

**FAYETTEVILLE CITY COUNCIL  
MINUTES  
OCTOBER 20, 2008  
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); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager  
Kyle Sonnenberg, Assistant City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
B.E. (Benny) Nichols, Fire/Emergency Management Chief  
Tom Bergamine, Fayetteville Police Chief  
Lisa Smith, Chief Financial Officer  
Jimmy Teal, Planning Director  
Karen Hilton, Assistant Planning Director  
Ron McElrath, Human Relations Director

Jackie Tuckey, Communications Manager/Public Information Officer

Steven Blanchard, PWC CEO/General Manager

Sheila Baker, Human Resource Development Department

Members of the Press

**INVOCATION - PLEDGE OF ALLEGIANCE**

The invocation was offered by Reverend Arnold Coley, Fayetteville Police Department Chaplain, followed by the Pledge of Allegiance to the American Flag.

**1. APPROVAL OF AGENDA**

**MOTION:** Council Member Evans 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 Bates, on behalf of the City Council and City of Fayetteville, presented a proclamation to Charles Yates, Fayetteville Cumberland Advisory Council for People with Disabilities, and proclaimed October 2008 to be Disability Awareness Month. Mr. Yates spoke to the goals of the Advisory Council.

Mayor Chavonne and Council Member Haire, on behalf of the City Council and City of Fayetteville, presented a proclamation to Linda Priest and others who accompanied her to the podium and proclaimed October 2008 to be Domestic Violence Awareness Month. Ms. Priest recognized community agencies and their efforts to help with domestic violence.

Mayor Chavonne and Council Member Massey, on behalf of the City Council and City of Fayetteville, recognized board members of the Highland Chapter of the American Red Cross for their second annual "Run for the Red" held on August 16, 2008. Ms. Annette Smith provided remarks regarding fundraisers and services provided by volunteers of the Highland Chapter of the American Red Cross.

Mayor Chavonne and Council Member Mohn, on behalf of the City Council and City of Fayetteville, recognized Captain Bradley Chandler of the Fayetteville Police Department for the recent honor he received as "Communications Manager of the Year". Captain Bradley acknowledged the great work of individuals in the Communications Division and the support he received from his supervisors.

Mayor Chavonne and Mayor Pro Tem Meredith, on behalf of the City Council and City of Fayetteville, recognized members of the Fayetteville Fire Department 2008 Hazmat Team who

captured first place at the 2008 Hazmat Team Challenge in Winston-Salem. B.E. Nichols, Fire/Emergency Management Chief, provided comments regarding the event.

Mayor Chavonne recognized Mr. Kyle Sonnenberg, Assistant City Manager, for his dedicated public service to the citizens of Fayetteville since 2004, to include his service as Interim City Manager, and stated this would be Mr. Sonnenberg's last meeting. Mayor Chavonne, on behalf of the City Council and City of Fayetteville, wished Mr. Sonnenberg well in his future endeavors.

**B. Comment Period**

Mayor Chavonne opened the public comment period.

Former City of Fayetteville Mayor, Marshall Pitts, 117 Person Street, Fayetteville, NC shared information regarding decisions that were made during his term as Mayor related to the Gates Four annexation and the Shaw Heights area.

Sharon Valentine, 512 Dandridge Drive, Fayetteville, NC 28301 spoke to petitions from the Summerhill and LaGrange subdivisions and asked that City Council rescind their septic tank policy.

Larry Clubine, 1718 McGougan Road, Fayetteville, NC, President of The Downtown Alliance, spoke in support of the City leasing the former BB&T parking lot to provide an additional forty-four downtown parking spaces.

Diane Parfitt, 112 Great Oaks, Fayetteville, NC 28303, Treasurer of The Downtown Alliance, asked that the City lease the former BB&T parking lot on Hay Street to sustain the progress made in downtown Fayetteville.

Hank Parfitt, 112 Great Oaks, Fayetteville, NC 28303, founder and past President of The Downtown Alliance, asked Council to consider the offer made by the owner to lease the former BB&T parking lot.

Steven Blanchard, 953 Chester Circle, Fayetteville, NC 28303 spoke to an Americans with Disabilities Association (ADA) self-study performed in the City in 1992 and asked that Council continue to actively pursue ADA related issues.

Mark W. Rice, 2913 Mirror Lake Drive, Fayetteville, NC 28303, President of The Downtown Alliance, spoke in support of the City's leasing the BB&T downtown parking lot in order to continue accessibility to businesses in the area.

Chris North, 902 Penwall Court, Fayetteville, NC asked that City Council rescind their septic tank policy because of the financial strain it placed on property owners who do not have the money needed to comply with the policy.

Bruce Arnold, 313 Glenola Street, Fayetteville, NC, Chair of The Downtown Alliance Parking Committee, spoke to parking issues in the downtown area and asked Council to support the leasing of the former BB&T parking lot to include handicap parking contained therein.

Deborah Reeder, 543 Vista Drive, Fayetteville, NC, on behalf of a business and property owner at 120 Hay Street, spoke to the importance of keeping the former BB&T parking lot open for downtown parking.

Johanna Roya, 411 Vista Drive, Fayetteville, NC spoke to the revitalization of the downtown area and the need for public parking spaces provided by the former BB&T parking lot.

**3. CONSENT:**

Council Member Haire requested Item 3.U. pulled for discussion.

Council Member Evans requested Items 3.B. and 3.I. pulled for discussion.

**MOTION: Council Member Haire moved to approve the consent agenda with the exception of Items 3.B, 3.I., and 3.U.**

**SECOND: Council Member Massey**

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

The following items were approved:

**A. Approve minutes:**

- 1. City Council Meeting Held on August 25, 2008**
- 2. City Council Work Session Held on September 2, 2008**
- 3. City Council Meeting Held on September 8, 2008**

4. **Agenda Briefing Meeting Held on September 17, 2008**
5. **Special Meeting Held on September 29, 2008 at 6:30 PM**
6. **Special Meeting Held on September 29, 2008 at 7:00 PM**
7. **Special Meeting Held on September 30, 2008.**

B. Pulled at the request of Council Member Evans.

**C. Adopt Special Revenue Fund Project Ordinance 2009-5 (Homeland Security Grant)**

This ordinance will establish the budget for the FY2008 State Homeland Security Grant, awarded to the Fire Department by the North Carolina Department of Crime Control and Public Safety Division of Emergency Management. The \$205,714 grant must be used to purchase equipment and provide training for first responders to prepare for threatened or actual domestic terrorist attacks, major disasters and other emergencies to protect human life, property and the environment.

**D. Adopt Capital Project Ordinance Amendment 2009-7 (AIP32-Airport Improvement Projects)**

This project ordinance amendment will appropriate Passenger Facility Charges of \$27,176 and reduce the required local match by \$27,176, resulting in no change to the overall project budget.

**E. Adopt Capital Project Ordinance Amendment 2009-8 (AIP-34-Runway 4/22 Rehabilitation Project)**

This project ordinance amendment will appropriate Passenger Facility Charges of \$25,750 and reduce the required local match by \$25,750, resulting in no change to the overall project budget.

**F. Adopt Capital Project Ordinance Amendment 2009-9 (Freedom Memorial Park)**

This amendment will appropriate additional contributions of \$30,900 from private donors and investment income earned in the amount of \$6,670 for the development of the Freedom Memorial Park project. If this amendment is approved, the revised budget for the project will be \$472,175.

**G. Adopt Capital Project Ordinance Amendment 2009-10 (Council Chambers Telecast System Upgrade and Renovations)**

This amendment will appropriate an additional \$10,000 transfer from the General Fund for the City Council Chambers telecast system upgrade and related renovations. If this amendment is approved, the revised budget for the project will be \$158,453.

**H. Adopt Capital Project Ordinance 2009-16 (Transit Signage and Support Vehicles Grant)**

This ordinance will appropriate \$117,416 for signage and support vehicles. The source of funds for this project is a \$93,932 Federal Transit Administration grant and a required local match of \$23,484 from the General Fund.

I. Pulled at the request of Council Member Evans.

**J. Adopt Identity Theft Prevention Program and Authorize the Program Administrator To Update the Program As Necessary**

**K. PWC FY 2008-2009 Amendment #1 Budget Ordinance**

**L. Bid Award – Contract for Water Main Replacement on Bragg Boulevard – Phase II**

Award contract for water main replacement on Bragg Boulevard – Phase II to Utilities Plus, Linden, NC the lowest responsive, responsible bidder in the total amount of \$803,295.38.

Bids were received as follows:

Utilities Plus (Linden, NC)	\$803,295.38
TA Loving Company (Goldsboro, NC)	\$872,899.00
Sanford Contracting, Inc. (Sanford, NC)	\$1,197,629.00

Billings and Garrett (Raleigh, NC) \$770,399.00

M. Bid Award – Three (3) 39,000 GVW Cab and Chassis with 55’ Boom Aerial Device and Aerial Body with Platform Extension

Award bid to Altec Industries, Birmingham, Alabama, low bidder, in the total amount of \$487,863.00 (Unit Cost \$162,621.00).

Bids were received as follows:

Altec Industries (Birmingham, AL) \$487,863.00

Terex Utilities (Glen Allen, VA) \$519,435.00

**N.Contract Award – Runway 4-22 Rehabilitation**

Award contract in the amount of \$6,367,428.00 to Barnhill Contracting Company, Fayetteville, NC.

Bid was received as follows:

Barnhill Contracting Co. (Fayetteville, NC) \$6,367,428.00

**O. Contract Award – New Airfield Lighting Vault at the Fayetteville Regional Airport**

Award contract in the amount of \$1,838,616.00 to Smith Construction Co. of Whiteville, Inc., Whiteville, NC.

Bid was received as follows:

Smith Construction Co. of Whiteville, Inc. (Whiteville, NC) \$1,838,616.00

**P. PWC Supplemental Employees’ Retirement Plan**

**Q. Easement Agreement for Landscape Buffer – Raleigh Road Electric Substation**

**R. Bid Award – Form 2S Self-Contained Electric Meters**

Award bid to WESCO Distribution, Raleigh, NC in the total amount of \$218,250.00.

Bids were received as follows:

WESCO Distribution (Raleigh, NC) \$218,250.00

HD Supply Utilities (Wake Forest, NC)(Alternate) \$239,010.00

Shealy Electrical (Greenville, SC) \$244,500.00

HD Supply Utilities (Wake Forest, NC) \$311,160.00

**S. Bid Award – Fort Bragg Project**

Award bids for the Fort Bragg Project (Contract 1: Water Main to Fort Bragg; Contract 2 – Spring Lake Pump Station Replacement and Upgrade; Contract 3 – Cross Creek Water Reclamation Facility Residuals Improvements). Bid awards are subject to approval by Fort Bragg.

Bids were received as follows:

McClam and Associates (Little Mountain, SC) \$5,554,179.05

TA Loving Co. (Goldsboro, NC) \$5,848,480.00

DH Griffin Infrastructure (Greensboro, NC) \$5,953,790.10

Herring and Rivenbark, Inc. (Kinston, NC) \$6,062,478.00

RH Moore Co. (Murrells Inlet, SC) \$6,181,827.50

Triangle Grading and Paving (Burlington, NC) \$6,212,325.00

McArthur Construction Co. (Lumberton, NC) \$6,377,665.76

Hendrix Barnhill (Smithfield, NC) \$6,404,649.50

Seaside Utilities, Inc. (Moncks Corner, SC) \$6,502,359.60

Blackmon and Associates, Inc. (Smithfield, NC) \$6,555,774.00

Sanford Contractors, Inc. (Sanford, NC) \$6,787,317.67

Ralph Hodge Construction (Wilson, NC) \$7,589,503.50

**T. Consider Amendment to Chapter 10 of the City Code As It Relates to Fair Housing**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2008-21**

U. Pulled at the request of Council Member Haire.

**V. Interlocal Agreement for the Reduction of the City’s Recycling Fee**

**W. Approve Sign Permit for the Fayetteville Junior League for the Annual Holly Day Fair on November 7<sup>th</sup> and November 8<sup>th</sup>.**

**X. Approve Sign Permit for the Fayetteville FireAntz's Season Home Opening Hockey Game on Saturday, October 25<sup>th</sup>**

**Y. Approve Sign Permit for the 10<sup>th</sup> Annual Heart of Christmas Show on November 29<sup>th</sup> and November 30<sup>th</sup>**

**Z. Approve a Request from the Cape Fear Botanical Garden for Five Community Street Banners**

**3.B. Adopt Special Revenue Fund Project Ordinance 2009-4  
(Transit Planning Grant)**

This ordinance will appropriate \$300,000 for Transit planning activities. The source of funds for this project is \$240,000 in Federal Transit Administration grant funds, \$30,000 in North Carolina Department of Transportation grant funds and a required local match of \$30,000 from the General Fund.

At the request of Council Member Evans, Dale E. Iman, City Manager, explained the Transit Planning Grant submitted by F.A.S.T. to the Federal Transit Administration.

**MOTION: Council Member Evans moved to adopt Special Revenue Fund Project Ordinance 2009-4.**

**SECOND: Council Member Meredith**

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

**3.I. Adopt Capital Project Ordinance 2009-17 (Transit Fleet Replacement and Facility Renovations Grant)**

This ordinance will appropriate \$1,880,844 for fleet replacement (3 buses, 4 "cutaway" vehicles, and 4 vans) and facility renovations. The source of funds for this project is a \$1,550,000 Federal Transit Administration grant, a \$157,868 North Carolina Department of Transportation grant and a required local match of \$172,976 from the General Fund.

At the request of Council Member Evans, Mr. Iman explained that the grant from the Federal Transit Authority was used to fund improvements to F.A.S.T. services provided to city residents. Mr. Iman stated most of the funds had been expended on buses and vans.

**MOTION: Council Member Evans moved to adopt Capital Project Ordinance 2009-17.**

**SECOND: Council Member Meredith**

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

**3.U. Amendment to the Septic Tank Abandonment Ordinance Section 28-82(d), Chapter 28, Water and Sewer**

Council Member Haire spoke briefly in favor of rescinding the ordinance amendment.

**MOTION: Council Member Haire moved to rescind the amendment to the septic tank abandonment ordinance Section 28-82(d).**

**SECOND: Council Member Bates**

**SUBSTITUTE MOTION:**

**Council Member Meredith moved to adopt the recommended ordinance amendment to the City of Fayetteville ordinance Section 28-82(d) and direct staff to format the amendment consistent with Section 1-6 of the City Code and authorize staff to make all necessary changes consistent with this amendment.**

**SECOND: Council Member Applewhite**

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

**VOTE ON ORIGINAL MOTION:**

**PASSED by a vote of 8 in favor (Council Members Crisp, Bates, Haire, Chavonne, Meredith, Evans, Hurst and Mohn) to 2 in opposition (Council Members Applewhite and Massey)**

**4. PUBLIC HEARINGS:**

**A. Rim Road Water Project Public Hearing**

Steven Blanchard, PWC CEO/General Manager, presented a map of the Rim Road water project area and stated the Rim Road water project resulted in 2,477 feet of water main

having been installed at a cost to of \$282,341. Mr. Blanchard further stated fourteen parcels were served at an average cost per parcel of \$20,167. Mr. Blanchard noted contamination in the area made the project more expensive than normal. Mr. Blanchard provided additional information regarding the water project and stated the assessment for a single family residential lot was \$5,000 and nonresidential lots would be assessed on a per front foot basis of \$55.56 with a minimum of ninety feet, plus the average cost of the lateral. Mr. Blanchard explained assessment payment terms and notice that would be provided to property owners.

Discussion ensued regarding grant monies that had been applied for to offset costs of the water project. Mr. Blanchard stated once grant funds were received and applied to the project, they would reduce project costs to about \$10,000 per parcel.

Council Member Crisp inquired about sewer for the Rim Road water project area and whether there would be an additional assessment should sewer connection be needed. Mr. Blanchard responded the Rim Road area was on a list for future sewer installation and his understanding was that Council approved assessments at \$5,000 per service provided. Mr. Blanchard responded to further questions.

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 8:19 p.m.

**B. Consider an Amendment to the Fayetteville Code of Ordinances, Section 30, Zoning, to Regulate and Amortize Non-conforming Junk and Salvage Yards**

Jimmy Teal, Planning Director, provided a brief overview of the amortization ordinance for non-conforming junk and salvage yards and stated the amortization period was for three years from the adoption of the ordinance. Mr. Teal reviewed recommendations for residential and commercial districts and screening requirements, and stated a special use permit would be required for new or expanded salvage or junkyards in an M2 zoning district. Mr. Teal reviewed differences between the original ordinance and the Planning Commission's recommended ordinance and stated Planning Commission recommendation was to adopt the ordinance amendment minus the amortization clause. Mr. Teal responded to questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:31 p.m.

Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28301 appeared in favor, spoke to property rights, economic freedoms, and regulatory takings from a historical context, and urged Council not to pursue an amortization clause in the ordinance.

Neil Yarborough, 115 E. Russell Street, Fayetteville, NC appeared in opposition representing the owners of Cross Creek Auto Salvage and spoke in support of the ordinance as recommended by the Planning Commission as it was a lighter approach to existing non-conforming uses.

Tommy Cooper, 1326 Sapona Road, Fayetteville, NC 28312 appeared in opposition and asked the City to work with salvage yard operators in order to head off future problems and not run them out of business.

There was no one further to speak and the public hearing closed at 8:55 p.m.

Mr. Teal and Karen M. McDonald, City Attorney, responded to questions and discussion ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2008-024**

**MOTION: Council Member Meredith moved to adopt a revised ordinance that incorporated parts of both the original and Planning Commission ordinances to include the amortization clause requiring the closing of non-conforming junk and salvage yards within five years from the adoption of the ordinance; that included the Planning Commissions recommendation to require all junk and salvage materials to be placed fifty feet from the front street property line and thirty-five feet from all other property lines; that incorporated stacking language from the original ordinance; and require any new or expanding junk and salvage yards to have M2 zoning and receive a special use permit**

from the City Council to include the maximum height of seven feet.

**SECOND: Council Member Haire**

Discussion continued.

**SUBSTITUTE MOTION:**

**Council Member Mohn moved to approve the recommendation from the Planning Commission.**

**SECOND: Council Member Massey**

Discussion ensued related to the substitute motion.

Mrs. McDonald advised staff recommendation for enforcement purposes was for the effective date to be the first day of the month.

**AMENDED SUBSTITUTE MOTION:**

**Council Member Mohn moved to approve the recommendation from the Planning Commission with an implementation date of January 1, 2009.**

**SECOND: Council Member Massey**

Discussion continued.

**VOTE ON AMENDED SUBSTITUTE MOTION:**

**FAILED by a vote of 2 in favor (Council Members Massey and Mohn) to 8 in opposition.**

**FRIENDLY AMENDMENT TO ORIGINAL MOTION:**

**Council Member Bates moved to revise the original motion to go with three years for amortization rather than five years with an effective date of January 1, 2009.**

Council Members Meredith and Haire accepted the friendly amendment to the original motion.

Council Member Haire posed questions related to State law regarding environmental and health issues. Mrs. McDonald advised code violations would be addressed and issues would be addressed should complaints be received.

Council Member Evans requested that the motion be restated.

**RESTATED ORIGINAL MOTION:**

**Mayor Chavonne moved to use the original ordinance with an amortization of three years; use the Planning Commission's recommendation for fifty and thirty-five foot buffers, stacking no higher than seven feet, any new or expanded salvage yards to be in an M2 zoning, and receive a special use permit; and to be effective January 1, 2009.**

**VOTE ON RESTATED ORIGINAL MOTION:**

**PASSED by a vote of 8 in favor (Council Members Crisp, Bates, Applewhite, Haire, Chavonne, Meredith, Evans and Hurst) to 2 in opposition (Council Members Massey and Mohn).**

**C.Consider the rezoning from R10 residential district to M2\CZ industrial district\conditional zoning to allow an auto salvage business on property at 896 Santee Drive. Containing 11.54 acres more or less and being the property of Neal K. Bullard.**

**Case Number: P08-45F**

Karen Hilton, Assistant Planning Director, stated Case Number P08-45F had previously been before the Planning Commission and City Council and further stated in June 2008 City Council took action to further consider the rezoning request. Mrs. Hilton 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 reviewed improvements made to the property and outlined eight conditions proposed for the property by the owner. Mrs. Hilton outlined considerations taken into account by the Zoning Commission and stated the Zoning Commission recommended approval of rezoning to M2/CZ industrial with conditions. Mrs. Hilton outlined the basis for Planning staffs' recommendation for denial.

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 9:30 p.m.

**MOTION: Council Member Bates moved to disapprove the rezoning request.**

**SECOND: Council Member Evans**

Council Member Haire spoke to improvements made to the property.

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

**MOTION: Council Member Haire moved to approve the rezoning request with the conditions as outlined.**

**SECOND: Council Member Crisp**

Council Member Bates suggested approval of the rezoning request could set a precedence.

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

**5. GATES FOUR AMENDED ANNEXATION REPORT, ANNEXATION ORDINANCE, AND BUDGET ORDINANCE AMENDMENT**

**A. Consider Approval of Amended Annexation Report and Adopt Annexation Ordinance for the Gates Four Annexation Area. Effective Date of Annexation to be Sunday, November 22, 2009.**

Kyle Sonnenberg, Assistant City Manager, outlined changes to the annexation report and stated the annexation ordinance contained all findings required by statute.

Council Member Bates inquired regarding the timeline for sewer and water connection for those having applied for the services. Mr. Sonnenberg stated the estimated timeframe for sewer was one year and six months from the start of the process once the properties were annexed into the city.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE OF NORTH CAROLINA, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA. ANNEXATION ORDINANCE NO. 2008-10-511**

**MOTION: Council Member Evans moved to approve the amended report as presented and adopt the annexation ordinance with an effective date of Sunday, November 22, 2009.**

**SECOND: Council Member Haire**

Council Member Mohn inquired whether the effective date could be set to coincide with the beginning of a tax year. Mr. Sonnenberg responded under the process as followed, there was no option to establish an effective date of July 1st.

Council Member Crisp inquired whether there could have been an effective date that would have allowed citizens of Gates Four to vote in the 2009 municipal elections. Mr. Sonnenberg responded of the effective dates that were available, an effective date could not be established prior to the primaries and therefore it was felt best to establish an effective date after the election date since the citizens would be unable to participate in the full election process.

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

**B. Budget Ordinance Amendment 2009-4 (Gates Four Annexation Budget)**

Mr. Sonnenberg stated the budget action was consistent with the financial plan presented in the annexation report and would appropriate approximately \$188,863 in the general fund budget for expenditures associated with the annexation of Gates Four. Mr. Sonnenberg outlined various expenditures.

**MOTION: Council Member Haire moved to adopt the budget ordinance amendment.**

**SECOND: Council Member Evans**

Council Member Mohn inquired regarding the purchase of a leaf collection truck. Mr. Sonnenberg stated annexation of Gates Four would exceed capacity of existing collection crews thereby necessitating another truck.

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

**6. ROADSIDE MERCHANTS AND VENDORS**

Doug Hewett, Assistant City Manager, briefly outlined the issues associated with the proposed ordinance and stated the ordinance would prohibit itinerant merchants, establish a fifty foot setback requirement for all other permitted merchants described in the ordinance, add definitions for specialty market operators and vendors, and define permitted seasonal goods.

Council Member Applewhite inquired about the number of citizens having expressed concerns related to roadside merchants and vendors. Mr. Hewett responded at the public hearing a speaker opposed differences in permit fees and stated larger issues involved were to improve the appearance of roadways, enhance public safety, and address business concerns.

Mr. Hewett responded to additional questions and further explained adjustments as contained in the proposed ordinance.

**MOTION: Council Member Bates moved to adopt the ordinance.**

**SECOND: Council Member Evans**

Mr. Hewett advised several itinerant merchants had been issued six-month permits and staff recommendation was to allow those permits to expire with no permits to be reissued.

Council Members Bates and Evans concurred with staff recommendation.

Council Member Meredith inquired whether the Police Department would enforce the ordinance. Mr. Hewett advised enforcement would be by the Police Department with prohibited uses being subject to misdemeanor charges or zoning violations. In response to a question posed by Council Member Evans, Mr. Hewett provided a brief overview of exemptions as outlined in the proposed ordinance.

Discussion ensued.

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

Mrs. McDonald advised the proposed ordinance would require a second reading as it did not pass by the requisite two-thirds vote.

#### **7. DESIGNATION OF ONE VOTING DELEGATE AND ONE ALTERNATE VOTING DELEGATE TO REPRESENT THE CITY OF FAYETTEVILLE AT THE NATIONAL LEAGUE OF CITIES (NLC'S) ANNUAL BUSINESS MEETING**

Mr. Iman stated the request for Council was to consider designating a voting and alternate voting delegate to represent the City of Fayetteville at the National League of Cities business meeting and further stated attendees were Council Members Applewhite, Bates, Evans and Meredith.

Council Member Massey nominated Council Member Bates as the voting delegate and Council Member Applewhite as the alternate voting delegate. Council Members Bates and Applewhite accepted the nominations.

**MOTION: Council Member Massey moved to designate Council Member Bates as the voting delegate and Council Member Applewhite as the alternate voting delegate.**

**SECOND: Council Member Crisp**

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

#### **8. CLOSED SESSION FOR PERSONNEL MATTERS**

**MOTION: Council Member Meredith moved to go into closed session.**

**SECOND: Council Member Hurst**

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

The regular session recessed at 10:00 p.m.

**MOTION: Council Member Haire moved to return to open session.**

**SECOND: Council Member Meredith**

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

The open session reconvened at 10:40 p.m.

#### **INFORMATION ITEM:**

##### **1. Statement of taxes collected for the month of September 2008 from the Cumberland County Tax Administrator.**

2008 Taxes	\$1,806,205.11
2008 Vehicle Taxes	397,557.45
2008 Revit	4,433.77

2008 Vehicle Revit	251.38
2008 FVT	43,512.53
2008 Storm Water	114,912.20
2008 Fay Storm Water	152,917.06
2008 Recycle Fee	113,123.82
2008 Annex	32.17
2007 Taxes	\$27,193.19
2007 Vehicle Taxes	91,269.49
2007 Revit	16.62
2007 Vehicle Revit	19.33
2007 FVT	10,867.52
2007 Storm Water	2,809.77
2007 Fay Storm Water	2,202.26
2007 Annex	72.69
2006 Annex	\$32,016.86
2006 Taxes	3,913.45
2006 Vehicle Taxes	2,666.46
2006 Revit	0.00
200 Vehicle Revit	0.00
2006 FVT	655.97
2006 Storm Water	739.12
2005 Taxes	\$1,341.22
2005 Vehicle Taxes	1,395.44
2005 Revit	0.00
2005 Vehicle Revit	0.00
2005 FVT	273.74
2005 Storm Water	391.94
2004 and Prior Taxes	\$1,644.73
2004 and Prior Vehicle Taxes	2,378.47
2004 and Prior Revit	0.00
2004 and Prior Vehicle Revit	0.00
2004 and Prior FVT	513.70
2004 and Prior Storm Water	425.45
Interest	\$14,124.10
Interest (Revit)	4.86
Interest (Storm Water)	609.07
Interest (Fay Storm Water)	171.46
Interest (Annex)	104.95
Interest (Fay Recycling)	0.00
Total Collections	\$2,830,767.35

There being no further business, the meeting adjourned at 10:41 p.m.