

FAYETTEVILLE CITY COUNCIL

MINUTES

OCTOBER 22, 2007

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); Paul Williams (District 6); Curtis Worthy (District 7); Juanita Gonzalez (District 8); Wesley A. Meredith (District 9)

Absent: Council Member Lois A. Kirby (District 5)

Others Present: Dale E. Iman, City Manager

Stanley Victrum, Assistant City Manager

Kyle Sonnenberg, Assistant City Manager

Karen M. McDonald, City Attorney

Lisa Smith, Chief Financial Officer

B.E.(Benny)Nichols, Fire/Emergency Management Chief

Jimmy Teal, Planning Director

Kyle Garner, Planner

Bobby B. Teague, Engineering and Infrastructure Director

Victor Sharpe, Community Development Director

Chuck Billand, The Communities Group

Dawn Driggers, Metropolitan Housing Authority Director

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Gail D. McAfee, Chaplain NAACP, followed by the Pledge of Allegiance to the American Flag.

ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne and Council Member Massey presented a proclamation to representatives from the E.E. Smith Marching Band and Roosevelt Pratt, Band Director, proclaiming October 22, 2007 to be E. E. Smith High School Marching Band Day.

Council Member Meredith announced the Bicycle Man is sponsoring a dinner sale on Saturday, October 27, 2007 at 2801 Rosehill Road from 11:00 a.m. to 5:00 p.m., and with proceeds going towards the purchase of a building for his ministry.

Mayor Chavonne announced beginning October 22, 2007, PWC water customers would be required to follow additional water restrictions as Fayetteville moved into Stage II of its water shortage ordinance. Mayor Chavonne outlined the additional restrictions.

Mayor Chavonne introduced a video shown during the North Carolina League of Municipalities Conference, Host City Event held at Pope Air Force Base on October 15, 2007. Following the video, Mayor Chavonne recognized B.E. Nichols, Fire/Emergency Management Chief, and George Breece, Host City Event Consultant, for their efforts towards a successful conference.

1. APPROVAL OF AGENDA

Council Member Williams added Item 7. "discussion to direct the City Manager to work out a proposal to repair the Rayconda Lake dam similar to a dam repaired in the Vanstory neighborhood" since it had been left off the agenda.

MOTION: Council Member Williams moved that Item 7. be moved to Item 5.A.

SECOND: Council Member Haire

Council Member Williams expressed concern that the citizens survey results would divide members of the Rayconda community and stated an affirmative vote on his motion would make the survey a mute point.

FRIENDLY AMENDMENT:

Council Member Worthy proposed that Item 5. be discussed at Item 7.

Council Member Williams accepted the friendly amendment. Following discussion, Karen M. McDonald, City Attorney, clarified the motion before Council was whether to move Item 5. to Item 7.

VOTE: FAILED by a vote of 2 in favor (Council Members Williams and Worthy) to 7 in opposition.

At the request of Council, Dale E. Iman, City Manager, presented highlights of a boil water advisory issued for parts of Western Fayetteville by Aqua America, a private water system provider under the regulatory authority of the Department of Energy and Natural Resources and the North Carolina Utility Commission, and citizen concerns expressed to the city regarding the notification procedures for the advisory. Mr. Iman stated the city is specifically precluded from regulating private water companies and advised citizens with concerns about the notification system to contact the toll-free number for the North Carolina Utility Commission.

2. CONSENT:

MOTION: Council Member Massey moved to approve the consent agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

A. Approve Minutes:

1. Regular Meeting Held on September 24, 2007

2. Work Session Meeting Held on October 1, 2007

B. Capital Project Ordinance Closeout 2008-1 (Airfield Improvements, Security System Upgrade and Rehabilitation of Terminal and Access Road)

Capital Project Ordinance Closeout 2008-2 (Phase II of Terminal Building Rehabilitation)

Capital Project Ordinance Closeout 2008-3 (Acquire Land, Obstruction Removal Design, Airport Equipment and Master Plan Study)

Capital Project Ordinance Closeout 2008-4 (Loop Paving Design and Obstruction Clearing)

Capital Project Ordinance Closeout 2008-5 (Runway 4-22 Centerline Painting for Airport)

Capital Project Ordinance Closeout 2008-6 (Miscellaneous Parking Lot Improvements)

Capital Project Ordinance Closeout 2008-7 (Bond Administration, Street Construction, Drainage Improvements, and Sidewalk Construction)

Capital Project Ordinance Closeout 2008-8 (Area 3B Annexation and Subsequent Phases of annexation)

Capital Project Ordinance Closeout 2008-9 (Street Improvements)

Capital Project Ordinance Closeout 2008-10 (Miscellaneous Street Improvements -FY2005 Street Resurfacing Project)

Capital Project Ordinance Partial Closeout 2008-11 (Sidewalks and Related Improvements)

Capital Project Ordinance Closeout 2008-12 (Transit Signage)

Special Revenue Project Ordinance Closeout 2008-1 (FY2005 Transit Planning Grant)

Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active. The projects referenced above have been completed and the revenues and expenditures related to these projects have been audited. The backup materials in the agenda detail the budget and actual revenues and expenditures for the projects.

C. Special Revenue Project Ordinance 2008-7 (FY2008 Justice Assistance Grant Program)

A Justice Assistance Grant (JAG), totaling \$240,056 has been awarded to the Fayetteville Police Department and Cumberland County Sheriff's Office. This Special Revenue Project

Ordinance will appropriate the City's share, totaling \$146,620, for the JAG program. A local match is not required. The Police Department will use their portion of the grant for travel, training, and other departmental operating costs, as well as acquisition of special equipment such as a Digital Small Arms Trainer System, a Tetherless System for Glocks, and a Video Analysis System.

D. Approve NC State grant for Runway Centerline Painting - 2007

RESOLUTION. RESOLUTION NO. R2007-058

E. Award contract for the purchase of two (2) 39,000 GVW trucks with flat bed dump bodies to the low bidder, Parks Chevrolet, Kernersville, North Carolina.

Bids were received as follows:

| <u>Unit Price</u> | <u>Total Price</u> | |
|------------------------------------|--------------------|--------------|
| Parks Chevrolet, Kernersville, NC | \$74,446.72 | \$148,893.44 |
| Bleecker GMC, Red Springs, NC | \$76,192.35 | \$152,384.70 |
| Volvo and GMC Truck, Charlotte, NC | \$79,640.97 | \$159,281.94 |
| Piedmon Truck, Greensboro, NC | \$83,000.00 | \$166,000.00 |

F. Bid Awards for Purchase of Various Aerial Trucks

1. Terex Utilities, Glen Allen, VA, lowest responsible bidder in the amount of \$119,639.00 for purchase of one (1) 35,000 GVW Cab and Chassis with 45' Boom Aerial Device, Aerial Body and Compartment Lighting.

Bids were received as follows:

| | |
|-----------------------------------|--------------|
| Terex Utilities (Glen Allen, VA) | \$119,639.00 |
| Altec Industries (Birmingham, AL) | \$122,734.00 |

2. Terex Utilities, Glen Allen, VA, lowest responsible bidder in the amount of \$118,951.00 for purchase of one (1) 35,000 GVW Cab and Chassis with 45' Boom Aerial Device and Aerial Body.

Bids were received as follows:

| | |
|-----------------------------------|--------------|
| Terex Utilities (Glen Allen, VA) | \$118,951.00 |
| Altec Industries (Birmingham, AL) | \$122,734.00 |
| Map Enterprises (Burlington, NC) | \$131,407.00 |

3. Altec Industries, Birmingham, AL, lowest responsible bidder in the amount of \$463,500.00 for purchase of three (3) GVW Cab and Chassis with 55' Boom Aerial Device and Aerial Body with Platform Extension.

Bids were received as follows:

| | |
|-----------------------------------|--------------|
| Terex Utilities (Glen Allen, VA) | \$463,500.00 |
| Altec Industries (Birmingham, AL) | \$477,990.00 |

4. Altec Industries, Birmingham, AL, lowest responsible bidder in the amount of \$223,123.00 for purchase of one (1) 56,000 GVW Cab and Chassis with 75' Boom Aerial Device and Aerial Body.

Bids were received as follows:

| | |
|-----------------------------------|--------------|
| Altec Industries (Birmingham, AL) | \$223,123.00 |
| Map Enterprises (Burlington, NC) | \$202,568.00 |

G.PWC Budget Amendment – FY 2008 General Fund Budget Amendment #1

The Public Works Commission, during their regular meeting of October 10, 2007, adopted FY 2008 General Fund Budget Amendment #1. Adopt FY 2008 General Fund Budget Amendment #1 as recommended by PWC. The budget amendment increases the water and sanitary sewer transfer to the Annexation Fund by \$491,780 (total transfer of \$1,918,780). The additional transfer amount is based on an agreement with the City, after the original budget was approved, for the funding of

Phase V, Project 1. The appropriation from the Water and Sanitary Sewer Net Assets will increase to \$6,553,295. The overall new budget amount for Fiscal Year 2008 will be \$250,136,921.

H. Resolution in Support of Community Broadband Access Provided by Local Governments

RESOLUTION IN SUPPORT OF COMMUNITY BORADBAND ACCESS PROVIDED BY LOCAL GOVERNMENTS. R2007-059

I. Approve sign permit for the annual Holly Day Fair on November 2nd, 3rd and 4th.

J. Approve the rezoning from P2 professional district to C1 commercial district or to a more restrictive zoning classification for property located within the 100 block of Moore Street. Containing .41 acres more or less and being the property of McFin, LLC. Case Number P07-64F.

3. PUBLIC HEARING

Consider an amendment to the Fayetteville Code of Ordinances, Section 30-82, Infill Development, by adding Section 3 and Section 4.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, ARTICLE III, GENERAL PROVISIONS, SECTION 30-82, INFILL DEVELOPMENT. S2007-036

Mr. Teal reviewed the proposed amendment to the infill ordinance and stated the proposed changes would require the developer to hold a neighborhood meeting prior to the Planning Commission's public hearing and would exempt the infill public hearing where a project has been approved under conditional zoning. Mr. Teal stated the Infill Subcommittee and the Planning Commission reviewed the infill ordinance and felt these were the only changes needed.

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

MOTION: Council Member Bates moved to approve the infill ordinance amendment as recommended by the Planning Commission and add an additional line notification to City Council Members of the meeting dates.

SECOND: Council Member Gonzalez

VOTE: UNANIMOUS (9-0)

4. CONSIDER AN AMENDMENT TO THE FAYETTEVILLE CODE OF ORDINANCES, SECTION 30-285.1 SCREENING FOR SALVAGE YARDS AND LOTS THAT STORE JUNK OR DAMAGED VEHICLES

Mr. Teal stated the ordinance amendment reflects discussion of City Council at their October 1, 2007 work session meeting and would require fencing and a vegetative buffer for property visible from a public right-of-way or abutting developed residentially zoned property. Mr. Teal stated property abutting vacant residentially zoned property would only be required to have a six-foot fence and there would be no buffer requirements for property abutting non-residentially zoned property. Mr. Teal stated fence material would include wood, brick, stone or chain link with slats. Mr. Teal responded to questions.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, ARTICLE IX, LANDSCAPE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. S2007-037

MOTION: Council Member Evans moved to adopt the screening amendment as proposed following the October 1st work session.

SECOND: Council Member Bates

Council Member Williams expressed concern for the cost to local businesses to comply with the proposed screening requirements.

SUBSTITUTE MOTION:

Council Member Haire moved to set a public hearing on the proposed amendment.

SECOND: Council Member Williams

Mrs. McDonald advised a public hearing had previously been held following which staff incorporated the requested modifications into the proposed amendment currently before Council.

VOTE: FAILED by a vote of 1 in favor (Council Member Williams) to 8 in opposition.

VOTE ON ORIGINAL MOTION:

PASSED by a vote of 8 in favor to 1 in opposition (Council Member Williams)

5. REPORT ON RAYCONDA DAM

A. Citizen Survey Results

Mrs. McDonald presented this item and stated based on a request received by the city for the establishment of three municipal service districts to pay for repairs to the Rayconda dam, and after determining it was legally permissible to create the municipal service districts for that purpose, letters were sent out to property owners. Mrs. McDonald stated the letters explained the proposal, to include the estimated tax rate, and asked property owners to respond regarding their interest in creating the municipal service districts. Mrs. McDonald reviewed the survey results by district and stated 65% of the property owners for the 257 parcels responded with 58% in favor, 40% opposed and 2% undecided.

Council Member Worthy asked whether property owners not in favor would be incorporated into the municipal service districts. Mrs. McDonald responded should Council approve the creation of municipal service districts, properties located within the districts could not be excluded. Additional questions followed.

B. Consideration of Options for Addressing Needed Repairs to Dam

Mr. Iman stated options for addressing dam repairs in the community have varied considerably based on the specifics of each situation. Mr. Iman stated a comprehensive report is expected from the city's engineer on November 5, 2007.

Council Member Worthy asked that the report include information related to lakes on which dams were repaired using public funds and whether the lakes were then determined to be for public usage.

6. CONSIDERATION OF FUNDING COMMITMENTS FOR THE 2007 HOPE VI REVITALIZATION GRANT APPLICATION BEING SUBMITTED BY THE FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY

Victor Sharpe, Community Development Director, presented this item and stated the Fayetteville Metropolitan Housing Authority was requesting commitments from the City of Fayetteville for the 2007 HOPE VI Revitalization Grant in the form of vacant land, construction of infrastructure, waiving of filing, permitting and connection fees, contribution of general funds and HOME and CDBG funds.

Mayor Chavonne introduced HOPE VI project team members Chuck Billand, The Communities Group; Dawn Driggers, Director of the Metropolitan Housing Authority; and Murray Duggins, United Realty.

At the request of Council, Mr. Billand provided information regarding the federal grant, leverage of funds and project schedule following submission of the application.

Council Member Williams spoke to attracting private investment dollars to the community.

MOTION: Council Member Evans moved to approve financial commitments for the 2007 HOPE VI Revitalization Grant contingent upon approval of a HOPE VI grant award.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Williams)

7. DIRECT THE CITY MANAGER TO REPAIR THE RAYCONDA DAM SIMILAR TO THE REPAIRS DONE TO THE VANSTORY LAKE DAM

MOTION: Council Member Williams moved to direct the City Manager to repair the Rayconda dam similar to the repairs done to the Vanstory Lake dam.

SECOND: Council Member Worthy

Council Member Williams expressed concern that should his motion fail, the creation of municipal service tax districts would divide the Rayconda neighborhood.

Council Member Worthy spoke in favor of postponing a decision pending receipt of the City Manager's report.

SUBSTITUTE MOTION:

Council Member Meredith moved to delay action and come back to Council on December 10th.

SECOND: Council Member Evans

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Williams)

8. BOARDS AND COMMISSIONS

APPOINTMENTS

HISTORIC RESOURCES COMMISSION – 5 vacancies (3 Category 6- At Large; 1 Category 1 - Licensed/Registered Architect; 1 Category 2 - Historic Preservationist, or Cultural or Social Historian) – 7 nominations made – 5 appointments needed

Upon vote by Council, Kenneth Suggs and Warren Jackson were appointed to a firm term for Category 6 – At Large and Odessa S. Dennis was appointed to a second term for Category 6 – At Large.

Upon vote by Council, Susan Shereff was appointed to a firm term for Category 2 - Historic Preservationist, or Cultural or Social Historian.

By acclamation, Andrew W. Privette was appointed to a second term for Category 1 – Licensed/Registered Architect.

NOMINATIONS

WRECKER REVIEW BOARD– 1 vacancy (1 disinterested person who is not a licensee, wrecker owner or operator, or a City employee to serve as Chairman) – 0 nominations made – 1 nomination needed

No nominations were made.

NOMINATIONS – First Week

FAIR HOUSING BOARD – 3 vacancies – 0 nominations made– 3 nominations needed

Jose Antonio Coker, Theodore Debose and Karl Vaughn were nominated for a second term by Council Member Gonzalez.

INFORMATION – No Action Required

FAYETTEVILLE REDEVELOPMENT COMMISSION – 1 vacancy due to resignation of unexpired term

FAYETTEVILLE REDEVELOPMENT COMMISSION – 1 vacancy due to term expiring December 2007

FAYETTEVILLE ZONING COMMISSION – 1 alternate vacancy due to term expiring December 2007

PERSONNEL REVIEW BOARD – 3 vacancies due to terms expiring December 2007

INFORMATION ITEMS:

1. Statement of taxes collected for the month of September 2007 from the Cumberland County Tax Administrator

2007 Taxes. \$2,785,767.68

2007 Vehicle Taxes 342,885.33

2007 Revit 7,868.47

2007 Vehicle Revit. 371.40

2007 FVT 37,529.71

2007 Storm Water 171,093.75

2007 Fay Storm Water 239,703.42

2007 Annex \$820.97
2006 Annex \$81,597.44
2006 Taxes 47,439.07
2006 Vehicle Taxes 74,281.78
2006 Revit..... 0.00
2006 Vehicle Revit..... 9.53
2006 FVT 9,209.08
2006 Storm Water 3,788.14
2005 Taxes \$3,908.87
2005 Vehicle Taxes 3,294.55
2005 Revit..... 0.00
2005 Vehicle Revit..... 4.28
2005 FVT. 675.42
2005 Storm Water. 408.46
2004 Taxes 1,047.44
2004 Vehicle Taxes. 848.26
2004 Revit..... 0.00
2004 Vehicle Revit..... 0.00
2004 FVT. 227.95
2004 Storm Water. 122.82
2003 and Prior Taxes 1,566.60
2003 and Prior Vehicle Taxes 3,280.62
2003 and Prior Revit..... 0.00
2003 and Prior Vehicle Revit..... 0.00
2003 and Prior FVT. 604.17
2003 and Prior Storm Water. 278.59
Interest 15,279.71
Interest (Revit)..... 1.30
Interest (Storm Water). 475.20
Interest (Fay Storm Water)..... 0.00
Interest (Annex). 283.98
Total Collections \$3,834,673.99
There being no further business, the meeting adjourned at 8:25 p.m.