

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
SEPTEMBER 26, 2011  
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); James W. Arp, Jr. (District 9)  
Others Present:

Dale E. Iman, City Manager  
Kristof Bauer, Assistant City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Interim Engineering and Infrastructure Director  
Mark Bridgeman, Police Captain  
David Nash, Planner II  
Craig Harmon, Planner II  
Bart Swanson, Housing and Code Enforcement Manager  
Frank Lewis, Sr., Code Enforcement Administrator  
Jerry Dietzen, Environmental Services Director  
Dwight Miller, PWC Chief Finance Officer  
Jennifer Lowe, Communications Officer  
Rebecca Rogers-Carter, Management Services Manager  
Nathan Walls, Public Information Specialist  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Chavonne called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Reverend Dr. James W. Randall, Jr., MacPherson Presbyterian Church.

**3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was recited by those in attendance.

**4.0 APPROVAL OF AGENDA**

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

**SECOND: Council Member Bates**

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

**5.0 ANNOUNCEMENTS AND RECOGNITIONS**

Council Member Arp introduced volunteers from the "Toys for Tots" program operated by the United States Marine Corp. Reserve. He stated the program would donate toys to children whose parents could not afford to buy them. He announced a fundraising event for the program would be held on October 8, 2011, beginning at 1:00 p.m. at the Methodist University Monarch Stadium.

**6.0 CONSENT**

**MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Item 6.6.**

**SECOND: Council Member Bates**

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

**6.1 Approve Minutes:**

- June 22, 2011 - Agenda Briefing
- June 27, 2011 - Regular Meeting

- July 20, 2011 - Agenda Briefing

- July 25, 2011 - Discussion of Agenda Items Meeting

**6.2 Local Government Resolution (Governor's Highway Safety Program).**

**NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM LOCAL GOVERNMENTAL RESOLUTION. RESOLUTION NO. R2011-043.**

**6.3 Award contract for the purchase of 19 Dodge Charger police cars to Ilderton Dodge Chrysler Jeep, High Point, NC, in the amount of \$558,315.00.**

Formal bids were received August 30, 2011, as follows:

16 Marked Dodge Charger Police Cars

Ilderton Dodge Chrysler Jeep (High Point, NC)..... \$467,280.00

US 1 Chrysler Dodge Jeep (Sanford, NC)..... \$576,000.00

3 Marked Dodge Charger Police Cars with Kennels

Ilderton Dodge Chrysler Jeep (High Point, NC)..... \$91,035.00

**6.4 Award contract for the purchase of one 56,000 GVWR dump truck with sand spreader and plow to Rush International Truck Center, Charlotte, NC, the lowest responsible bidder, in the amount of \$118,484.27.**

Formal bids were received August 31, 2011, as follows:

Rush International Truck Center (Charlotte, NC).... \$118,484.27

PiedmontTruck Center (Greensboro, NC)..... \$129,675.00

PeterbiltTruck Center of Dunn (Dunn, NC)..... \$133,336.00

\*Tri-Point Truck Center (Raleigh, NC)..... \$117,924.00

\*The bid received from Tri-Point Truck Center had not included the on-board scale system for the air ride suspension as required by the City's specifications.

**6.5 Award contract for the purchase of one 70,000 GVWR dump truck with sand spreader and plow to Tri-Point Truck Center, Raleigh, NC, in the amount of \$146,140.00 pursuant to the additional buy clause allowed in the original bid.**

On November 22, 2010, Council approved award of contract to Tri-Point Truck Center for the purchase of one 70,000 GVWR dump truck with sand spreader and plow and the bid documents allowed for the purchase of additional units for a period of up to three years from the original bid award and allowed for an adjustment in the price.

**6.6 Pulled for discussion by Council Member Crisp.**

**6.7 Award contract for the purchase of two 39,000 GVWR dump trucks with plows to Tri-Point Truck Center, Raleigh, NC, low bidder, in the amount of \$196,074.00.**

Formal bids were received August 31, 2011, as follows:

Tri-PointTruck Center (Raleigh, NC)..... \$196,074.00

Rush International Truck Center (Charlotte, NC).... \$199,036.18

PeterbiltTruck Center of Dunn (Dunn, NC)..... \$224,534.00

PiedmontTruck Center (Greensboro, NC)..... \$232,164.00

**6.8 PWC - Financial Matters: Capital Project Fund Budget Amendments**

The Public Works Commission requested adoption of (1) Amendment #1, Annexation Phase V, Areas 6 and 7, Capital Project Fund for Fiscal Years 2010-2012, and (2) Amendment #1, Series 2009 Revenue Bond Capital Project Fund for Fiscal Years 2010-2012.

**6.9 Adopt a resolution declaring jointly-owned real property surplus and authorizing a quitclaim of the City's interest in order to expedite Cumberland County's sale of properties on Howell Street.**

**RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY (PINs 0438-33-5672, 0438-34-6463, 0438-34-6469, 0438-34-6574, 0438-34-6599, 0438-34-7634). RESOLUTION NO. R2011-044.**

**6.10 Budget Ordinance Amendment 2012-2 (General Fund).**

The amendment appropriated \$200,000.00 of expected reimbursements from the Federal and State governments to provide funding for remaining expenditures for the restoration of the debris collection site used after the April 16, 2011, tornadoes.

**6.11 Special Revenue Fund Project Ordinance 2012-5 (Gangs Across the Carolinas Training Conference 2011).**

The ordinance appropriated \$62,069.00 for the 2011 Gangs Across the Carolinas Training Conference. The funding for the program was a \$46,552.00 grant and a \$15,157.00 local match.

**6.12 Ordinance amending Chapter 1, General Provisions, and Chapter 22, Solid Waste, related to notice and appeal of code violations.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 22, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2011-010.**

**6.13 Tax refunds greater than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Ramsey North Medical Clinic PA	2009	Adjusted Value	\$447.64
Total			\$447.64

**6.6 Award contract for the purchase of six automated side loading refuse trucks to Carolina Environmental Systems, Inc., Kernersville, NC, in the amount of \$1,402,626.00.**

This item was pulled for discussion by Council Member Crisp.

Mr. Dale Iman, City Manager, stated this was a contract award for the purchase of six automated side loading refuse trucks for use in the Environmental Services Department. He stated the item was budgeted during the year and was a cost-efficiency item as well as a long-term savings for the City.

Council Member Crisp inquired if they were being premature in ordering the trucks and spending in excess of \$1 million prior to the recommendations of the study on privatization. Mr. Iman responded that the City was not undergoing a study for privatization, but had a request for proposals; soliciting contractors to submit proposals. He stated the proposal would include the collection of one quarter of the residential properties in the City or 15,000 properties. He stated there would be 45,000 properties remaining to collect solid waste, and the trucks were needed.

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

**SECOND: Council Member Crisp**

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

**7.0 PUBLIC HEARINGS**

**7.1 Public hearing to consider the City of Fayetteville Hazard Mitigation Plan (a part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update).**

Mr. David Nash, Planner II, presented this item and provided background information. He stated it was a five-year document which needed to be updated. He stated the City had worked with all other jurisdictions in the County on the original plan and elected to work with them again in updating the plan. He stated the work on the update began in May 2010 and most of the research and work or the City's efforts were completed in September 2010. He stated it was then submitted to FEMA and the State and approved by the State on April 4, 2011. He stated the occurrences or events were part of the natural world that they could not control and the focus of the plan was to keep the natural hazards from becoming disasters. He stated hazard mitigation meant reducing some of the adverse consequences of the hazards. He stated an example of that was restricting new development in vulnerable sections of the community and making existing development in hazard prone areas safer. He stated the benefits of having an approved Hazard Mitigation Plan was making the area eligible for hazard funds should an event happen in the area. He stated it also would make the staff and the elected officials identify actions that might help keep future hazards from becoming disasters. He stated the staff and Planning Commission recommended adoption of the City of Fayetteville Hazard Mitigation Plan as part of the overall Cumberland County plan.

Council Member Mohn inquired if the reference to the base flood elevation and the new standards being two feet above were off the new FEMA maps. Mr. Nash responded the base

flood elevation data was embedded in the maps which were in the GIS.

Discussion ensued regarding the hiring of a grants administrator.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

**RESOLUTION TO ADOPT THE CITY OF FAYETTEVILLE HAZARD MITIGATION PLAN AS PART OF THE CUMBERLAND COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE. RESOLUTION NO. R2011-045A.**

**RESOLUTION TO ADOPT THE CUMBERLAND COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE. RESOLUTION NO. R2011-045B.**

**MOTION: Council Member Bates moved to approve the City of Fayetteville Hazard Mitigation Plan (a part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update).**

**SECOND: Council Member Crisp**

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

**7.2 Public hearing to consider a petition requesting annexation submitted by Methodist University (Meadowcroft Drive-Riverdell Drive Property).**

Mr. David Nash, Planner II, presented this item and provided background information. He stated the existing land use in the area was mostly vacant, but there were two lakes and several storage buildings. He stated there were no housing units or population and the property was exempt from taxes. He stated staff recommended adoption with an effective date of September 26, 2011.

Mr. Dale Iman, City Manager, stated the two properties for Methodist College were both donut holes in the City. He stated he had a discussion with President Hancock and Mr. Hancock took the item to his board. He stated they asked for the annexation basically because they wanted to see the map filled in.

Council Member Crisp inquired if the action would restrict the citizens from crossing the property using the river trail. Mr. Nash responded in the negative.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

**MOTION: Council Member Bates moved to approve with an effective date of September 26, 2011.**

**SECOND: Council Member Hurst**

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

**7.3 Public hearing to consider a petition requesting annexation submitted by Methodist University (Longview Drive Extension Property).**

Mr. David Nash, Planner II, presented this item and stated the property was referred to as the Longview Drive extension property. He stated the only thing that passed through the area that was anything close to being developed was the Longview Drive extension and explained it was a trail at that point leading to one house. He stated there were no homes or population in the area and the petition was sufficient. He stated staff recommended adoption of the ordinance with an effective date of September 26, 2011.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

**MOTION: Council Member Bates moved to approve with an effective date of September 26, 2011.**

**SECOND: Mayor Pro Tem Haire**

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

**7.4 Public hearing to consider a petition requesting annexation submitted by various owners of properties in the Baywood Point Subdivision.**

Mr. David Nash, Planner II, presented this item and stated this was a satellite request for annexation. He stated the item was on the July 25, 2011, agenda but was pulled because it was determined at the time the petition was not sufficient. He stated the new petition was received September 12, 2011, and utilities were now on hold pending the outcome. He stated it was

located in an area referred to as Vander which was unincorporated. He stated it was required by City policy for properties within the City of Fayetteville's Municipal Influence Area (MIA) area, and if PWC water and sewer were requested, the owner must submit an annexation petition. He stated staff recommendation was that the effective date be December 31, 2011, because there were some people living in the area and there was an election coming up. He explained there was not time for the area to be precleared to vote in the City elections in time for the primary and general election in November.

A brief discussion period ensued regarding the ISO ratings.

Council Member Arp inquired if the property owners that were listed were in favor of the annexation. Mr. Nash responded all property owners had signed the petition.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

**MOTION: Council Member Arp moved to approve with an effective date of December 31, 2011.**

**SECOND: Council Member Massey**

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

## **8.0 OTHER ITEMS OF BUSINESS**

### **8.1 Uninhabitable Structures Demolition Recommendations**

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff was requesting demolition of three buildings determined to be dangerous or blight. He reviewed the following demolition recommendations:

#### **516 Link Street**

Mr. Swanson stated the property was located between Grove and Person Streets. He stated the property was not historical. He stated this was a vacant house in a residential zone. He stated the utilities were disconnected as of September 2009. He stated in the last two years there were 166 calls for 911 service and 18 code violations. He stated the low bid for demolition was \$1,300.00.

#### **806 Eugene Street**

Mr. Swanson stated the property was located in Borden Heights off of Cumberland Road. He stated the building had no fiscal value and the utilities were disconnected as of February 2009. He stated in the last two years there were three calls for 911 service and three code violations. He stated there was \$494.00 in a lot cleaning, no outstanding taxes, and the low bid for demolition was \$4,300.00.

#### **1639 Rudolph Street**

Mr. Swanson stated the structure suffered fire damage on April 22, 2011. He stated it was not an historical property. He stated it was a vacant house when it received the fire damage. He stated it was residentially zoned. He stated the utilities were disconnected in September of 2009. He stated in the last two years there were 11 calls for 911 services and 4 code violations. He stated there was \$1,050.00 in lot cleanings, \$1,528.50 in outstanding taxes, and the low bid for demolition was \$4,900.00.

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (516 LINK STREET). ORDINANCE NO. NS2011-010.**

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (806 EUGENE STREET). ORDINANCE NO. NS2011-011.**

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH**

**RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1639 RUDOLPH STREET). ORDINANCE NO. NS2011-012.**

**MOTION:** Council Member Davy moved to adopt the demolition ordinances.

**SECOND:** Council Member Bates

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

**8.2 Consideration of a Planned Neighborhood District (PND) detailed development plan application for property located on the southeast side of Bingham Drive across from Lakeridge Drive. Containing 56.22 acres more or less and being the property of Edgar L. Maness and wife and Robert C. Draughon and wife.**

Mr. Craig Harmon, Planner II, presented this item and stated the City received a detailed development plan for a Planned Neighborhood District called Reserve at Bingham. He showed vicinity maps and provided overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the PND development application process and stated after approval of the site plan by Council, the developer would have two years to submit a detailed site plan. He stated the developer had already submitted a site plan that had gone before the Planning Commission. He stated the Planning Commission and staff recommended approval of the detailed site plan.

Council Member Crisp inquired if there would be a light at the entrance way. Mr. Harmon responded they would have to put a light at that intersection.

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

**SECOND:** Council Member Arp

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

**8.3 A request that a sidewalk not be required to be constructed with the City's MIA (southern side of Eastern Boulevard).**

Mr. Karen Hilton, Planner II, presented this item and reviewed the process. She explained the request came up when the project was going through the subdivision process in the County within the MIA area. She showed vicinity maps and gave overviews of the current land uses, current zonings and surrounding land uses and zonings. She stated staff recommended that the City recommend to the County Commissioners denial of the sidewalk waiver but require only a 10-foot sidewalk easement, based on the fact that NCDOT indicated that a sidewalk would not be allowed within the right-of-way along the roadway under the current conditions but anticipated that future development along the service road would warrant retrofit to provide a sidewalk or multipurpose path.

**MOTION:** Council Member Mohn moved to follow staff's recommendation, that they deny the request with the condition that they provide a 10-foot sidewalk easement for potential future development.

**SECOND:** Council Member Crisp

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

**8.4 NC League of Municipalities annual league business meeting voting delegates.**

Mr. Dale Iman, City Manager, stated the North Carolina League of Municipalities annual meeting would be held October 24-26, 2011. He requested Council designate one voting delegate and one alternate voting delegate to represent the City of Fayetteville at the NC League of Municipalities annual business meeting.

**MOTION:** Mayor Pro Tem Haire moved to appoint Council Member Bates as the voting delegate and Council Member Applewhite as the alternate voting delegate.

**SECOND:** Council Member Massey

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

**9.0 ADMINISTRATIVE REPORTS**

**9.1 Monthly statement of taxes for August 2011.**

2011 Taxes.....	\$2,639,236.68
2011 Vehicle.....	309,639.62
2011 Taxes Revit.....	4,082.53

2011 Vehicle Revit.....	203.42
2011 FVT.....	36,972.23
2011 Transit.....	36,972.24
2011 Storm Water.....	104,297.65
2011 Fay Storm Water.....	208,595.18
2011 Fay Recycle Fee.....	118,000.84
2011 Annex.....	0.00
2010 Taxes.....	50,556.46
2010 Vehicle.....	96,893.51
2010 Taxes Revit.....	79.19
2010 Vehicle Revit.....	9.07
2010 FVT.....	14,321.15
2010 Transit.....	14,321.21
2010 Storm Water.....	1,215.88
2010 Fay Storm Water.....	2,431.86
2010 Fay Recycle Fee.....	2,866.94
2010 Annex.....	0.00
2009 Taxes.....	3,114.92
2009 Vehicle .....	3,935.78
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	0.00
2009 FVT.....	823.53
2009 Transit.....	823.55
2009 Storm Water.....	28.14
2009 Fay Storm Water.....	56.27
2009 Fay Recycle Fee.....	89.09
2009 Annex.....	0.00
2008 Taxes.....	897.74
2008 Vehicle .....	598.52
2008 Taxes Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	200.21
2008 Transit.....	142.40
2008 Storm Water.....	82.89
2008 Fay Storm Water.....	48.61
2008 Fay Recycle.....	85.07
2008 Annex.....	0.00
2007 and Prior Taxes.....	1,305.51
2007 and Prior Vehicle.....	1,951.94
2007 and Prior Taxes Revit.....	0.00
2007 and Prior Vehicle Revit.....	0.00
2007 and Prior FVT.....	474.16
2007 and Prior Storm Water.....	150.77
2007 and Prior Fay Storm Water.....	48.00
2007 and Prior Annex.....	8.47
Interest.....	13,383.11
Revit Interest.....	5.42
Storm Water Interest.....	177.84
Fay Storm Water Interest.....	210.92
Annex Interest.....	1.09
Fay Recycle Interest.....	238.85
Fay Transit Interest.....	1,003.78

Total Tax and Interest..... \$3,670,582.24

**10.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:15 p.m.