

**FAYETTEVILLE CITY COUNCIL
MINUTES
DECEMBER 17, 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); Robert T. 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
Stanley Victrum, Assistant 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
Jimmy Teal, Planning Director
Karen Milton, Assistant Planning Director
Kyle Garner, Planner

Bobby B. Teague, Engineering and Infrastructure Director
Rusty Thompson, Traffic Engineer
Victor Sharpe, Community Development Director
Mike Lallier, Public Works Commissioner
Joe Glass, Water/Sewer Engineering Manager
Mick Noland, Water Resources Chief Operating Officer
Jackie Tuckey, Communications Manager/Public Information Officer
Candice H. White, City Clerk
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Elder Larry Bellamy I, Pastor and founder of Rhema Ministries Church of God in Christ, followed by the Pledge of Allegiance to the American Flag.

ANNOUNCEMENTS AND RECOGNITIONS

Introduction of Fire Department Assistant Chiefs Benjamin Major and Christina Morey

B.E. (Benny)Nichols, Fire/Emergency Management Chief, introduced new Fire Department Assistant Chiefs Christina Morey and Benjamin Major. Chief Nichols noted both Assistant Chief Morey and Assistant Chief Major were entering their twenty-fourth year of service with the Fire Department.

Chief Nichols relayed events surrounding his acquisition of the badge of former Fayetteville Fire Department Chief, James Dobbin McNeill. Chief Nichols stated Chief McNeil served on the Fayetteville Fire Department for forty years, served as Chief of the Fayetteville Fire Department for twenty years, founded the North Carolina Firemen's Association and served as president of the Association for twenty-six years, served as Mayor of Fayetteville from 1910 through 1920 and served a one-term as a North Carolina Senator. Chief Nichols stated the badge would be housed at Station #2.

On behalf of City Council, Mayor Chavonne and Mayor Pro Tem Meredith presented a proclamation to Don Worthington, Business Editor of The Fayetteville Observer, in appreciation of his many accomplishments and contributions to the Fayetteville community. A commemorative coin was presented to Mr. Worthington and to Mr. Worthington's father.

1. APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

2. CONSENT:

Council Member Bates requested Item 2.J. pulled for discussion. Council Member Hurst requested Item 2.I. pulled for discussion.

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Items 2.J. and 2.I.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve Minutes:

1. **Regular Meeting Held on November 13, 2007**

2. **Agenda Briefing Meeting Held on November 20, 2007**

B.Special Revenue Project Ordinance 2008-8 (FY2008 Juvenile Restitution Program)

This budget action appropriates \$108,554 for the Juvenile Justice and Delinquency Prevention Program for fiscal year 2007-2008. The source of funding for this program is \$84,251 in grant funds, \$12,152 local match from Cumberland County and a \$12,151 local match from the City of Fayetteville. This program is a sentencing alternative for Fayetteville and Cumberland County youth. The program's goal is to teach youth accountability and responsibility for their actions. The City of Fayetteville has participated in the Juvenile Restitution program since 1991.

C. Bid Recommendation for Sewer Main Rehabilitation Work for FY 2007-2007

Insituform Technologies, Inc., low bid for sewer main rehabilitation work for fiscal year 2007-2008, in the amount of \$1,491,924.00.

Bids were received as follows:

Insituform Technologies, Inc. (Chesterfield, MO)... \$1,491,924.00

Am-Liner East (Sterling, VA)... \$1,538,608.00

Tri-State Utilities (Chesapeake, VA)... \$1,593,927.00

Southeast Pipe Survey (Patterson, GA)... \$1,743,171.00

Reynolds Inliner (Charlotte, NC)... \$1,757,707.70

D. Bid Recommendation – Annual Electric Meter Contract

1. HD Supply Utilities, Wake Forest, NC, low bidder in the amount of \$164,395.00 for purchase of approximately 3500 Form 2S, Class 200, 240V, Non-Demand, 5 Dial Register Electric Meters.

Bids were received as follows:

HD Supply Utilities (Wake Forest, NC)..... \$164,395.00

Shealy Electrical (Greenville, SC)..... \$168,000.00

WESCO (Raleigh, NC).... \$176,890.00

2. Shealy Electrical, Greenville, SC, low bidder in the amount of \$225,000.00 for purchase of approximately 1500 Self-Contained, Form 2S Class 200, 120-240V, Solid State Demand Electric Meters.

Bids were received as follows:

Shealy Electrical (Greenville, SC)..... \$225,000.00

WESCO (Raleigh, NC)..... \$227,415.00

Shealy Electrical (Greenville, SC)(Alternate)..... \$292,500.00

HD Supply Utilities (Wake Forest, NC)..... \$320,835.00

3. WESCO, Raleigh, NC, low bidder in the amount of \$184,860.00 for purchase of approximately 1000 Self-Contained, Form 16S, Class 200, 120-480V, Solid State Demand, 5 Dial Register Electric Meters.

Bids were received as follows:

WESCO (Raleigh, NC)..... \$184,860.00

Shealy Electrical (Greenville, SC)..... \$188,000.00

Shealy Electrical (Greenville, SC)(Alternate))..... \$198,000.00

HD Supply Utilities (Wake Forest, NC)..... \$232,680.00

4. WESCO, Raleigh, NC, low bidder in the amount of \$184,860.00 for purchase of approximately 1000 Transformer Rated, Form 35S, Class 20, 120-480V, Solid State Demand Electric Meters.

Bids were received as follows:

WESCO (Raleigh, NC)..... \$184,860.00

Shealy Electrical (Greenville, SC)..... \$185,000.00

Shealy Electrical (Greenville, SC)(Alternate)..... \$195,000.00

HD Supply Utilities (Wake Forest, NC)..... \$232,680.00

E. Bid Recommendation - Purchase of Miscellaneous Trucks

1. Parks Chevrolet, Kernersville, NC, low bidder in the amount of \$75,358.74 for purchase of one (1) 33,000 GVWR Cab and Chassis with Crane Service Body.

Bids were received as follows:

Parks Chevrolet (Kernersville, NC).. \$75,358.74

Smith International (Fayetteville, NC).. \$90,256.87

Piedmont Truck Center (Greensboro, NC).. \$93,021.00

2. Piedmont Truck Center, Greensboro, NC, low bidder in the amount of \$45,615.00 for purchase of one (1) 17,500 GVWR Cab and Chassis with Dump Service Body.

Bids were received as follows:

Piedmont Truck Center (Greensboro, NC).. \$45,615.00

Lafayette Ford (Fayetteville, NC).. \$45,855.00

Powers-Swain Chevrolet (Fayetteville, NC).. \$48,169.44

Smith International (Fayetteville, NC).. \$61,599.00

3. Piedmont Truck Center, Greensboro, NC, low bidder in the amount of \$81,589.00 for purchase of one (1) 33,000 GVWR Cab and Chassis with Service Body and PTO Mounted Air Compressor.

Bids were received as follows:

Piedmont Truck Center (Greensboro, NC).. \$81,589.00

Parks Chevrolet (Kernersville, NC).. \$85,351.70

Smith International (Fayetteville, NC).. \$89,890.00

F. Renewal License Agreements with New Cingular Wireless, PSC, LLC

Lease Agreements for five-year initial terms with one automatic renewal term of five years. Minimum annual rental rates for sites is as follows with an annual increase of 3% per year:

1.Regency Apartments site - \$21,600

1.Spruce Street site - \$21,600

1.Well Street site - \$22,340

1.Wilson Street site - \$24,190

G.Resolution Requesting State Funding for the Relocation Costs for the City Fire Tower Training Facility

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IN SUPPORT OF A REQUEST FOR FUNDING TO THE STATE OF NORTH CAROLINA FOR THE RELOCATION OF THE FAYETEVILLE FIRE TOWER TRAINING FACILITY. RESOLUTION NO. R2007-065

H. Consider Preliminary Resolution and Order to File and Publish a Preliminary Assessment Resolution for the Extension of the City's Water Distribution System in the Rim Road Area

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESMENT RESOLUTION FOR THE EXTENSION OF ITS WATER DISTRIBUTION SYSTEM IN A PORTION OF THE RIM ROAD AREA. RESOLUTION NO. R2007-066

I. Pulled at the request of Council Member Hurst.

J. Pulled at the request of Council Member Bates.

K. Approve the rezoning from R5 residential district to mixed-use district\conditional zoning to allow a family life center, senior housing living center and a health clinic for property located at 400 Campbell Avenue. Containing 5.672 acres more or less and being the property of Friendship Baptist Church. Case Number P07-75F.

L. Approve the rezoning from R5 residential district to mixed-use district\conditional zoning to allow a childcare facility, housing office, senior living center, single-family homes and duplexes for property located at the current Delona Garden site on Old Wilmington Road. Containing 7.91 acres more or less and being the property of the Fayetteville Metropolitan Housing Authority. Case Number P07-76F.

2.I. Consider Adoption of a Resolution Acknowledging Contracts with Hurst Annaho Supply Company

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ACKNOWLEDGING CONTRACTS WITH HURST ANNAHO SUPPLY COMPANY PURSUANT TO NCGS § 14-234. RESOLUTION NO. R2007-067

MOTION: Council Member Hurst moved that he be allowed to abstain from voting on Item 2.I.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Bates moved to approve Item 2.I.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

2.J. Approve the rezoning from R15 residential district to P2 professional district or to a more restrictive zoning classification for property located at 4704 Rosehill Road. Containing .48 acres more or less and being the property of Glenda and James Hobson. Case Number P07-73F.

MOTION: Council Member Bates moved to set a public hearing to consider rezoning to P4 as recommended by planning staff.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

3. PUBLIC HEARINGS:

A. Approve the rezoning from R6 residential district to C1 commercial district or to a more restrictive zoning classification for property located west of Strickland Bridge Road and south of Graham Road. Containing 2.00 acres more or less and being the property of Rodger and Letha Pierce. Case Number P07-70F.

Mr. Garner 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. Mr. Garner stated the applicant wishes to redevelop a former mobile home site to a commercial use and although the 2010 Land Use Plan map for the site suggests medium density residential uses, there are commercial and institutional uses in the area. Mr. Garner stated the Zoning Commission concurred with the applicant's request and recommend approval of the rezoning request.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:20 p.m.

Jerry Flood, 1133 Chestwood Drive, Fayetteville, NC appeared in favor and stated the property would be used for a professional office complex.

Joe Weston, 6516 Lagoon Drive, Fayetteville, NC appeared in favor and expressed the need for office space for 125 employees.

Jean Weston, 6516 Lagoon Drive, Fayetteville, NC appeared in favor and stated the request is for office space on one side and an after school program on the other side.

Deloris Leflore, 2111 Coinjock Circle, Fayetteville, NC appeared in opposition and expressed concern about further commercial development and traffic overflow.

Willie Jene Freeman, 2109 Coinjock Circle, Fayetteville, NC appeared in opposition and expressed concern for traffic problems.

At the request of Council Member Haire, Mr. Garner explained the differences between C1, P2 and P4 zoning. Mr. Garner stated under P2 and P4, offices would be a permitted use and an after school program would not be a permitted use but could be allowed with a Special Use Permit.

Council Member Crisp asked whether there were plans for a traffic density study on Stickland Bridge Road, what safeguards existed to prevent another trailer park from locating on the property and whether a site plan would show what is to be constructed on the property. Mr. Garner stated he was not aware of a traffic study, a request for an overlay district would have to come before Council for another mobile home park to locate on the property and P4 zoning would require a site plan.

There was no one further to speak and the public hearing closed at 7:26 p.m.

MOTION: Council Member Haire moved to rezone the property to P4.

Motion died due to lack of a second.

MOTION: Council Member Meredith moved to deny the rezoning request.

SECOND: Council Member Evans

Council Member Bates asked if a Special Use Permit would be required for an after school program under the current R6 zoning. Mr. Garner responded in the affirmative but stated office use would not be allowed under R6.

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

B. Consider an application by John Gillis for a Special Use Permit for a skilled nursing and rehabilitation center in an R5A residential district for vacant property located at the intersection of Old Bunce Road and Seventy-First School Road. Containing 18.5 acres more or less and being the property of Gillis Properties. Case Number P07-72F

Mr. Garner 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. Mr. Garner stated the applicant wishes to locate a skilled nursing and rehabilitation center at this location. Mr. Garner further stated this use is allowed on R5A residentially zoned property with approval by City Council of a Special Use Permit. Mr. Garner stated the Zoning Commission recommends approval of the nursing and rehabilitation center with conditions.

Council Member Bates asked about the required improvements for access to the facility from Seventy-First School Road following which Mr. Garner provided a review of the site plan and proposed turn lanes into the site.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:40 p.m.

Neil Yarborough, Attorney for Autumn Corporation, 115 E. Russell Street, Fayetteville, NC appeared in favor, provided an overview of the Autumn Corporation and Cape Fear Valley Health System joint venture project and stated the facility would address critical hospital step-down needs in the community.

Doug Suddreth, Vice President for Autumn Corporation, PO Box 1579, Morganton, NC, appeared in favor and provided an overview of the proposed facility to include capacity and design characteristics.

Don Curry, 3344 Hillsborough Street, Suite 250, Raleigh, NC appeared in favor and reviewed exhibits portraying the civil aspects of the project, specific site issues and coordination efforts with NCDOT and city staff.

Neil Yarborough, Attorney for Autumn Corporation, 115 E. Russell Street, Fayetteville, NC appeared in favor and asked Council to follow planning staff recommendations.

Nathaniel Patillo, Remington Homeowners Association, 6572 Foxberry Road, Fayetteville, NC appeared in opposition, expressed concern for traffic on Seventy-First School Road, kids walking to school without sidewalks and requested that the exit be located on Old Bunce Road.

Neil Yarborough, Attorney for Autumn Corporation, 115 E. Russell Street, Fayetteville, NC appeared in rebuttal and stated the property as currently zoned has the potential to generate 1,800 cars per day whereas the proposed facility will generate 320 cars per day and ameliorate potential traffic problems to Seventy-First School Road.

Nathaniel Patillo, Remington Homeowners Association, 6572 Foxberry Road, Fayetteville, NC appeared in rebuttal and reiterated his concerns regarding traffic on Seventy-First School Road and the safety of children who walk along the roadway to school.

There was no one further to speak and the public hearing closed at 8:05 p.m.

A brief discussion ensued regarding required locations for sidewalks under the preliminary site plan and possible construction of multifamily units under the current zoning.

MOTION: Council Member Meredith moved to approve the Special Use Permit for a skilled nursing and rehabilitation facility with the conditions as outlined and add conditions which would speak to the enhancement to Seventy-First School Road for traffic.

SECOND: Council Member Evans

Council Member Haire asked whether in lieu of sidewalk construction funds could be used to supplement construction of sidewalks on Seventy-First School Road. Mayor Chavonne stated consideration could be given once a specific site plan is submitted.

Mr. Teal clarified sidewalks would be required when remaining property abutting Bunce Road and Seventy-First School Road is developed.

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

C. Consider extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation by North Ramsey Partners, LLC. (Located on western side of Ramsey Street between Fairfield Farms subdivision and South River Electric Co-op)

Jimmy Teal, Planning Director, presented this item and stated the annexation petition is submitted in order to receive PWC water and sewer service as outlined in City Council Policy# 150.2. Mr. Teal stated the recommendation is to annex the property effective December 17, 2007.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 8:17 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ANNEXATION ORDINANCE NO. 2007-12-503

MOTION: Council Member Bates moved to adopt the annexation ordinance with an effective date of December 17, 2007.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

D. Consider a waiver to construct asphalt curbing rather than concrete curbing for the remaining unpaved streets in the James Creek and Scotts Mill subdivisions.

Mr. Teal stated Greg Floyd has constructed approximately 85% of the subdivision using asphalt curbing and wishes to complete the remaining 15% with asphalt curbing. Mr. Teal stated the county approved Mr. Floyd's plans in September 2005 allowing him to construct the subdivision with asphalt curbing through September 29, 2007. Mr. Teal further stated that beginning September 30, 2007, the two-year period expired and the required city standard is concrete curbing. Mr. Teal stated the Planning Commission recommends approval of the waiver.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 8:20 p.m.

MOTION: Council Member Meredith moved to approve the request as recommended by the Planning Commission.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

E. Consider a request for payment in lieu of sidewalk construction on River Road as requested by John Koenig.

Mr. Teal stated the subdivision ordinance and city council policy provides an opportunity for an individual to request payment in lieu of constructing the required sidewalk. Mr. Teal further stated Mr. Koenig's required sidewalk length abutting River Road is 930 feet and at \$33 per linear foot, provides a payment of \$30,690. Mr. Teal stated the Planning Commission recommends approval of the payment in lieu of request.

Council Member Crisp inquired about the existence of sidewalks along River Road. Mr. Teal responded there currently are no sidewalks on River Road.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:23 p.m.

John Koenig, 1713 Wilmington Highway, Fayetteville, NC appeared in favor and stated there will be over ten miles of sidewalks within the development and there will be additional sidewalks and walking trails in the conservation district along the river.

No one appeared in opposition and the public hearing closed at 8:25 p.m.

MOTION: Council Member Bates moved to deny the request for payment in lieu of sidewalk construction.

The motion died due to lack of a second.

MOTION: Council Member Massey moved to approve the request for payment in lieu of sidewalk construction.

SECOND: Council Member Meredith

Council Member Bates stated sidewalks should be constructed along River Road because of future development along the river.

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Chavonne, Evans, Haire and Bates)

F. Consider an amendment to the Fayetteville Code of Ordinances, Sections 30-107, 30-117 and 30-125, Zoning, to institute a separation of 500 feet from daycares, schools and places of worship from bars and adult entertainment establishments.

Mr. Teal stated City Council earlier this year requested a separation of daycares from bars. Mr. Teal stated the Planning Commission developed an ordinance separating daycares, schools and places of worship from bars and adult entertainment establishments with a 500-foot separation requirement. Mr. Teal further stated existing establishments within 500 feet would remain as legal non-conforming uses. Mr. Teal stated the Planning Commission recommends approval of the amendment.

In response to a question posed by Council Member Haire, Mr. Teal stated if a bar closed and did not reopen within one year and a daycare was located next to it, the bar could not reopen at that location and would be a legal nonconforming use under the proposed amendment.

Council Member Massey asked about the separation distance under state regulations. Mr. Teal responded the state requires 50 feet separation between bars and schools or daycares.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:30 p.m.

No one appeared in favor.

Benjamin Washington, 612 Rowan Street, Fayetteville, NC appeared in opposition and expressed concern about his ability to resell his business and gain financially should it become a nonconforming use on the 366th day.

There was no one further to speak and the public hearing closed at 8:33 p.m.

Mrs. Karen M. McDonald, City Attorney, and Mr. Teal responded to questions and provided clarification on the proposed ordinance amendment.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, ARTICLE VIII, ADVERTISING AND SIGN REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2007-038

MOTION: Council Member Haire moved to adopt the separation ordinance as recommended by the Planning Commission.

SECOND: Council Member Bates

In response to a question posed by Council Member Meredith, Mrs. McDonald stated a legal nonconforming use property could not be rebuilt were it to burn and suffer damages over 50%.

VOTE: UNANIMOUS (10-0)

G. Consider an amendment to the Fayetteville Code of Ordinances, Section 30-541, Planning Commission Membership, to add two alternates to the Planning Commission membership roster.

Mr. Teal stated the Planning Commission is requesting two alternate members to their roster so they will have a full complement of members whenever a regular member is absent from a meeting. Mr. Teal explained this would coincide with the membership roster for the Zoning Commission. Mr. Teal stated the Planning Commission recommends approval of the amendment.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 8:40 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, ARTICLE XVII, PLANNING ZONING COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. S2007-039

MOTION: Council Member Haire moved to follow the recommendation of the Planning Commission to adopt the ordinance amendment.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

4. A REPORT ON PROPOSED CHANGES TO THE RECREATION AND OPEN SPACE REQUIREMENT AS REQUESTED BY CITY COUNCIL

Mr. Teal presented this item and stated the City Council, at the August 6, 2007 work session, requested staff to look at increasing the amount of open space required and the method used for payment in lieu of providing open space. Mr. Teal explained the proposal includes increasing the required open space from 500 square feet to 800 square feet per residential unit, calculating payment in lieu of open space on post-development land value rather than pre-development land value and requiring city council approval for payment in lieu of open space for developments with greater than five units.

MOTION: Council Member Meredith moved to have staff bring the proposed changes to the earliest available work session for more detailed discussion.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5. REPORT ON DAM REPAIRS

Dale E. Iman, City Manager, reviewed the categories of private lakes and dams in Fayetteville and reviewed a proposed policy that outlined the city's participation in maintenance, repair and upgrades for each category. Mr. Iman stated the policy is meant to be sustainable, ongoing and affordable for the city and provide benefits and viable options for affected property owners of private dams. Mr. Iman defined affected property owners, with reference to the policy, as those individuals or other legal entities that own real property within the boundaries of the Municipal Service District (MSD) and are thereby subject to the special tax provisions of the MSD.

Mr. Iman summarized benefits to owners of private dams supporting city streets as contained in the proposed policy.

MOTION: Council Member Meredith moved to adopt the amendment to City Council Policy 125.1.

SECOND: Council Member Massey

Council Member Mohn asked whether there were state or federal funds available for properties within the national wetlands inventory. Mr. Iman stated there are no funds available at this time because the Department of Environment and Natural Resources (DENR) regulate

wetlands in North Carolina.

Council Member Bates asked how the affected property owners would be determined. Mr. Iman responded residents in the neighborhood would structure the boundaries for the creation of the MDS and determine who the affected property owners would be.

Council Member Massey asked whether stormwater funds could be utilized for dam repairs. Mr. Iman responded the \$43 million in stormwater projects identified when the stormwater fee structure was calculated did not include repairs to any dam structures within the city.

Council Member Crisp asked whether a minimum of 51% of the affected property owners in the Rayconda dam area would have to petition the City Council for the creation of a MSD. Mr. Iman responded in the affirmative and stated a public hearing would have to be held in accordance with state statute.

A brief discussion ensued about implementation of the policy relative to past dam repairs. Mr. Iman stated past dams still in need of repairs could apply for funds in accordance with the proposed policy.

VOTE: UNANIMOUS (10-0)

6. CONSIDER ADOPTION OF 2008 COUNCIL MEETING SCHEDULE

Mr. Iman asked that consideration of the 2008 Council Meeting Schedule be continued to the first meeting in January 2008.

MOTION: Council Member Haire moved to delay action on the calendar and move it to the first meeting in January.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

7. BOARDS AND COMMISSIONS

APPOINTMENTS

FAYETTEVILLE REDEVELOPMENT COMMISSION – 1 vacancy due to resignation of term to expire in December 2008 – 1 nomination made – 1 appointment needed

Carlos Swinger was appointed to a fill-in term by acclamation.

A brief discussion ensued regarding the attendance of board and commission members. Mrs. McDonald noted staff were working to address some of the concerns expressed by Council with regard to board and commissions.

FAYETTEVILLE REDEVELOPMENT COMMISSION – 1 vacancy – 1 nomination made – 1 appointment needed

Dineen Morton was appointed to a first term by acclamation

FAYETTEVILLE ZONING COMMISSION – 1 alternate vacancy – 1 nomination made – 1 appointment needed

Richard West was appointed to a second term alternate position by acclamation.

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.

PERSONNEL REVIEW BOARD – 3 vacancies – 2 nominations made – 1 nomination needed

Rose Marie Bonavia was nominated for a first term by Council Member Bates.

David H. Eckenrode was nominated for a first term by Council Member Haire.

NOMINATIONS – First Week

PUBLIC ARTS COMMISSION - 3 vacancies – 0 nominations made – 3 nominations needed

No nominations were made.

INFORMATION ITEMS:

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

2007 Taxes \$14,347,708.27
2007 Vehicle Taxes 430,547.64
2007 Revit 3,763.10
2007 Vehicle Revit. 562.51
2007 FVT 43,808.46
2007 Storm Water 480,673.83
2007 Fay Storm Water 724,225.31
2007 Annex... 35.56
2006 Annex \$38,064.55
2006 Taxes 31,680.99
2006 Vehicle Taxes 55,549.16
2006 Revit... 10.15
2006 Vehicle Revit... 12.53
2006 FVT 7,349.45
2006 Storm Water 2,251.68
2005 Taxes \$4,389.28
2005 Vehicle Taxes 2,679.07
2005 Revit..... 0.00
2005 Vehicle Revit..... 0.00
2005 FVT. 546.54
2005 Storm Water. 483.57
2004 Taxes. 532.94
2004 Vehicle Taxes. 901.48
2004 Revit..... 0.00
2004 Vehicle Revit..... 0.00
2004 FVT. 192.30
2004 Storm Water... 99.42
2003 and Prior Taxes 1,242.39
2003 and Prior Vehicle Taxes 2,976.30
2003 and Prior Revit..... 0.00
2003 and Prior Vehicle Revit..... 0.00
2003 and Prior FVT. 602.19
2003 and Prior Storm Water. 182.16
Interest 15,472.26
Interest (Revit)..... 3.71
Interest (Storm Water). 416.72
Interest (Fay Storm Water)..... 0.00
Interest (Annex). 908.14
Total Collections \$16,197,871.66
There being no further business, the meeting adjourned at 9:15 p.m.