented. He stated staff audited the bus stops to accumulate the necessary data for the decision-making and evaluation purposes. He presented the results as follows:

	Shelter ?	Sidewalk ?	Bench ?	Trash Can?	ADACompliant
	# yes/total stops	# yes / total stops			
ROUTE 3	1/39 = 2%	14/39 = 35%	2/39 = 5%	2/39 = 5%	0/39 = 0%
ROUTE 4	6/57 = 10%	41/57 = 71%	7/57 = 12%	7/57 = 12%	4/57 = 7%
ROUTE 5	4/59 = 6%	44/59 = 74%	4/59 = 6%	4/59 = 6%	3/59 = 5%
ROUTE 6	2/33 = 6%	4/33 = 12%	5/33 = 15%	2/33 = 6%	2/33 = 6%
ROUTE 7	4/59 = 6%	32/59 = 54%	5/59 = 8%	4/59 = 6%	0/59 = 0%
ROUTE 8	2/55 = 3%	26/55 = 47%	3/55 = 5%	4/55 = 7%	0/55 = 0%
ROUTE 12	7/64 = 10%	38/64 = 59%	7/64 = 10%	9/64 = 14%	1/64 = 1%
ROUTE 14	9/64 = 14%	56/64 = 87%	11/64 = 17%	11/64 = 17%	2/64 = 3%
ROUTE 15	2/98 = 2%	39/98 = 39%	3/98 = 3%	3/98 = 3%	0/98 = 0%
ROUTE 16	0/28 = 0%	3/28 = 10%	0/28 = 0%	0/28 = 0%	0/28 = 0%
ROUTE 17	0/20 = 0%	8/20 = 40%	0/20 = 0%	0/20 = 0%	0/20 = 0%
	37/576 = 6%	305/576 = 52%	47/576 = 8%	47/576 = 8%	12/576 = 2%

Mr. Iman then provided the following results from the Rider Count Study initiated from a citizen request regarding a bus shelter on Turnpike Road (Route 7, which had three main stop areas – Turnpike Road, Commerce Street, and Weiss Avenue):

- Turnpike Road - Total of 121 riders; averaged 14 per day

- Commerce Street - Total of 120 riders; averaged 14 per day
- Weiss Avenue- Total of 97 riders; averaged 11 per day

Mr. Iman informed Council the service standard for a bus shelter was 25 or more boardings per day at a stop; therefore, based on the TDP criteria, a shelter on Turnpike Road was not warranted. Mr. Iman reviewed the Bus Shelters and Benches Policy and presented photographs which depicted existing bus stops and shelters and provided the following cost analysis:

Standalone Bench/Back, Pad and Install	\$1,185
Shelter and Bench	\$5,900
Pad for Shelter & Bench & Installation	1,375
Solar Light Package	1,225
Install of Solar Light Package	225
Trash Receptacle	<u>500</u>
Total Cost to Install a Complete Shelter Package	<u>\$9,225</u>

Mr. Iman further explained that to install shelter packages at the remaining 496 stops, if all conditions were present, would cost \$4,575,600.00 and to install bench packages at the remaining 488 stops, if all conditions were present, would cost \$578,280.00.

Mr. Iman fielded questions pertaining to Department of Transportation regulations, federal funding, factors utilized to establish benches and shelters locations, and the possible acquisition of additional right-of-way.

There being no further business, the meeting adjourned at 10:10 p.m.