

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
MAY 24, 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  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Janet Smith, Assistant City Attorney  
Craig Hampton, Special Projects Director  
Rob Anderson, Development Services Director  
Karen Hilton, Planning & Zoning Division Manager  
Craig Harmon, Planner II  
Marsha Bryant, Planner II  
Joe Glass, PWC Engineering Manager  
J. D. Pone, Fayetteville-Cumberland Parks and Recreation Advisory  
Commission Chairperson

Ron Macaluso, Transit Director  
Jeffery Brown, Engineering & Infrastructure Director  
Rusty Thompson, City Traffic Engineer  
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 Reverend Corey D. Little, Pastor of the Evans Metropolitan AME Zion Church.

**3.0 PLEDGE OF ALLEGIANCE**

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

**4.0 APPROVAL OF AGENDA**

**MOTION: Council Member Meredith moved to approve the agenda.**

**SECOND: Council Member Massey**

**VOTE: UNANIMOUS (10-0)**

• **CONSENT**

**MOTION: Council Member Bates moved to approve the consent agenda with the exception of Item 5.5.**

**SECOND: Council Member Meredith**

**VOTE: UNANIMOUS (10-0)**

• **Approve Minutes:**

• **March 22, 2010 – Strategic Planning Meeting**

• **March 22, 2010 - Regular Meeting**

**5.2 Development Services (Planning & Zoning Division) - Case No. P10-12F. The initial zoning of 1.7 acres of recently annexed property at 3261 Doc Bennett Road to C1P Commercial Zoning District. Steve and Julie Stefanovich, owners.**

• **Development Services (Planning & Zoning Division) - Special Sign Permit request for temporary event signs for the 19th annual UMOJA (African American Family and**

**Cultural) Festival on August 28, 2010. Signs would be put out 3 1/2 weeks prior to event and removed by Monday, August 30, 2010.**

Special sign permit was granted with the stipulation that the signs be removed by the end of the day on August 30, 2010, and the number of signs be limited to ten.

- **Engineering & Infrastructure - Adopt a resolution setting a public hearing to consider the paving assessments of five City streets.**

The resolutions set a public hearing for June 28, 2010, to consider the assessments of the following streets: Williston Drive, McIver Street, Silk Lane, Stella Street, and South Kenleigh Drive. The paving of these streets were completed and the assessment of the streets will complete the process.

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR WILLISTON DRIVE (FROM RAMSEY STREET TO NORTH STREET). RESOLUTION NO. R2010-047.**

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR MCIVER STREET (FROM ITALY STREET TO SILK LANE). RESOLUTION NO. R2010-048.**

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR SILK LANE (FROM MCIVER STREET TO NORTHWESTERN LINE OF PIN #437-22-0285 AND 18' NORTHWEST OF THE COMMON LINE OF PIN #0437-22-2411 AND #0437-22-1464). RESOLUTION NO. R2010-049.**

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR STELLA STREET (FROM WEISIGER STREET TO DEAD END). RESOLUTION NO. R2010-050.**

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR SOUTH KENLEIGH DRIVE (FROM RAEFORD ROAD TO END OF STREET). RESOLUTION NO. R2010-051.**

- **Pulled at the request of Council Member Bates.**
- **Engineering & Infrastructure - Revisions to Chapter 16 - Article X, Parking.**

Council adopted the proposed revisions to Chapter 16, Sec. 16-327, to coincide with the existing Wheel Lock Special Legislation that the City was currently seeking which would give the City the authority to immobilize and impound certain vehicles as outlined in the ordinance. Changes were being made to Sec. 16-331 for clarity.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, ARTICLE X, PARKING, SEC. 16-327, IMMOBILIZATION AND IMPOUNDMENT OF CERTAIN VEHICLES AND SEC. 16-331, APPEAL OF IMMOBILIZATION. ORDINANCE NO. S2010-006.**

- **Finance - Special Revenue Project Ordinance 2010-20 (FY 09 State Homeland Security Grant).**

This ordinance established the budget for the FY 09 State Homeland Security Grant awarded to the Fire Department by the North Carolina Department of Crime Control and Public Safety Division of Emergency Management with the total project budget of \$135,714.00.

- **Finance - Reimbursement resolution for Police and Environmental Services vehicles.**

This reimbursement resolution allowed the City to reimburse itself from the financing proceeds for any of the vehicle and equipment expenditures paid prior to the acquisition of the financing. The total amount expected to be financed for the Police and Environmental Services vehicles and equipment would not exceed \$1,200,000.00.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DECLARING THE INTENTION OF SAID CITY TO REIMBURSE ITSELF FROM**

**THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE PURCHASE OF POLICE AND ENVIRONMENTAL SERVICES VEHICLES AND EQUIPMENT. RESOLUTION NO. R2010-053.**

- Finance - Resolution approving the financing of \$6,649,000.00 for 800 MHz Radios, Police and Environmental Services Vehicles, and Equipment and Public Safety Hardware and Software.

Financial Institution	Tax Exempt		Taxable		Rates after Rebate – Taxable Debt**		Prepayment Premium Terms
	48 Mths	59 Mths	48 Mths	59 Mths	48 Mths	59 Mths	
						BB&T	2.3900
600	3.6300	3.9000	2.3595	2.5350	1%	BofA	1.8101
616	2.6528	2.9923	1.7243	1.9450	2%	RBC	Not offered
Not offered	Not offered	3.090	Not offered	2.0085	Variable with 0.5% Minimum	SunTrust	2.226
98	Not offered	Not offered	Not offered	Not offered	3%	SunTrust	2.426
98	Not offered	Not offered	Not offered	Not offered	None	Wells Fargo	1.850
00	Not offered	Not offered	Not offered	Not offered	1%	Chase*	2.140
60	Not offered	Not offered	Not offered	Not offered	No prepayment permitted for 24 months, no premium thereafter	*Chase's rate is subject to change and cannot be locked in until 3 days prior to closing.	

Under the Build America Bonds Program, the City could receive a semi-annual rebate from the Federal Government in an amount equal to 35% of the interest paid on taxable financing agreements.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT PURSUANT TO NCGS 160A-20 WITH BANC OF AMERICA PUBLIC CAPITAL CORP FOR THE FINANCING OF 800 MHZ RADIOS, POLICE AND ENVIRONMENTAL SERVICES VEHICLES AND EQUIPMENT, AND PUBLIC SAFETY COMPUTER TECHNOLOGY IMPROVEMENTS. RESOLUTION NO. R2010-054.**

- Parks & Recreation - Consider bid award for the purchase of one (handicap bus and two (2) passenger buses).

The Parks and Recreation Department had the need for one (1) handicap bus and two (2) passenger buses. Formal bids were received April 22, 2010, as follows:

**One (1) Handicap Bus**

National Bus Sales (Charlotte, NC).....	\$51,290.00
Interstate Transportation Equipment (High Point, NC).....	\$54,377.00
CarolinaThomas (Greensboro, NC).....	\$55,012.00

The budgeted amount for the purchase of the handicap bus was \$65,000.00.

**Two (2) Passenger Buses**

National Bus Sales (Charlotte, NC).....	\$98,966.00
Interstate Transportation Equipment (High Point, NC).....	\$104,078.00
CarolinaThomas (Greensboro, NC).....	\$107,232.00

The budgeted amount for the purchase of the two passenger buses was \$119,142.00.

- PWC - Amendments to agreements between the City of Fayetteville and Public Works Commission.

Council approved Amendment #2 to "Agreement Between the City of Fayetteville and the Public Works Commission of the City of Fayetteville Establishing a Formal Agreement to Fund the

Construction of Water and Sanitary Sewer Systems in the Annexed Area Referred to as Phase V" and Amendment #1 to "Agreement Between the City of Fayetteville and the Public Works Commission of the City of Fayetteville Establishing a Formal Operating Transfer".

• **PWC - Ordinance revisions to Water Shortage Response Ordinance.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE V, WATER SHORTAGE RESPONSE, OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2010-007.**

• **PWC - Bid Recommendation - Relay control and SCADA switchboards.**

The Public Works Commission approved award of bid for purchase of relay control and SCADA switchboards for the Arran Park and Crystal Springs 69 to 15x25kV Substations to Birmingham Control Systems, Birmingham, AL, in the total amount of \$137,445.00 and forwarded to City Council for approval. This was a budgeted item (EL-20 and EL-33 for a total budgeted amount of \$120,000.00). Funds needed to cover the difference between the budgeted amount and the actual cost would be transferred from the POD 1 Relay Upgrade Project (EL 17) which was delayed. Bids were received April 8, 2010, as follows:

<u>Bidders</u>	<u>Total Cost</u>
Birmingham Control Systems (Birmingham, AL).....	\$137,445.00
Electrical Power Products (Des Moines, IA).....	\$138,631.00
Kemco Industries (Sanford, FL).....	\$149,346.00
Schweitzer Engineering Laboratories (Pullman, WA).....	\$162,048.00

Bids were solicited from seven vendors with four vendors responding. Birmingham Control Systems was not classified as a DEB, minority or woman-owned business.

• **Engineering & Infrastructure (via PWC) - Consider resolution of award for Reilly Road, Cliffdale Road, and Ramsey Street Concrete Sidewalk Project.**

This item was pulled by Council Member Bates.

The City received funding from the North Carolina Department of Transportation (NCDOT) for construction of the project. NCDOT required that Council adopt a Resolution of Award as part of the funding agreement. Bids were received April 22, 2010, as follows:

Billy Bill Grading (Fayetteville, NC).....	\$253,945.00
Construction Supervision Svcs., Inc. (Raleigh, NC).....	\$265,550.00
Sandhills Contractors, Inc. (Sanford, NC).....	\$300,780.80
Lanier Construction Co., Inc. (Snow Hill, NC).....	\$307,380.00
Browe Construction Co., Inc. (Clayton, NC).....	\$330,239.00

Mr. Jeffery Brown, Engineering & Infrastructure Director, presented a brief overview.

Council Member Mohn requested an update regarding Hoke Loop Road be presented at a future work session meeting.

**RESOLUTION OF AWARD OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.**

**resolution no. r2010-052.**

**MOTION: Council Member Bates moved to approve.**

**SECOND: Council Member Meredith**

**VOTE: UNANIMOUS (10-0)**

**6.0 PUBLIC HEARINGS**

6.1 PWC - Public hearing for Phase 5 Annexation Areas 8 and 9 Sewer Project.

Mr. Joe Glass, PWC Engineering Manager, provided a project overview of the Phase V Annexation Construction for Areas 8 and 9 as follows:

Events To Date

- September 29, 2009 - Survey and Appraisal Notification Letters Mailed to Property Owners
- May 10, 2010 - Council Adopted the Preliminary Assessment Resolution
- May 13, 2010 - Copies of Resolution Mailed to Property Owners

Proposed Project Schedule

- Advertise and Award Construction Bids – June/July 2010
- Begin Construction – November 2010

- Construction Complete – July 2011
- Preliminary Assessment Roll – September 2011
- Confirm Assessments – October 2011

Cost to Property Owners

- Residential: Typical single-family residential lot: \$5,000.00
- Non-Residential: For all other properties, a per front foot rate of \$55.56 with a 90' minimum plus the average lateral charge
- No payment due until construction is complete and assessment roll adopted
- Cost does not include plumber's charge
- Cost does not include facility investment fee
- Financial assistance available for those that qualify

Payment Options

- Pre Pay
- In Full (No interest within 30 days from notice)
- Financing
- 10-year term at a proposed 8% interest rate
- Annual or monthly installments

Example: \$65.00 per month based on 10 years at 8%

Summary

- There will be no assessment to properties that currently have sewer service available
- No change in the electric provider
- There will be no water main extension projects within this area
- PWC has a Web Search

Council Member Mohn questioned whether the financing options were presented to the property owners. Mr. Glass replied in the affirmative.

Mayor Pro Tem Haire requested clarification regarding financial support for residents. Mr. Victor Sharpe stated financial support was available and the information was included with the property owners' letters.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:20 p.m.

This item was for public input only.

**6.2 Development Services (Planning & Zoning Division) - Public hearing for a petition-initiated noncontiguous annexation area (Eureka Chapel Missionary Baptist Church - Located on the NE corner of Jossie Street and McArthur Road).**

Ms. Marsha Bryant, Planner II, presented this item. She stated the property consisted of three parcels for a total of .97 acres. She stated a church had been constructed and that a residential home was located on the property. She explained that the church parking area had been completed as well as a sidewalk along McArthur Road, some landscaping, and a drainage area. She clarified that the property was located within the City's MIA area and, since PWC water service was requested, an Annexation Petition was submitted.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:23 p.m.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (EUREKA CHAPEL MISSIONARY BAPTIST CHURCH (LOCATED ON THE NORTHEAST CORNER OF JOSSIE STREET AND MCARTHUR ROAD). ANNEXATION ORDINANCE NO. 2010-05-516.**

**MOTION:** Council Member Meredith moved to approve the requested annexation with the effective date of May 24, 2010.

**SECOND:** Council Member Bates

**VOTE:** UNANIMOUS (10-0)

**6.3 Development Services (Planning & Zoning Division) - Annexation of City-owned properties - Airport Areas 1 through 11 - Located within the area of the Fayetteville Regional Airport.**

Ms. Marsha Bryant, Planner II, presented this item. She stated the 11 areas consisted of 34 parcels owned by the City. She stated ten of the areas were contiguous to the City limit line of the Fayetteville Regional Airport and one area was noncontiguous. She stated there were five houses located within these areas (1 vacant and 4 rented). She explained there were portions of right-of-way included within these areas and some of the right-of-way was paved and some was not constructed. She clarified the total acres within these areas, to include parcels and right-of-way, were 178.63 (parcels - 174.34, right-of-way - 4.29). She stated the property was owned by the City and was contiguous to the City limits (with 1 exception) but was currently located outside the corporate limits.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:30 p.m.

MOTION: Council Member Meredith moved to approve the requested annexation with the effective date of May 24, 2010.

**SECOND: Council Member Bates**

**VOTE: UNANIMOUS (10-0)**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 1 – LOCATED ON THE EASTERN AND WESTERN SIDES OF PINEHAVEN DRIVE). ANNEXATION ORDINANCE NO. 2010-05-517.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 2 – LOCATED SOUTH OF THE EASTERN END OF WOLFBERRY DRIVE). ANNEXATION ORDINANCE NO. 2010-05-518.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 3 – LOCATED SOUTH OF EAST MOUNTAIN DRIVE AND NORTH OF MT. HAVEN LAKE ROAD). ANNEXATION ORDINANCE NO. 2010-05-519.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 4 – LOCATED ON THE WESTERN SIDE OF NC HWY 87). ANNEXATION ORDINANCE NO. 2010-05-520.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 5 – LOCATED ON THE NORTHERN SIDE OF DOC BENNETT ROAD). ANNEXATION ORDINANCE NO. 2010-05-521.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 6 – LOCATED ON THE SOUTHERN SIDE OF DOC BENNETT ROAD, EAST OF CLAUDE LEE ROAD). ANNEXATION ORDINANCE NO. 2010-05-522.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 7 – LOCATED ON THE EASTERN SIDE OF CLAUDE LEE ROAD, NORTHEAST OF LAZY ACRES STREET). ANNEXATION ORDINANCE NO. 2010-05-523.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 8 – LOCATED ON THE EASTERN SIDE OF CLAUDE LEE ROAD, NORTHEAST OF LAZY ACRES STREET). ANNEXATION ORDINANCE NO. 2010-05-524.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 9 – LOCATED ON THE EASTERN SIDE OF CLAUDE LEE ROAD, NORTH OF LAZY ACRES STREET). ANNEXATION ORDINANCE NO. 2010-05-525.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 10 – LOCATED ON THE EASTERN SIDE OF CLAUDE LEE ROAD). ANNEXATION ORDINANCE NO. 2010-05-526.**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AIRPORT PROPERTY – AREA 11 – LOCATED ON THE NORTHERN SIDE OF DOC BENNETT ROAD). ANNEXATION ORDINANCE NO. 2010-05-527.**

**6.4 Development Services (Planning & Zoning) - Case No. P10-13F. The initial zoning of 0.66 acres of recently annexed property at 1645 McArthur Road to C1 Commercial Zoning District. Franklin and Carol Watkins, owners.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon 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. He explained the City received a petition requesting voluntary contiguous annexation. He stated the property was annexed in April of 2010 and there was currently a car repair and service center in operation on the property. He stated this was coming to Council as an appeal of the Zoning Commission's recommendation by the adjoining property owners on two sides of the property because they were in opposition to the current use. He explained that after communication with the business owner and a site visit by City Code Enforcement Officer, it had not appeared that the business was in violation of the current County zoning or the future City zoning requirements once zoned by the City. He stated the property would have to adhere to the requirements of the new zoning district. He stated the Zoning Commission and staff recommended approval of the C1 zoning district based on the City's policy of zoning to the closest zone the City had to what the property was zoned by the County. He stated in this case C1 Commercial was equivalent to the County's C1(P) district. This is the advertised public hearing set for this date and time. The public hearing opened at 7:34 p.m.

There were no speakers in favor.

Mr. Ernest J. Darden, 1643 McArthur Road, Fayetteville, NC 28311, appeared in opposition and questioned why no business sign was presented at the property. He expressed concerns regarding an alleged body shop operation which would result in excessive vehicles parking in the rear of the lot and fluids going into the drainage and ground.

There being no one further to speak, the public hearing closed at 7:38 p.m.

Council Member Bates inquired whether the City Inspector would regulate any illegal uses should the property be annexed. Mr. Harmon responded in the affirmative. He clarified that Code Enforcement were investigating.

Council Member Bates inquired on the scenario should the zoning be denied. Mr. Harmon stated the City had 60 days after annexation to zone the property and should the time expire, it would render the property without zoning, at which time uses would not be limited.

Council Member Crisp inquired how quickly Code Enforcement would ensure the property was in conformity should the zoning be approved. Mr. Harmon stated as soon as possible.

MOTION: Council Member Bates moved to approve the initial zoning.

**SECOND: Council Member Meredith**

**VOTE: UNANIMOUS (10-0)**

**6.5 Parks and Recreation – Public hearing to name the Festival Park Bridge in honor of Carmen “Renee” Burks.**

Mr. J. D. Pone, Fayetteville-Cumberland Parks and Recreation Advisory Commission Chairperson, presented this request. He stated the Fayetteville-Cumberland Parks and Recreation Advisory Commission recommended the naming of Festival Park Bridge after former employee Carmen Renee Burks who was a dedicated employee of the City for nearly 18 years and was very instrumental in the development and success of the Park until she passed away on March 4, 2010.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:43 p.m.

The following individuals spoke in favor.

NAME	ADDRESS
Fred Clark	5207 Longbranch Drive Fayetteville, NC 28303

Sharon Moyer	323 Circle Drive Fayetteville, NC 28305
Rene Bahrenfuss	5548 Faith Drive Fayetteville, NC 28314
Deborah Mintz	610 Westmont Drive Fayetteville, NC 28305

There were no speakers in opposition.

There being no one further to speak, the public hearing closed at 7:52 p.m.

**MOTION: Mayor Pro Tem Haire moved to approve the name of Festival Park Bridge in honor of Carmen “Renee” Burks.**

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

**6.6 Transit – Setting Transit Fees and Farebox Recovery.**

Mr. Ron Macaluso summarized the history of the elderly and disabled transit fees and “free ride” Thursday. He provided a fee comparison study to other North Carolina municipalities and presented the recommended fee increases as follows:

	Increase in Farebox Revenue
<b>Increase for FASTTRAC!</b> (Based on estimate 40K riders @ \$.50/ride increase)	\$20,000.00
<b>Increase for fixed route riders</b> (Based on estimate of 10% E&D @ \$.15/ride increase)	15,000.00
<b>Increase for “Free” Thursday riders</b> (Based on estimate of 10% E&D @ \$.50/ride increase) =	8,416.00
<b>\$8,416.00 Increase in Farebox Revenue</b>	
<b>TOTAL</b>	<b>\$43,416.00</b>

Mayor Pro Tem Haire inquired whether a rider survey or questionnaire process was completed to ensure citizens were informed. Mr. Macaluso stated KFH & Associates performed a survey which was included in the Transportation Development Plan Council adopted in 2009.

Council Member Davy conveyed citizens’ concerns regarding the proposed elimination of “free ride” Thursday.

Council Member Massey stated the City had accomplished the goal to improve the transit system by applying taxpayers’ dollars without raising fares for retired and disabled and questioned where this money would be used. Mr. Macaluso stated this would offset the money provided from the general fund.

Council Member Massey inquired regarding the abuse of “free ride” Thursday. Mr. Doug Hewett, Assistant City Manager, clarified “free ride” Thursday was established in 2002 to increase ridership and the interest was for riders to offset the City’s contribution from the general fund. He stated the objective was to not raise fares until services were improved, which was accomplished.

Council Member Massey questioned whether “free ride” Thursday was being eliminated due to abuse. Mr. Hewett replied in the negative and explained the service was implemented to spur ridership.

Council Member Bates questioned the procedure used to monitor eligibility for “free ride” Thursday. Mr. Macaluso stated the riders had identification cards or documentation to verify eligibility. Council Member Bates confirmed that should the monitoring system be properly implemented this would eliminate the abuse of the service.

Council Member Applewhite stated all departments were requested to reduce their operating budgets by 5 percent and questioned the reduced amount for the Transit Department. Mr. Dale Iman, City Manager, explained the 5 percent reduction request was for priority purposes. He stated Council enhanced the Transit Department from the general fund; therefore, its budget was not reduced.



This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 8:27 p.m.

Council Member Massey questioned the scenario should Council take no action. Mr. Iman stated the recommendation would be submitted with the budget for Council action.

**MOTION: Council Member Bates moved to approve fee recommendations 1 through 6 and to continue “free ride” Thursday.**

SECOND: Council Member Crisp

Council Member Crisp questioned the outcome should the motion be approved. Mr. Iman clarified the result would be an off balance of \$8,416.00.

**VOTE: FAILED by a vote of 5 in favor (Council Members Chavonne, Applewhite, Bates, Crisp, and Meredith) to 5 in opposition (Council Members Davy, Haire, Hurst, Massey, and Mohn)**

**MOTION: Council Member Mohn moved for status quo.**

SECOND: Mayor Pro Tem Haire

Council Member Davy questioned what would be accomplished by postponement of the increase. Council Member Mohn stated the City had not met their goal.

Council Member Meredith stated that ridership had improved and there were no citizens to speak in opposition.

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

#### **6.7 City Manager’s Office - Consider public input on the Fiscal Year 2010-2011 Recommended Budget.**

Mr. Dale Iman, City Manager, provided an overview of the FY 2011 Recommended Budget as follows:

##### **Tools Used to Help in the Budget Planning Process**

- Annual Strategic Plan
- Capital Improvement Plan
- Fleet and Technology Replacement Schedules
- Annual Report of City Activities
- Five-Year Financial Forecast
- State and National Economic Data

##### **Planning for Today & Tomorrow**

- Economic challenges – Recession - “Living within our means”
- Do not abandon the plan
- Defer, reduce due to recession
- Proposed budget addresses the needs of our citizens today while preparing for their future

##### **General Fund Budget Overview**

- Generally maintains current level of service without increasing the tax rate
- Keeps tax rate at 45.6 cents per \$100 assessed valuation
- Maintains service enhancements in police, fire and transit that were made in 2009
- Includes efficiency improvements and limited service reductions
- Includes fee increases and added fees
- \$9 million was trimmed from the department directors’ original requests to balance the recommended budget
- Limited service reductions
- Eliminates 1 round of loose leaf collection
- Reduces frequency of right-of-way mowing to 6 times per year
- Reduces frequency of thoroughfare street sweeping to 4 times per year
- Revised recommended budget funds:
- Step increases up to 5% for Police Officers
- Performance pay increases of 2% – 4% for police upper ranks

- Performance pay increases of 2% for all other employees
- Requires employees to contribute an additional \$283,000 for health insurance
- Nonprofit agency funding reduced 25% from prior year
- General Fund Budget Overview
- Capital outlay includes:
- \$3.3 million for street resurfacing
- \$4.6 million for 60 replacement and 3 additional vehicles
- \$688,000 for computer replacements and other hardware and software
- \$248,000 to complete Green Street project
- \$310,000 in parks improvements
- \$154,000 for new sidewalk construction
- \$104,000 for parking lot and building maintenance projects
- \$50,000 wayfinding signage project

**Proposed Changes to Recommended Budget**

• <u>Expenditures</u>	
• Fund Police Step Plan (5% cap)	\$298,181
• Fund Police Upper Ranks Perf. Pay	37,856
• Fund Planner Position (9 months)	56,676
• Increase in Sales Tax Reimb.	24,293
• Eliminate Goodyear Payment	( 100,000)
• Defer Murchison Rd Consulting	( 40,000)
• Reduce Kaleidoscope (1/2 shows)	( 25,800)
• Fund Police Services Study	<u>50,000</u>
<b>Total Expenditure Changes</b>	<b><u>\$301,206</u></b>

• <u>Revenues</u>	
• Sales Tax Adjustments	\$96,997
• Fund balance appropriations	
• Lighting at Tokay Football Fields	90,000
• Walking Trails	64,000
• Police Services Study	50,000
• Miscellaneous to Balance	<u>209</u>
<b>Total Revenue Changes</b>	<b><u>\$301,206</u></b>

**Future Challenges and Issues**

- Identifying sustainable funding to address the structural deficit
- Our ongoing revenues are less than our ongoing expenses
- Challenge to maintain service levels expected by citizens
- We must assume full funding for 41 grant-funded police and fire positions
- Diversification of the tax base

**Ad Valorem Tax Comparisons**

Property Tax Revenues Per Capita, FY 2008

	<u>Amount</u>	<u>Rank</u>
High Point	\$570	1
Greensboro	\$522	2
Durham	\$491	3
Charlotte	\$490	4
Winston-Salem	\$446	5
Cary	\$436	6
Raleigh	\$412	7
Wilmington	\$412	7
Fayetteville	\$301	9

**General Fund Revenues by Type**

**FY 2011 Revised Recommended Budget**

Other Taxes	1.8%
Other Revenues	2.1%
Fund Balance	2.2%
Functional Revenues	4.0%
Transfers	7.8%
Intergovernmental	38.4%
Ad Valorem Taxes	43.7%

**General Fund Expenditures by Function**  
**FY 2011 Revised Recommended Budget**

Public Safety	50.5%
Transportation	7.9%
Administration	9.3%
Economic & Physical Devel.	1.5%
Environmental Protection	6.7%
Other Appropriations	14.9%
Parks & Recreation	9.2%

**Budget Overview**

- **General Fund Budget**
- Original recommended budget - \$133.9 million
- Revised recommended budget - \$134.2 million
- **Budget for All Annual Funds (excl. PWC)**
- Original recommended budget - \$173.6 million
- Revised recommended budget - \$173.9 million
- **PWC Recommended Budget - \$217.5 million**

Council Member Crisp requested clarification of the 2 to 4 percent pay increase for the upper ranks of the Police Department. Ms. Lisa Smith, Chief Financial Officer, stated this was to ensure balance between officers and the upper ranks.

Council Member Mohn proposed a delay of wayfinding and to utilize the funds to delay the increase in transit fees. Mr. Iman stated that would not be a good fiscal policy.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:04 p.m.

The following individuals spoke in favor.

NAME/ADDRESS	COMMENTS
John Malzone 305 Hutton Place Fayetteville, NC 28303	Supported the budgeting of the downtown issues.
Henry E. Parfitt 12 Great Oaks Fayetteville, NC 28303	Commended Council on balancing the budget without raising taxes. Concern over City continuing the funding for a Downtown Manager and of the inclusion of the downtown parking deck and bus transfer station in the budget.
Molly Arnold 908 Queen Street Fayetteville, NC 28303	Conveyed appreciation to Council for continuing to invest in downtown development.
Harry Clubine 718 McGougan Fayetteville, NC 28303	Encouraged Council to continue budgeting for investment in downtown development.

The following individuals spoke in opposition.

NAME/ADDRESS	COMMENTS
Julie S. Larson 810 Arbutus Trail Fayetteville, NC 28311	Requested Council to continue funding for the Fascinate-U Museum.

<p>Sylvia Ray  104 Hillside Avenue  Fayetteville, NC 28301</p>	<p>Requested Council to continue funding for the Women's Center of Fayetteville.</p>
<p>Deborah Mintz  110 Westmont Drive  Fayetteville, NC 28305</p>	<p>Requested restoration of the 25 percent arts allocation in the City budget.</p>
<p>Sheila O'Kelly  325 Greygoose Loop  Fayetteville, NC 28306</p>	<p>Conveyed opposition to the elimination of funds to the Women's Center of Fayetteville.</p>

There being no one further to speak, the public hearing closed at 9:26 p.m.

• **OTHER ITEMS OF BUSINESS**

**7.1 Engineering & Infrastructure - Award contract for parking deck design and the associated Capital Project Ordinance 2010-19.**

Mr. Dale Iman, City Manager, provided an overview of the project. He stated the construction of the proposed parking deck would be funded by the City, the County, and PWC. He informed Council that staff was working on drafting and executing a three-party agreement that would state the financial amount that each organization would contribute to the project; therefore, he stated he would not execute the design contract until the three-party agreement had been executed by all parties involved. He stated the City had been awarded Recovery Zone Bond Capacity through the American Recovery and Reinvestment Act (ARRA) in the amount of \$8,631,000.00 to construct the parking deck and in order for the City to take advantage of these bonds, the financing must be approved and finalized by the Local Government Commission (LGC) within 90 days from May 27, 2010. Mr. Iman explained this project was not currently budgeted for that reason and that Capital Project Ordinance 2010-19 must be adopted to authorize the creation of a project fund to support the costs of the proposed design contract. He clarified that the source of funds to support the expenditure would be reimbursement from PWC in accordance with the three-party interlocal agreement under development and upon which the contract would be conditioned; hence, should the three-party agreement not be signed, the proposed contract for services would be null and void. Mr. Iman explained Council would be asked to review and approve a financing application to the LGC and selection of a financial institution to provide financing for construction of the parking deck at a later date should Council approve the recommended action. He emphasized this would be the first parking deck in Fayetteville and with the objective being to construct a safe, well-lighted, attractive structure which would be compatible with existing surrounding architectural designs. Mr. Iman provided the following timeline of events:

- May 18, 2010 - The Department of Treasury approved a 90-day extension.
- July 27, 2010 - Kimley-Horn & Associates design deadline.
- August 3, 2010 - Engineering cost estimates.
- Contingent upon a three-party agreement before June 7, 2010.

Mr. Rusty Thompson, City Traffic Engineer, provided an outline of the selection process for A/E work along with construction management services as follows:

- April 19, 2010 - Issued a request for qualifications with a due date of April 30, 2010 (received 13 submittals).
- May 7, 2010 - Reviewed submittal with PWC and the Downtown Alliance, Cumberland County was not present (compiled a short list of four teams).
- May 13, 2010 – Interviewed candidates (one hour each).
- Kimley-Horn & Associates was selected for A/E Services (will utilize local firms).

Council Member Meredith requested the interlocal agreement be brought back to Council prior to any commitments and questioned whether approval of this item gave the City Manager the authority to enter into an agreement. Mr. Iman stated staff was ready to proceed with negotiation should Council approve the three-party agreement.

Council Member Mohn questioned the scenario should the LGC not approve the City's funding. Mr. Iman stated should the City be making progress on this project but not get the funding within

the 90-day period, it could apply for another 90-day extension. However, he stated there were more projects than monies to allocate and, therefore, there were no guarantees due to the fact that competing projects may be more prepared for implementation.

Council Member Applewhite requested clarification that this provided the City Manager the authorization to negotiate and execute a contract with Kimley-Horn contingent upon the approval of the three-party agreement and suggested Council review the spacing issue prior to the agreement approval. Mr. Iman concurred and stated Kimley-Horn could provide an update of the schematic design at the June 7, 2010, Council work session meeting. He stated PWC would pay their construction cost commitment in cash eliminating the finance charges and PWC spaces would only be designated during business hours.

**MOTION: Council Member Bates moved to approve the authorization for the City Manager to negotiate and execute a contract for A/E work along with construction management services from Kimley-Horn and Associates, Inc., for an amount not to exceed \$450,000.00 contingent upon the execution of the three-party agreement and approve Capital Project Ordinance 2010-19 providing budget authority for that action.**

**SECOND: Mayor Pro Tem Haire**

Council Member Meredith expressed concerns of approval to dispense funds prior to an agreement. Mr. Kristoff Bauer, Assistant City Manager, clarified this was contingent upon the execution of the interlocal agreement by all parties.

Mayor Pro Tem Haire made an inquiry regarding the status of the County. Mr. Iman stated the County was invited to participate in the selection process and they were participating in the conditions/proposal process.

Mr. Bauer explained the County had approved a draft of the three-party agreement. He stated the challenges were how to get a County commitment as it pertained to rural water and meetings were held between the County and PWC.

**VOTE: PASSED** by a vote of 8 in favor to 2 in opposition (Council Members Crisp and Mohn)

## **7.2 City Manager's Office - Joint City/County Economic Development Program**

Mr. Kristoff Bauer, Assistant City Manager, briefed Council regarding the recommended action, key program elements, key changes and future resources. He stated the County requested Council to adopt the agreement contingent upon their adoption at the June 7, 2010, County Commissioners meeting.

Council Member Applewhite questioned the outcome should the County not approve. Mr. Bauer stated any County requested changes would be brought to Council; however, the City could proceed on its own accord.

Council Member Crisp inquired whether action on this item could wait until the Council's June 14, 2010, meeting, which would be after the Commissioners' June 7, 2010, meeting. Mr. Bauer answered in the affirmative.

Council Member Mohn requested affirmation that this information would be available on the Fayetteville-Cumberland County Chamber of Commerce (FCCCC) website. Mr. Bauer confirmed and stated assistance would be offered through Community Development.

Mayor Chavonne requested a system be implemented to track the results. Mr. Bauer stated monitoring results would be included in the FCCCC Quarterly Dashboard Report.

Mayor Chavonne questioned whether the City could terminate the agreement should it be deemed non-conducive. Mr. Bauer replied in the affirmative.

**RESOLUTION OF THE FAYETTEVILLE, NORTH CAROLINA, CITY COUNCIL TO REMOVE THE PREVIOUSLY ADOPTED ECONOMIC DEVELOPMENT PROGRAM; ADOPT THE NEW ECONOMIC DEVELOPMENT PROGRAM, AND IDENTIFYING THE "REVITALIZATION ZONE". RESOLUTION NO. R2010-055.**

**MOTION: Council Member Meredith to approve the proposed resolution enacting the new joint economic development program and the associated revitalization area contingent upon approval by the County Commissioners on June 7, 2010.**

**SECOND: Council Member Bates**

**VOTE: UNANIMOUS (10-0)**

**8.0 ADMINISTRATIVE REPORTS**

- **City Clerk - Monthly statement of taxes for April 2010 from Cumberland County Tax Administrator.**

2009 Taxes.....	\$1,016,325.99
2009 Vehicle Taxes.....	337,733.67
2009 Revit.....	696.61
2009 Vehicle Revit.....	387.37
2009 FVT.....	43,107.73
2009 Transit Tax.....	73,107.75
2009 Storm Water.....	11,362.27
2009 Fay Storm Water.....	22,724.56
2009 Recycle Fee.....	23,638.80
2008 Annex.....	44.66
2008 Taxes.....	4,214.11
2008 Vehicle .....	18,205.13
2008 Revit.....	3.70
2008 Vehicle Revit.....	0.00
2008 FVT.....	2,817.30
2008 Transit Tax.....	2,410.37
2008 Storm Water.....	202.83
2008 Recycle.....	345.55
2008 Fay Storm Water.....	245.45
2008 Annex.....	0.00
2007 Taxes.....	1,469.27
2007 Vehicle .....	2,107.69
2007 Revit.....	4.51
2007 Vehicle Revit.....	0.00
2007 FVT.....	541.49
2007 Storm Water.....	37.65
2007 Fay Storm Water.....	24.00
2007 Annex.....	0.00
2006 Taxes.....	470.87
2006 Vehicle Taxes.....	1,723.76
2006 Revit.....	0.00
2006 Vehicle Revit.....	0.00
2006 FVT.....	336.97
2006 Storm Water.....	24.00
2006 Annex.....	84.18
2005 and Prior Taxes.....	818.20
2005 Vehicle and Prior .....	2,352.84
2005 Revit and Prior .....	0.00
2005 Vehicle Revit and Prior.....	0.00
2005 FVT and Prior.....	511.62
2005 and Prior Storm Water.....	12.00
Interest.....	33,564.81
Revit Interest.....	40.36
Storm Water Interest.....	533.26
Fay Storm Water Interest.....	986.35
Annex Interest.....	18.89
Fay Recycling Interest.....	1,055.45

Total Tax & Interest..... 1,016,325.99

• **Finance - General Fund Revenue and Expenditure Reports for the nine-month period ended March 31, 2010.**

• **Finance - Tax refunds of less than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Wallace, Will Junior Junior	2005-2008	Clerical Error	<u>\$17.00</u>
TOTAL			<u>\$17.00</u>

**10.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:09 p.m.