

FAYETTEVILLE CITY COUNCIL

MINUTES

AUGUST 13, 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)(arrived 7:45 p.m.); Lois A. Kirby (District 5); Paul Williams (District 6); Curtis Worthy (District 7); Juanita Gonzalez (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

Lisa Smith, Chief Financial Officer

Jerry Dietzen, Solid Waste Management Director

Bobby Teague, Engineering and Infrastructure Director

Greg Caison, Stormwater Services Manager

Jimmy Teal, Planning Director

Kyle Garner, Planner

Steve Blanchard, PWC CEO/General Manager

Kenny Horne, PWC Purchasing Manager

Mick Noland, PWC Water Resource Chief Operating Officer

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Father Thomas Malloy, Saint Ann Catholic Parish, Fayetteville, NC followed by the Pledge of Allegiance to the American Flag led by Boy Scout Troop 598.

1. APPROVAL OF AGENDA

Mayor Chavonne requested the addition of a closed session for consultation with attorney.

MOTION: Mayor Pro Tem Massey moved to approve the agenda with the addition of a closed session for consultation with attorney.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (9-0)

2. PUBLIC FORUM

A. ANNOUNCEMENTS AND RECOGNITION

Council Member Evans congratulated Lula P. McLaurin on the occasion of her 100th birthday.

Council Member Gonzalez announced the Fayetteville Area Metropolitan Planning Organization was interested in hearing citizen concerns at their transportation meetings on Tuesday, August 14, 2007 from 3:30 p.m. to 7:30 p.m. at the Lake Rim Recreation Center and on Wednesday, August 15, 2007 from 3:30 p.m. to 7:30 p.m. at the North Regional Library.

B. COMMENT PERIOD

Mayor Chavonne requested an update from Karen M. McDonald, City Attorney, as a follow-up to the proposal presented by the Rayconda Homeowners and Lakeowners Associations for repairs to the Rayconda Dam. Mrs. McDonanld stated staff is evaluating the proposal to 1) determine the feasibility of creating a municipal service district (or districts) for this purpose, 2) property owners interest in creating a district (or districts) for this purpose and 3) the cost of the repair and maintenance of the dam to ensure the revenues generated from the districts are sufficient to cover the associated costs. Mrs. McDonald explained the manner in which support of property owners would be ascertained and subsequently relayed to Council for direction as whether to proceed with the statutory process of the creation of the municipal service district or districts.

Council Member Worthy asked if responses received from property owners would be available to the public. Mrs. McDonald responded the information would be provided to Council and would be public record.

Mayor Chavonne introduced the public comment period.

Ronnie Grubbs, 502 Setter Drive, Fayetteville, NC 28311 spoke to problems associated with private trash collection in the Foxwood Mobile Home Park and asked that the City of Fayetteville provide trash collection services to the mobile home park.

Brandy Burns, 502 Setter Drive, Fayetteville, NC 28311 expressed concern that her fiancé could not park his semi-truck at his residence in the Foxwood Mobile Home Park.

Enoch E. McNeill, Jr., 441 Moore Street, Fayetteville, NC 28301 spoke to transit needs of the handicapped and disabled and his ongoing frustrations associated with the same.

Derek Willmott, 2070 Hidden Forge Drive, Fayetteville, NC 28304 spoke in opposition to the establishment of a Municipal Service District (MSD) for improvements to the Rayconda Dam and asked that those not in favor of the MSD be afforded a choice.

Jimmie L. Brunson, 801 Rodie Avenue, Fayetteville, NC 28304 expressed concern for the illegal dumping of bulk yard waste in his neighborhood by the resident of 402 Rodie Avenue.

Steve Stanley, 2079 Hidden Forge Drive, Fayetteville, NC 28304 spoke in opposition to a loan for improvements to the Rayconda Dam and expressed concern regarding the numbers provided by the Associations indicating support of a loan.

Dirk Jimmison, 7773 Adrian Drive, Fayetteville, NC 28314 requested three-way stop signs and two speed humps per street for Adrian Drive, Loxley Drive and Hazelhurst Drive to slow speeders in the neighborhood.

Victoria Q. Castro, 7721 Siple Avenue, Fayetteville, NC 28304 expressed concern that additional taxes imposed under a MSD for improvements to the Rayconda Dam would affect the ability to sell the properties.

Robert Le McFall, 1005 Kaywood Drive, Fayetteville, NC 28311 requested three-way stop signs to deter speeders at the intersection of Kaywood Drive and Breckinridge Street and Kaywood Drive and Bluff Street and/or two speed bumps between Clyne Street and Breckinridge Street and between Breckinridge and Bluff Street.

Ronald D. Springfield, 9544 Gooden Drive, Fayetteville, NC 28314 expressed concern for traffic flow and speeders in the Lake Rim North community due to increased development in the subdivision and roadway connection to a mobile home park.

Carmencita E. Bost, 7909 Ancoun Drive, Fayetteville, NC 28304 spoke in opposition to a loan for repairs to the Rayconda Dam and additional taxes imposed for the same.

Heather Soto, 532 Setter Drive, Fayetteville, NC 28311 stated residents of the Foxwood Mobile Home Park need city trash pick up because they cannot afford services provided by Waste Management.

Jermel Meal, 523 Setter Drive, Fayetteville, NC 28311 requested city trash collection services for the Foxwood Mobile Home Park.

Mark A. Ledger, 430 Lionshead Road, Fayetteville, NC 28311 spoke to voter apathy and working together to improve the situation as election season approaches.

Larry D. Pittman, 7797 Adrian Drive, Fayetteville, NC 28314 expressed concern for speeders in the West Point Subdivision on Adrian Drive, Loxley Drive and Hazelhurst Drive and the danger they pose for children and pedestrians.

3. CONSENT:

Mayor Chavonne requested Item 3.C. pulled for an update from staff.

MOTION: Council Member Meredith moved to approve the agenda with the exception of Item 3.C.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (9-0)

A. Approve minutes:

1. Agenda Briefing Meeting held on July 19, 2007

2. **Regular Meeting held on July 23, 2007**

3. **Town Hall Meeting held on July 30, 2007**

B. Capital Project Ordinance 2008-3 (Western Area Neighborhood Park Project)

This ordinance will establish a project budget for the Western Area Neighborhood Park. The source of funds for this project is a \$800,000 General Fund transfer. These funds were included in the General Fund budget over a two-year period from FY2006 and FY2007. The budget will provide funding for the design, land acquisition and development of the park. The Parks and Recreation Department anticipates that the land will be acquired and the first phase of park development will be started in fiscal year 2008.

C. Pulled at the request of Mayor Chavonne.

D. Special Revenue Project Ordinance 2008-3 (Community Development Block Grant)

Appropriates fiscal year 2008 Community Development Block Grant of \$1,191,731 and program income of \$221,593. The funds will be utilized for operating expenditures and projects as outlined in the 2007-2008 action plan approved by City Council on April 23, 2007.

E. Special Revenue Project Ordinance 2008-4 (Home Grant)

Appropriates fiscal year 2008 Home Investment Partnership Program grant of \$689,730, a General Fund local match of \$77,594 and program income of \$169,114. The funds will be utilized for operating expenditures and projects as outlined in the 2007-2008 action plan approved by City Council on April 23, 2007.

F. Adopt Resolution to provide safe clean potable water to the residents in the Rim Road area

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO PROVIDE SAFE CLEAN POTABLE WATER TO THE RESIDENTS IN THE RIM ROAD AREA. R2007-044

G. Accept 2007 Federal Aviation Administration grant for the Fayetteville Regional Airport

H. Amendment No. 1 – Option and License Agreement with Nextel South Corporation

I. Stop Sign Ordinance

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. S2007-032

J. Miscellaneous Drainage Projects

K. Adopt Resolution to Preserve Our Natural Resources

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IN SUPPORT OF PRESERVING WATER THROUGH PROMPT RESPONSE TO WATER SYSTEM EMERGENCIES. R2007-045

L. Approve request for legal representation: *Joseph David Sirak v. Shawn Collins and Ken Holland*

3.C. Budget Ordinance Amendment for NCLM Conference

This budget ordinance amendment appropriates \$74,379 for host city expenditures for the 2007 North Carolina League of Municipalities Conference. The amendment is funded by community donations received and general funds budgeted, but unspent, in FY2007 for the conference. In total, the projected cost of the NCLM Conference is \$216,456, which will be offset by community contributions and NCLM reimbursements estimated at \$132,500, resulting in a net projected cost to the City of \$83,956.

Dale E. Iman, City Manager, reviewed the budget ordinance amendment and explained increased expenses had been offset by \$74,000 in revenue generated by fund raising from the corporate community, which lessened the net cost to the city.

MOTION: Council Member Worthy moved to approve the budget ordinance amendment for NCLM Conference as recommended.

SECOND: Council Member Kirby

In response to a question posed by Council Member Gonzalez, Mr. Iman explained contract arrangements with George Breece, NCLM Conference Event Coordinator, and resulting commitments received from Pope Air Force Base and the military.

VOTE: UNANIMOUS (10-0)

Mrs. McDonald clarified the resolution under Item 3.F. should reflect a date of July 30, 2007.

MOTION: Council Member Gonzalez moved to approve the resolution under Item 3.F. with the correct date of July 30, 2007.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (10-0)

4. PUBLIC HEARING:

A. Approve a request from Lamar Advertising to upgrade two legal non-conforming billboards on the south side of Bragg Boulevard between Bargain Street and 401 Bypass containing a total of six billboard faces in exchange for removing two billboards on Hillsboro Street near the Rowan Street Bridge and a billboard at the intersection of Bragg Boulevard and Martin Luther King, Jr. Freeway containing a total six billboard faces.

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 7:50 p.m.

MOTION: Council Member Bates moved to approve the upgrade for the billboards as recommended by the Planning Commission.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

ITEM 5. BOARDS AND COMMISSIONS:

APPOINTMENT

FAYETTEVILLE CITY ZONING COMMISSION – 1 alternate vacancy – 3 nominations made – 1 appointment needed

The nomination of Mikele Haywood was withdrawn.

Upon vote by Council, Jeannie Nelson was appointed for a first term alternate position.

NOMINATIONS

TAXICAB REVIEW BOARD– 1 alternate vacancy – 1 nomination needed – 0 nominations made

No nominations were made.

NOMINATIONS – First Week

BOARD OF ADJUSTMENT - 1 vacancy – 1 nomination needed – 0 nominations made

Mikele Haywood was nominated for a first term by Council Member Kirby.

INFORMATION ONLY – No Action Needed

SENIOR CITIZENS ADVISORY COMMISSION – 5 vacancies expiring in September 2007

FAIR HOUSING BOARD - 1 vacancy due to resignation of position expiring in November 2007

6. CONSIDER CLOSED SESSION FOR CONSULTATION WITH ATTORNEY

MOTION: Council Member Kirby moved to go into closed session for consultation with attorney.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:50 p.m.

MOTION: Council Member Meredith moved to reconvene in open session.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (10-0)

The regular session reconvened at 8:50 p.m.

INFORMATION ITEMS:

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

2006 Taxes.... \$581,991.52
2006 Vehicle Taxes 428,139.56
2006 Revit 1,245.33
2006 Vehicle Revit. 246.86
2006 Annex 137,526.66
2006 FVT 46,753.79
2006 Storm Water 31,453.94
2005 Taxes \$14,052.80
2005 Vehicle Taxes 36,550.17
2005 Revit..... 3.09
2005 Vehicle Revit..... 0.00
2005 FVT 5,162.96
2005 Storm Water 1,476.53
2004 Taxes 3,840.33
2004 Vehicle Taxes 3,100.54
2004 Revit..... 0.00
2004 Vehicle Revit..... 0.00
2004 FVT. 593.69
2004 Storm Water. 305.11
2003 Taxes 2,027.93
2003 Vehicle Taxes 1,288.74
2003 Revit..... 0.00
2003 Vehicle Revit..... 0.00
2003 FVT. 277.55
2003 Storm Water. 167.59
2002 and Prior Taxes 3,071.59
2002 and Prior Vehicle Taxes 3,619.82
2002 and Prior Revit..... 0.00
2002 and Prior Vehicle Revit..... 0.00
2002 and Prior FVT. 843.55
2002 and Prior Storm Water. 299.09
Interest 42,739.07
Interest (Revit)... 59.73
Interest (Storm Water) 1,545.22
Total Collections \$1,348,382.76

2. Statement of taxes collected for the month of April 2007 from the Cumberland County Tax Administrator.

2006 Taxes.... \$276,324.34
2006 Vehicle Taxes 420,721.60
2006 Revit. 730.80
2006 Vehicle Revit. 272.58
2006 Annex 52,262.39

2006 FVT 43,858.66
2006 Storm Water 14,747.69
2005 Taxes \$10,432.43
2005 Vehicle Taxes 14,007.96
2005 Revit..... 0.00
2005 Vehicle Revit..... 0.00
2005 FVT 1,966.31
2005 Storm Water. 879.18
2004 Taxes 2,452.71
2004 Vehicle Taxes 1,738.49
2004 Revit..... 0.00
2004 Vehicle Revit..... 0.00
2004 FVT. 403.50
2004 Storm Water. 243.96
2003 Taxes 1,339.33
2003 Vehicle Taxes 1,356.37
2003 Revit..... 0.00
2003 Vehicle Revit..... 0.00
2003 FVT. 237.79
2003 Storm Water. 119.22
2002 and Prior Taxes. 706.61
2002 and Prior Vehicle Taxes 2,802.83
2002 and Prior Revit..... 0.00
2002 and Prior Vehicle Revit..... 2.11
2002 and Prior FVT. 527.77
2002 and Prior Storm Water. 141.61
Interest 26,244.06
Interest (Revit)... 14.67
Interest (Storm Water). 894.56
Total Collections \$875,429.53

3. Statement of taxes collected for the month of May 2007 from the Cumberland County Tax Administrator.

2006 Taxes.... \$239,874.82
2006 Vehicle Taxes 475,023.65
2006 Revit. 102.70
2006 Vehicle Revit. 333.49
2006 Annex 28,491.50
2006 FVT 48,128.24
2006 Storm Water 11,714.07
2005 Taxes \$17,038.75
2005 Vehicle Taxes 7,202.12
2005 Revit..... 0.00
2005 Vehicle Revit..... 6.50
2005 FVT 1,418.48
2005 Storm Water. 831.82
2004 Taxes 2,977.16
2004 Vehicle Taxes 1,281.86
2004 Revit..... 0.00
2004 Vehicle Revit..... 0.00
2004 FVT. 245.82
2004 Storm Water. 174.60
2003 Taxes 1,204.78

2003 Vehicle Taxes. 763.80
2003 Revit..... 0.00
2003 Vehicle Revit..... 0.00
2003 FVT. 171.49
2003 Storm Water... 86.40
2002 and Prior Taxes 2,217.14
2002 and Prior Vehicle Taxes 2,883.80
2002 and Prior Revit..... 0.00
2002 and Prior Vehicle Revit..... 0.00
2002 and Prior FVT. 683.41
2002 and Prior Storm Water. 210.39
Interest 28,793.41
Interest (Revit)... 13.55
Interest (Storm Water). 883.31
Total Collections \$872,757.06

4. Statement of taxes collected for the month of June 2007 from the Cumberland County Tax Administrator.

2006 Taxes.... \$205,379.74
2006 Vehicle Taxes 423,616.39
2006 Revit. 113.08
2006 Vehicle Revit. 457.92
2006 Annex 23,852.17
2006 FVT 44,088.70
2006 Storm Water 9,268.40
2005 Taxes \$16,119.16
2005 Vehicle Taxes 6,152.29
2005 Revit..... 0.00
2005 Vehicle Revit..... 0.00
2005 FVT 1,150.48
2005 Storm Water 1,324.41
2004 Taxes 3,000.48
2004 Vehicle Taxes 1,547.32
2004 Revit..... 0.00
2004 Vehicle Revit..... 0.00
2004 FVT. 332.86
2004 Storm Water. 320.60
2003 Taxes 2,102.86
2003 Vehicle Taxes. 499.13
2003 Revit..... 0.00
2003 Vehicle Revit..... 0.00
2003 FVT. 169.32
2003 Storm Water. 145.03
2002 and Prior Taxes 2,060.30
2002 and Prior Vehicle Taxes 2,186.06
2002 and Prior Revit..... 0.00
2002 and Prior Vehicle Revit..... 0.61
2002 and Prior FVT. 371.36
2002 and Prior Storm Water. 327.02
Interest 27,097.56
Interest (Revit)..... 7.31
Interest (Storm Water) 1,006.32
Interest (Annex). 519.94

Total Collections \$773,216.82

5.Statement of settlement of taxes for the period from July 1, 2006 through June 30, 2007 from the Cumberland County Tax Administrator

Charge:

Charge Real/ Personal 2006 \$46,326,139.53
Charge 2006 Storm Water 2,233,398.00
Charge 2006 Vehicles 7,387,173.21
Charge 2005 Annexation in 2006 Charge 6,400,613.41
Added Charge Real/Personal 2006 523,146.79
Added Charge Storm Water 2006. 600.00
Added Charge Vehicles 2006 16,718.59
Added Charge Annexation 178,240.41
Fayetteville Gross Receipts Vehicle Tax Current Year 391,124.22
Total Interest Collected 335,205.34
Fayetteville Gross Receipts Vehicle Tax Interest..... .00
Total Discount .00
Total Charge \$63,792,359.50

Credits:

Deposit with Finance \$51,563,797.15
Annexation Taxes Deposited with Finance 6,048,816.52
Storm Water Deposited with Finance 2,203,667.16
Fayetteville Gross Receipts Vehicle Tax Current Year 391,124.22
Interest Deposited with Finance 335,205.34
Fayetteville Gross Receipts Vehicle Tax Interest .00
Subtotal..... 60,542,610.39
Releases Real/Personal and Vehicles Allowed..... \$ 997,821.75
Storm Water Releases Allowed. 276.00
Annexation Releases Allowed 6,029.61
Real/Personal and Vehicles Balance 1,711,559.22
Storm Water Balance 30,054.84
Annexation Balance 524,007.69
Adjustments .00
Subtotal..... 3,249,749.11
Total Credits \$63,792,359.50

Charge:

Real/Personal and Vehicles 2005 \$ 1,587,982.91
Real/Personal and Vehicles 2004 360,037.81
Real/Personal and Vehicles 2003 and Prior 1,767,588.50
Storm Water 2005 35,344.83
Storm Water 2004 13,763.80
Storm Water 2003 and Prior 33,193.90
Fayetteville Gross Receipts Vehicles Tax 1st Year Prior .00
Total Charge \$ 3,797,911.75

Barred by Statute:

Barred by Statute – Real/Personal \$ 18,563.28
Barred by Statute – Vehicles 156,794.30
Barred by Statute – Storm Water 1,572.00
Subtotal..... 176,929.58

Credit:

Real/Personal and Vehicles Collected 2005 \$ 1,040,969.15
Real/Personal and Vehicles Collected 2004 84,940.94
Real/Personal and Vehicles Collected 2003 and Prior 137,201.39

Storm Water Collected 2005 24,525.82
 Storm Water Collected 2004 7,538.01
 Storm Water Collected 2003 and Prior 10,367.35
 Fayetteville Gross Receipts Vehicle Tax 1st Year Prior .00
 Real/Personal and Vehicles Releases Allowed 2005 138,845.69
 Real/Personal and Vehicles Releases Allowed 2004 10,599.91
 Real/Personal and Vehicles Releases Allowed 2003 & Prior 11,375.07
 Storm Water Releases Allowed 2005... 24.00
 Storm Water Releases Allowed 2004... 12.00
 Storm Water Releases Allowed 2003 and Prior..... 0.00
 Real/Personal and Vehicles Balance 2005 408,168.07
 Real/Personal and Vehicles Balance 2004 264,496.96
 Real/Personal and Vehicles Balance 2003 and Prior 1,443,654.46
 Storm Water Balance 2005 10,795.01
 Storm Water Balance 2004 6,213.79
 Storm Water Balance 2003 and Prior 21,254.55
 Adjustment 0.00
 Subtotal..... 3,620,982.17
 Total Credits \$ 3,797,911.75

6. Statement of taxes collected for the month of July 2007 from the Cumberland County Tax Administrator.

2007 Taxes..... \$0.00
 2007 Vehicle Taxes 274,463.30
 2007 Revit..... 0.00
 2007 Vehicle Revit. 311.81
 2007 FVT 29,296.36
 2007 Storm Water..... 0.00
 2007 Fay Storm Water..... 0.00
 2006 Annex 9,696.46
 2006 Taxes..... \$60,746.36
 2006 Vehicle Taxes 177,323.06
 2006 Revit. 173.33
 2006 Vehicle Revit. 148.73
 2006 FVT 20,587.47
 2006 Storm Water 3,117.20
 2005 Taxes \$8,178.38
 2005 Vehicle Taxes 5,069.61
 2005 Revit..... 0.00
 2005 Vehicle Revit..... 0.00
 2005 FVT. 920.88
 2005 Storm Water. 540.72
 2004 Taxes 1,692.16
 2004 Vehicle Taxes. 983.52
 2004 Revit..... 0.00
 2004 Vehicle Revit..... 0.00
 2004 FVT. 298.22
 2004 Storm Water. 253.29
 2003 and Prior Taxes 2,438.51
 2003 and Prior Vehicle Taxes 2,324.68
 2003 and Prior Revit..... 0.00
 2003 and Prior Vehicle Revit..... 0.00
 2003 and Prior FVT. 522.27

2003 and Prior Storm Water. 257.43

Interest 16,157.29

Interest (Revit)... 13.74

Interest (Storm Water). 458.71

Interest (Fay Storm Water)..... 0.00

Interest (Annex). 219.20

Total Collections \$616,192.69

There being no further business, the meeting adjourned at 8:55 p.m.