

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
FEBRUARY 23, 2015  
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Karen McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Engineering and Infrastructure Director  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Manager  
David Nash, Planner II  
Barbara Hill, Human Resource Development Director  
Ron McElrath, Human Relations Director  
Rebecca Rogers-Carter, Strategic Performance Analytics Director  
Tracey Broyles, Budget and Evaluation Director  
Victor Sharpe, Community Development Director  
Kecia Parker, Real Estate Manager  
Greg Caison, Stormwater Manager  
Gloria Wrench, PWC Purchasing Manager  
Pamela Megill, City Clerk  
Members of the Press

#### **1.0 CALL TO ORDER**

Mayor Robertson called the meeting to order.

#### **2.0 INVOCATION**

The invocation was offered by Pastor James Baker of Carroll Memorial Baptist Church.

#### **3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Mayor Robertson and City Council.

#### **ANNOUNCEMENTS AND RECOGNITION**

Mayor Robertson presented a proclamation to Mr. Ron McElrath, Human Relations Director, from Governor Pat McCrory proclaiming February as Human Relations Month.

Mayor Robertson presented the City Coin and Certificate of Appreciation to Mr. Ron McElrath, Human Relations Director, in recognition of his retirement from the City of Fayetteville.

#### **4.0 APPROVAL OF AGENDA**

**MOTION: Council Member Arp moved to approve the agenda with moving Item 7.0, Consent, to the first item of business and adding Item 7.10, Request for Legal Representation of City Employee.**

**SECOND: Council Member Crisp**

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

Council then proceeded to Item 7.0, Consent, before Item 5.0, Staff Reports.

#### **7.0 CONSENT**

**MOTION:** Council Member Arp moved to approve the consent agenda with the addition of Item 7.10, Request for Legal Representation of a City Employee.

**SECOND:** Council Member Crisp

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

**7.01 P15-02F.** The rezoning of property from NC Neighborhood Commercial District to NC/CZ Neighborhood Commercial Conditional Zoning District, or to a more restrictive district, located at 1501 Pamalee Drive, and being the property of Tommy Rodwell.

**7.02 Uninhabitable Structures Demolition Recommendations**

1523 Pierce Street - District 2

1432 Strickland Bridge Road - District 6

428 Washington Drive - District 2

**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 (1523 Pierce Street, PIN # 0427-91-0361). ORDINANCE NO. NS2015-008**

**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 (1423 Strickland Bridge Road, PIN # 9496-94-4937). ORDINANCE NO. NS2015-009**

**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 (428 Washington Drive, PIN # 0437-37-3632).ORDINANCE NO. NS2015-010**

**7.03 Approval of Minutes:**

December 1, 2015 - Work Session

January 5, 2015 - Special

January 5, 2015 - Work Session

January 12, 2015 - Regular

January 15, 2015 - Special

January 26, 2015 - Regular

February 2, 2015 - Special

February 5, 2015 - Work Session

February 9, 2015 - Discussion of Agenda Items

February 9, 2015 - Regular

**7.04 Consideration of Assigning 19 Recent Annexation Areas to Election Districts**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NC, ASSIGNING NINETEEN NEW ANNEXATIONS TO THE 2011 ELECTION DISTRICTS. RESOLUTION NO. R2015-023**

**7.05 Approval of Three-Year Lease for Festival Park Plaza Suite to Transamerica Premier Life Insurance Company**

Transamerica Premier Life Insurance Company approved to lease an office space in Festival Park Plaza of approximately 1,821 square feet identified as Suite 165. Authorizes a three-year term to begin on May 1, 2015. The rent for this tenant will be \$3,035.00 monthly or \$36,420.00 annually over the next three years with two possible extensions of three-year terms that will escalate 6 percent with each term.

**7.06 Budget Ordinance Amendment 2015-6 (Fee Schedule Updates)**

Budget Ordinance Amendment 2015-6 updates the fee schedule to eliminate building permit fees for the installation of residential access ramps, and to implement a fee to allow for citizen use of lighting systems at ball fields.

**7.07 Award Contract for Construction of an Outdoor Family Aquatics Center at Westover Recreation Center to M&E Contracting, Inc., in the amount of \$1,829,567.00.**

Bids were received February 10, 2015, as follows:

M&E Contracting, Inc., Fayetteville, NC.....	\$1,829,567.00
Metcon, Pembroke, NC.....	\$2,174,018.00
WECC, INC., Fayetteville, NC.....	\$2,414,277.00
Chavis Inc., Maxton, NC.....	\$3,098,117.00

Approves contract award and authorizes City Manager to execute a contract for construction of the Outdoor Family Aquatics Center at Westover Recreation Center with the lowest responsive, responsible bidder, M&E Contracting, Inc., Fayetteville, NC, in the total amount of \$1,829,567.00. Adopt Budget Ordinance Amendment 2015-7 and Capital Project Ordinance Amendment 2015-26 adding \$95,000.00 in additional budget appropriation and authorizes the City Manager to execute change orders for unforeseen costs up to \$92,433.00.

**7.08 Approval of a Supplemental Municipal Agreement with NCDOT for the Cape Fear River Trail and Adoption of Capital Project Ordinance Amendment 2015-27**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR CONSTRUCTION OF THE CAPE FEAR RIVER TRAIL. RESOLUTION NO. R2015-026**

**7.09 Adopt Resolution to Accept a Report of Unpaid Taxes for 2014 and Direct the Advertisement of Tax Liens**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID**

**TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2015-024**

**7.10 Request for Legal Representation of City Employee** Authorization to provide legal representation of City employee Stacy Sanders in the matter of *James Grosslight v. North Carolina Department of Transportation, et al.*

**5.0 STAFF REPORTS**

**5.01 City of Fayetteville's FY 2015 Strategic Performance Mid-Year Report**

Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, presented the FY 2015 Strategic Performance Mid-Year Report with the aid of a PowerPoint presentation. Ms. Rogers-Carter stated the City of Fayetteville is guided by a comprehensive strategic planning process. City Council meets annually to refine the items that comprise the City's strategic plan and to ensure that it is reflective of the changing needs of our growing community. The City Manager's Office has the overall responsibility of ensuring the City's Strategic Plan is implemented. The focus of the FY 2015 Strategic Performance Mid-Year Report is to provide City Council and the community an update on the progress of each of the strategic initiatives outlined in the City's goal areas. This report does not include an update on performance metrics. In late August 2015, the FY 2015 yearend report will be presented to City Council and the community. In addition to providing another update on the strategic goal areas, it will include FY 2015 performance metrics. The City's strategic planning process is designed to build upon past successes, yet also accommodate proactive response to changing environments. This year we incorporated input from staff and citizens to shape the priorities of the plan, and to focus on areas of unity and common interests among the City Council, staff, and citizens. The City of Fayetteville is a result-focused organization and, as such, evaluates and reports on the advancement of the strategic plan to ensure accountability.

Mayor Robertson and City Council thanked Ms. Rogers-Carter for the report.

**6.0 REPORTS FROM BOARDS AND COMMISSIONS**

**6.01 Board of Appeals on Dwellings and Buildings Annual Report**

Reverend E. Kenneth Wells, Board of Appeals on Dwellings and Buildings Vice Chair, presented the Board of Appeals on Dwellings and Buildings annual report.

**6.02 Ethics Commission Annual Report**

Mr. Renny Deese, Ethics Commission Chair, presented the Ethics Commission Annual Report.

## **8.0 PUBLIC HEARINGS**

### **8.01 P15-01F. The rezoning of a portion of property from SF-6 Single-Family Residential District to LC/CZ Limited Commercial Conditional Zoning District, or to a more restrictive district, located at 6701 Raeford Road, and being the property of Lafayette Cemetery Park Corporation. (two appeals filed on this case)**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated Lafayette Cemetery Park wishes to build a funeral home on a vacant portion of their current site on the south side of Raeford Road, across from 71st High School. LC is the first zoning district in which funeral homes are allowed. The application for this project does state that a crematory will be included; the crematorium use requires a Special Use Permit that must be applied for at a later date. To the east of this property is an existing funeral home and a third property where a funeral home is proposed. Each of these properties are within 1,000 feet of the applicant's property and each fronts Raeford Road. On January 13, 2015, the Zoning Commission held a public hearing regarding this case. There was one speaker in favor and none in opposition to the rezoning. The Zoning Commission voted 5 to 0 to recommend approval. Two appeals were filed on January 23, 2015, regarding this case. These appeals were filed by representatives of Jernigan Warren and Lafayette Funeral Homes. Both appeals have since been withdrawn. Ms. Hilton presented the following conditions of approval:

- 1.The site would be limited to a funeral home.
- 2.Parking lot with approximately 80 spaces plus stacking area.
- 3.Business hours would be from 9:00 a.m. to 5:00 p.m. (limited use).
- 4.Visitation Hours would be from 7:00 p.m. to 9:00 p.m.

Ms. Hilton further stated the Zoning Commission and City staff recommends approval of the proposed rezoning based on the following:

- 1.The City's Land Use Plan calls for heavy commercial use on this section of the property.
- 2.The conditional zoning would limit the commercial of the property to only that of a funeral home, as listed above.
- 3.This type of use would be complementary to the existing cemetery.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Richard Wiggins, 202 Fairway Drive, Fayetteville, NC 28305, appeared in favor and stated he is speaking on behalf of Lafayette Cemetery Park and said a funeral home is the perfect fit for this location, and stated \$2 million is the estimated cost of the project.

There being no one further to speak, the public hearing was closed.

**MOTION: Council Member Wright moved to approve the rezoning request with the following conditions: (1) The site would be limited to a funeral home; (2) a parking lot with approximately 80 spaces plus stacking area; (3) business hours would be from 9:00 a.m. to 5:00 p.m. (limited use); and (4) visitation hours would be from 7:00 p.m. to 9:00 p.m.; as listed and presented by staff.**

**SECOND: Council Member Colvin**

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

### **8.02 Code Amendment Regarding Use Separation Standards**

Mr. Scott Shuford, Development Services Director, stated this item will need to be tabled to the March 23, 2015, regular City Council meeting as the Planning Commission was unable to hear this item last week due to hazardous weather conditions.

**MOTION: Council Member Arp moved to table this item to the March 23, 2015, regular City Council meeting agenda.**

**SECOND: Council Member Hurst**

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

## **9.0 OTHER ITEMS OF BUSINESS**

### **9.01 Sanderson Farms, Inc.**

Ms. Karen McDonald, City Attorney, presented this item and stated the City Council conducted a joint public hearing with the Cumberland County Board of Commissioners on

February 2, 2015, to receive public comment on the proposed economic development incentives for Sanderson Farms, Inc. The joint public hearing was advertised in *The Fayetteville Observer* on January 23, 2015. The publisher's affidavit for the advertisement is included in the Council agenda packet. The basic terms of the economic development incentives agreement proposed by the City and advertised for the public hearing were as follows:

The Company's Obligations:

Sanderson Farms, Inc. (the Company) will spend at least \$95 million to construct and equip a modern poultry-processing plant in the County's Cedar Creek Industrial Park in the City of Fayetteville (the Project). The Project will employ at least 975 employees within three years of commencing operations. Not less than 60 percent of the Company's employees at this site will be residents of Cumberland County. The Company will not contract with any producer for the production of chickens on sites located within ten miles of the Project or within one mile of the Cape Fear River in Cumberland County. The Company will inform the county and city managers of any Notices of Violation it receives from the NC Department of Environment and Natural Resources for any of its operations in Cumberland County.

City Economic Development Incentives:

- The City will grant the Company a cash incentive equivalent to 70 percent of City general property taxes paid by the Company on the assessed value of the improvements constructed on the real and personal property and equipment used therein for each of the first ten years that the project complies with the terms of the agreement.
- The Fayetteville Public Works Commission will waive 50 percent of its Facilities Investment Fee, estimated to be \$2.6 million, as long as the Project complies with the terms of the agreement. The estimated total value of these cash incentive payments is \$3.8 million.
- City incentives may include an additional 5 percent general property tax grant back for the period of the agreement if the Company achieves negotiated good faith goals in hiring minority- and women-owned business enterprises either located in Cumberland County or within any county adjoining Cumberland County during the facility construction and an additional 5 percent general property tax grant back if the company hires nonviolent felons for the period of the agreement.
- The economic development incentives agreement may include such other and further terms as are negotiated.

Ms. McDonald stated the County has proposed different economic development incentives for the Project which were voted on and approved on February 16, 2015. The proposals of the City and County are consistent with the interlocal agreement for the annexation of the Cedar Creek Industrial Park in 2013.

Council Member Mohn stated the majority of the opposition has been focused on the spray fields. The Public Works Commission has a 20 inch sewer line running through the industrial park, and PWC has the capacity to treat pre-treated waste if Sanderson Farms were to tie into the PWC existing sewer system; this could be something to consider for other terms to be negotiated.

Council Member Arp asked Ms. McDonald who would be responsible for further negotiations. Ms. McDonald responded it would be the City Manager, and may also involve a member from The Alliance. Council Member Arp stated he encourages further investigation of tying into the PWC sewer system rather than utilizing spray fields.

**MOTION: Council Member McDougald moved to approve the offer of the proposed economic development incentives to Sanderson Farms, Inc., as described in the notice of the public hearing published in *The Fayetteville Observer* on January 23, 2015, subject to such further terms as may be presented.**

**SECOND: Council Member Wright**

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

**9.02 Stormwater Program Update**

Mr. Greg Caison, Stormwater Manager, presented this item with the aid of a PowerPoint presentation and stated the City's stormwater program and utility was initiated in 1995 as a result of an unfunded Federal mandate from the Clean Water Act to manage pollution in stormwater runoff and improve the associated water quality. That program was tied directly to the permitted water quality requirements until 2007 when the Council increased the stormwater fee recognizing the need for new and retrofitted drainage infrastructure to solve issues with local flooding and system repairs. Further change occurred late in 2008 when Council adopted a comprehensive stormwater management control ordinance (Chapter 23, Article III) to manage the future adverse effects of increased stormwater quantity and runoff quality from newly developed and redeveloped properties. Based on input from stakeholders, minor ordinance changes have since occurred to aid commercial and residential development. In 2014, with continued rising costs and additional identified projects, Council approved a modest fee increase. In 2015, another small increase should be considered to provide funding for some of the projects that have been listed in the City's CIP Plan. Like most other NC cities and towns, the City of Fayetteville has been issued an NPDES Municipal Stormwater Discharge Permit to ensure that stormwater pollution and runoff are managed within Federal and State law. The permit components are very complex and require extensive funding for compliance. Permit non-compliance is not a viable option as civil, criminal, and administrative penalties can be extremely costly. The City's stormwater program is regularly audited for compliance by both NC DENR and EPA. The design and construction of new and retrofitted drainage infrastructure is extremely expensive. In seeking ways to relieve the General Fund of that burden, revenues from the stormwater funds have been used to offset the needs and accomplish projects in recent years. However, many more projects continue to be identified. With this backlog of projects that will take years to complete, it is reasonable and prudent to implement a funding strategy over the long term. Expenditures from the previously mentioned permit compliance and infrastructure improvements are likely to continue to grow. The City must find ways and take action to provide funding for the purpose of adequately addressing the needs.

Council Member Hurst stated the greatest number of complaint calls he receives from his constituents are regarding stormwater issues; the three largest creeks in the City pass through District 5.

Council Member Crisp stated we are not where we need to be in battling the flood water storms, and we are probably going to have to increase stormwater fees; we need to provide more revenue for stormwater problems.

Council Member Colvin stated he agreed with Council Member Crisp and said we are playing catch up.

Council Member Wright stated he receives many complaints from residents in the Chestnut Hill Subdivision that have stormwater problems. Mr. Caison responded there have been stormwater concerns regarding Chestnut Hill for many years.

Council Member McDougald suggested the Stormwater Department could be moved to the Public Works Commission.

Council Member Arp stated stormwater has a component that belongs to NCDOT, a lot of the stormwater problems we have inherited (through annexation) are DOT roads; we need to synchronize with DOT to solve our problems.

This item was for information only, no action was taken.

### **9.03 Approval of Interlocal Agreement with Cumberland County School Board Regarding a Red Light Camera Program and Approval of a Service Contract with American Traffic Solutions, Inc., to Install and Operate a Red Light Camera System**

Mr. Kristoff Bauer, Deputy City Manager, presented this item with the aid of a PowerPoint presentation and stated the City operated a red light photo enforcement program for several years up until 2006. Crash data collected on the ten covered intersections demonstrated that this program significantly reduced both the number and severity of accidents at covered intersections. It also demonstrates that the number and severity of accidents has increased at those same intersections since the program was discontinued. The program was discontinued

due to a court ruling directing that the vendor costs for operating a system of this kind could not be deducted from citation revenue. The City was left, as a result, with a significant debt to the Cumberland County School District upon the termination of the program in 2006. The Fayetteville/Cumberland County Joint Committee voted in early 2014 to direct staff to pursue the implementation of an automated red light enforcement program in order to enhance traffic safety and provide a new revenue source for local education. Staff's response to the Committee was that accomplishing this objective would require a change in state law. In response, the Fayetteville City Council, Cumberland County Commission, and Cumberland County School Board all passed resolutions in April 2014 calling for a local bill to create the state law framework necessary to operate a red light enforcement program in Fayetteville. The local state legislative delegation was successful in drafting and passing a local bill on this issue. The General Assembly of North Carolina enacted Session Law 2014-84 (House Bill 1151) amending G.S. 160A-300.1(c), to clarify the law governing Red Light Cameras in the City of Fayetteville. The local bill specifically authorized the City and School District to enter into an interlocal agreement to support the funding of a red light camera system. State law still requires that all clear proceeds of the program be paid to the School District. The local bill simply authorized the School District to agree to cover the costs of operating the program. Since the passage of the local bill, staff has been working with the administration and legal staff of the School District to develop an interlocal agreement. The purpose of this agreement is to define the responsibilities of each party in the administration and funding of the red light camera program in full compliance with state law. Staff issued a Request For Proposal (RFP) in the summer of 2014 and received four proposals in September. After holding interviews and performing other due diligence, the selection committee, including representation from the School District, recommended the selection of American Traffic Solutions ("ATS"), who currently operates the system in Wilmington, NC. ATS is the current market leader with a 52 percent national market share and almost 300 clients in North America. The most distinguishing characteristic of ATS over the competitors is their easy customer interface and extensive support for public information and education. This program when in place in 2006 relied on 35 mm cameras taking carefully timed pictures based on radar tracking of vehicles and signal timing. Violations were determined literally based on a snapshot. The systems proposed for installation utilize high definition video cameras and smart radar systems that actively track multiple vehicles through the intersection. In addition to digital photographs, violators will be able to stream a video of their vehicle moving through the intersection with the actual signal in the frame. These changes have increased the efficiency and effectiveness of these programs. The program, if approved by Council, will be implemented July 1, 2015. The School Board is scheduled to consider the interlocal agreement on March 10, 2015. It should be clear to all parties that the initiation of a red light camera program is not a risk free endeavor. These programs have been challenged in North Carolina and elsewhere. A significant portion of the recommended service contract relates to the management of the risks should the program be challenged or should state or federal law change. The contractor is being asked to make significant investments in equipment and personnel to install and operate this system. If everything goes as planned, then the City will significantly enhance safety at ten or more intersections for a low investment of administrative capacity. Legal challenge may increase the cost of achieving that objective.

Section 1.4. of the service contract refers to a civil penalty rate of \$100.00 per violation. This penalty is established by the local bill, S.L. 2014-84, as the effective penalty on July 1, 2015.

The Council will need to revise City Code to make it consistent with both the local bill and the contract. Staff will bring the code amendment forward in March. The City has the responsibility for establishing the procedures for both violation and appeals processing. The Contract refers to a Business Requirements Questionnaire ("BRQ") which is the document to be completed by the City in order to confirm and clarify key elements of these processes. Staff is in the process of updating the BRQ that was utilized during the previous operation of this program and will bring a proposed BRQ to Council for review at a work session prior to it being implemented.

The longest lead time for the implementation of this program is the securing of all permits and

authorizations from NCDOT to install the systems with the right-of-way. Staff has already initiated the process to select the initial ten intersections for equipment installation, but that process would be stalled should the Council decide to defer action on the proposed interlocal agreement and/or service contract. This would likely prevent the program from becoming operational July 1, 2015. That being said, the service contract should not be formally executed until after the School Board's action to approve the interlocal agreement currently scheduled for March 10, 2015. Staff has developed a service contract with the least possible operational impact. The contract will be managed with existing staff. The only budgetary items required to support this contract are the transfers to the School District of actual revenues received, receipt of payments from the School District for invoiced contract costs, and payment of those costs to the contractor. The City is acting as the contract administrator and facilitates all payments. No revenues will be received or payments will be due during the current fiscal year (FY 15 Budget). Estimates of both will be included in the proposed FY 16 Budget. Mr. Bauer concluded his presentation by stating there is always the risk that the City will have to take legal action to defend the City's authority to implement and operate this program. It is impossible to estimate at this point the cost of such defensive action.

Council Member Arp stated the intent of the red light cameras is to encourage safety.

Council Member Colvin asked if these cameras will interface with our City cameras. Mr. Bauer responded they do not, but the City will have access to the film/video.

Mayor Robertson asked if there was a provision for late fees. Mr. Bauer responded there is a late fee provision.

Council Member McDougald asked management to provide presentation documents to him prior to the meeting taking place.

Council Member Wright asked what the percentage of a decrease of accidents is. Mr. Rusty Thompson, Engineering and Infrastructure Director, responded the average was 20 to 40 percent and is dependent upon the intersection.

Council Member Crisp asked if profit ceases at certain red light camera intersections, due to motorists not running the red light, what would happen. Mr. Bauer responded we may consider moving the poles and camera to another intersection.

Council Member Arp thanked the Cumberland County School District, the County Commissioners, the Liaison Committee, and staff for all of their collaborative efforts on this item.

**MOTION: Council Member Arp moved to authorize the Mayor to execute the interlocal agreement with the Cumberland County School District and authorize the City Manager to execute the Service Contract with ATS to provide a red light camera system after the interlocal agreement has been approved by the School Board.**

**SECOND: Council Member Hurst**

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

#### **9.04 Authorizing Condemnation on Remaining Parcels for Murchison Road Catalyst Site 1**

Ms. Kecia Parker, Real Estate Manager, presented this item with the aid of a PowerPoint presentation and stated on January 28, 2013, City Council adopted a resolution authorizing the City Manager to execute documents pertaining to the acquisition of property in Catalyst Site 1 of the Murchison Road Redevelopment Plan Area. Since that time, City Staff has been successful in acquiring a majority of the parcels in the redevelopment area. Initially there were 73 parcels included in the Catalyst Site 1, however, as we reviewed the use for the site it was determined that 6 of the parcels were no longer needed. Of the remaining 67 parcels, a total of 50 parcels have been acquired to date (this includes 5 parcels pending closing). There are 17 parcels left to be acquired. The 17 parcels left will require City Council action. Of the 50 parcels acquired, 6 included houses. To date, 3 of those houses have been demolished and 3 others are slated for demolition. The 17 parcels left to be acquired include 8 parcels that have title defects and 9 parcels with owners whom staff has not been able to reach an agreement. In order to complete the acquisition phase of the redevelopment project, the City will need to condemn the 17 parcels and pay the owners fair market value. Furthermore, 4 of the 17 parcels left to be acquired contain houses that are occupied. This includes 3 rentals and 1 owner-occupied house.



Funding for relocation may be available if needed by the residents. To date, the City has allocated \$1,130,000.00 for the acquisition phase of the project. A total of \$590,039.98.00 has been expended with \$539,960.02.00 remaining. The remaining funds are sufficient to acquire the remaining parcels. To acquire the remaining 17 parcels, approximately \$300,000.00 is needed. This amount is based on the tax value and any challenges to the fair market value offered could increase this amount. The remaining funding will be utilized for any relocation costs.

Council Member Colvin asked if there is a provision to cover the expense of utility deposits for relocating residents. Ms. Parker responded there is currently no such provision. Mr. Victor Sharpe, Community Development Director, stated there is a \$5,000.00 relocation payment that could be applied toward the expense of utility deposits.

Council Member Mohn stated the City should go after the condemnation where we have clear title issues.

Council Member Crisp stated he is in agreement with Council Member Mohn, to not pursue condemnation for the properties where no agreement has been reached, and especially so, as we do not have a concrete plan for Catalyst Site 1.

Council Member McDougald asked if there is any potential for the renters to possibly move to Hope VI. Mr. Sharpe stated the City would certainly provide assistance with finding appropriate housing.

Council Member Colvin asked for ball park figures on how long the City has been working on this project and how much money has been spent. Mr. Sharpe responded the City has been working on this project for approximately seven to eight years and has spent half a million dollars on the project.

Council Member Wright stated he is in agreement with Council Member Colvin and said we need to move forward with this project.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION ON REMAINING PARCELS FOR MURCHISON ROAD CATALYST SITE 1. RESOLUTION NO. R2015-25**

**MOTION: Mayor Pro Tem Davy moved to adopt the resolution and allow a 60-day response period for parcel types identified in blue on the map.**

**SECOND: Council Member Colvin**

**FRIENDLY AMENDMENT: Council Member Crisp made a friendly amendment to allow the 60-day response for all parcel types identified on the map.**

Mayor Pro Tem Davy accepted the friendly amendment.

**RESTATED MOTION: Mayor Pro Tem Davy moved to adopt the resolution authorizing the condemnation action on the remaining parcels for the Murchison Road Catalyst Site 1, and allowing a 60-day response period for all parcel types identified on the map.**

**SECOND: Council Member Colvin**

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

**10.0 ADMINISTRATIVE REPORTS**

**10.01 Monthly Statement of Taxes - January 2015**

2014 Taxes.....	\$8,301,830.51
2014 Vehicle.....	382.43
2014 Taxes Revit.....	30,631.87
2014 Vehicle Revit.....	0.00
2014 FVT.....	35.00
2014 FTT.....	35.00
2014 Storm Water.....	292,436.75
2014 Fay Storm Water.....	526,386.18
2014 Fay Solid Waste Fee.....	231,151.60
2014 Annex.....	0.00
2013 Taxes.....	8,321.07
2013 Vehicle.....	8,608.38

2013 Taxes Revit.....	00.00
2013 Vehicle Revit.....	15.97
2013 FVT.....	1,069.52
2013 FTT.....	1,069.52
2013 Storm Water.....	326.98
2013 Fay Storm Water.....	653.97
2013 Fay Recycle Fee.....	742.42
2013 Annex.....	0.00
2012 Taxes.....	2,160.69
2012 Vehicle.....	1,734.83
2012 Taxes Revit.....	0.00
2012 Vehicle Revit.....	0.00
2012 FVT.....	265.20
2012 FTT.....	265.20
2012 Storm Water.....	75.21
2012 Fay Storm Water.....	150.41
2012 Fay Recycle Fee.....	200.15
2012 Annex.....	0.00
2011 Taxes.....	948.97
2011 Vehicle.....	509.84
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	150.60
2011 FTT.....	150.60
2011 Storm Water.....	24.00
2011 Fay Storm Water.....	48.00
2011 Fay Recycle.....	76.00
2011 Annex.....	0.00
2010 and Prior Taxes.....	854.69
2010 and Prior Vehicle.....	1,369.72
2010 and Prior Taxes Revit.....	0.00
2010 and Prior Vehicle Revit.....	0.00
2010 and Prior FVT.....	303.45
2010 and Prior FTT.....	169.19
2010 and Prior Storm Water.....	11.68
2010 and Prior Fay Storm Water.....	0.00
2010 and Prior Fay Recycle Fee.....	0.00
2010 and Prior Annex.....	0.00
Interest.....	36,608.82
Revit Interest.....	115.83
Storm Water Interest.....	1,373.79
Fay Storm Water Interest.....	2,468.91
Annex Interest.....	0.00
Fay Recycle Interest.....	1,250.93
Fay Transit Interest.....	341.76
Total Tax and Interest.....	\$9,455,352.44

**11.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:07 p.m.