

**FAYETTEVILLE CITY COUNCIL  
MINUTES  
AUGUST 25, 2008  
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); Bobby 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  
Kyle Sonnenberg, Assistant City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
Janet Smith, Assistant City Attorney  
B. E. (Benny) Nichols, Fire/Emergency Management Chief  
Jimmy Teal, Planning Director  
Bradley Whited, Airport Director  
Bobby T. Teague, Engineering and Infrastructure Director  
Greg Caison, Stormwater Division Manager  
James Alexander, Interim Inspection Director  
Jerry Dietzen, Solid Waste Management Director  
Jackie Tuckey, Communications Manager/Public Information Officer  
Steven Blanchard, PWC CEO/General Manager  
James Rose, PWC Chief Administrative Officer  
Joe Glass, PWC Water/Sewer Engineering Manager  
Gloria Wrench, Purchasing Manager  
Candice H. White, City Clerk  
Members of the Press

**INVOCATION - PLEDGE OF ALLEGIANCE**

The invocation was offered by Rev. Kenneth Wells, Rock Springs AME Zion Church, followed by the Pledge of Allegiance to the American Flag.

**1. APPROVAL OF AGENDA**

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

**SECOND:** Council Member Meredith

**VOTE:** UNANIMOUS (10-0)  
**2. CONSENT**

Council Member Bates requested Item 2.L. pulled for discussion.

**MOTION:** Council Member Evans moved to approve the consent agenda with the exception of Item 2.L.

**SECOND:** Council Member Massey

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

The following items were approved:

**A. Approve Minutes:**

**1. City Council Meeting Held on July 28, 2008**

**B. Adopt Capital Project Ordinance 2009-15 (Runway 4/22 Rehabilitation Project)**

This project ordinance will appropriate \$6,812,956 awarded by the Federal Aviation Administration (FAA) and a required local match from the Airport Operating Fund of \$358,577 for the Runway 4/22 rehabilitation project. Council initially approved a capital project budget for this project in June 2008, contingent upon receiving a federal grant for the project. Since the grant was not awarded as of June 30, 2008 (our fiscal year end), staff requests Council's approval of a new project ordinance to replace the one contingently approved in June.

**C. Accept additional Federal Aviation Administration grant funding and adopt Capital Project Ordinance Amendment 2009-6 (Airfield Lighting Vault Improvement Project)**

This summer, the Airport submitted a request to the FAA to increase its funding for the airfield lighting vault improvement project by \$144,370. In August 2008, the City received a letter from the FAA approving the additional funds. As a result of this funding, the City will be able to reduce its local share for the project by \$144,370. The total project budget will remain unchanged at \$2,116,409.

**D. Accept additional Federal Aviation Administration grant funding and adopt Capital Project Ordinance Amendment 2009-5 (Various Airport Projects included in AIP 30)**

In May 2008, the Airport submitted a request to the Federal Aviation Administration (FAA) to increase its funding for this project by \$103,693. In July 2008, the City received a letter from the FAA approving the additional funds. As a result of this additional funding, the City will be able to reduce its local share for the project by \$103,693. The total project budget will remain unchanged at \$3,568,108. The project includes several components such as the terminal building renovation project, terminal loop repaving, beacon replacement and airfield pavement condition study.

**E. Contract Award – Purchase of Two (2) 39,000 GVW Trucks with Flat Bed Dump Bodies**

Award contract in the amount of \$148,893.44 to Parks Chevrolet, Kernersville, NC, for the purchase of two (2) 39,000 GVW trucks with flat bed dump bodies.

**F. Consider Adoption of Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll**

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL. RESOLUTION NO. R2008-044**

**G. Consider Authorizing Waiver of Bid Process for Piggyback Purchase of Fire Fighting Apparatus**

Waive bid process and award to Triad Fire, Inc. equipment manufactured by Pierce Manufacturing in the amount of \$844,012.00.

**H. Adopt Ordinance Amendment to the Minimum Housing Ordinance**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTION OF CHAPTER 14, HOUSING, DWELLINGS, AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2008-014**

**I. Change of City Council Meeting Locations for September 8, 2008 and November 10, 2008**

**J. Approve Market House Banner Display/Sign Permit for the Annual Birthday Celebration of Fayetteville's namesake, the Marquis de Lafayette, from August 27 - September 7, 2008**

**K. Approve the rezoning from R10 residential district to C3 commercial district for property located at 660 South Reilly Road. Containing .48 acres more or less and being the property of Boomerang Holdings, LLC. Case Number P08-40F**

**L. Pulled at the request of Council Member Bates.**

**M. The following properties are found to contribute to blight in the neighborhood. After notice to the owners and their failure to repair or demolish the properties themselves, this action authorizes the City to demolish the property and place a lien against the property for the cost of that action. Staff has reviewed these properties and they are not listed on the National Register, not local landmark properties, or in the historic district.**

**1.416 Alfalfa Street (PIN 0447-04-9375); Pearl F. Taylor, Heirs**

**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. ORDINANCE NO. NS2008-019**

**2.112 Chase Street (PIN 0437-51-3483); Osley C. Boone, Heirs**

**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. ORDINANCE NO. NS2008-020**

**3.409 Gillespie Street (PIN 0437-51-8509); W. Edward Murphy, Jr.**

**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. ORDINANCE NO. NS2008-021**

**4.Sapona Road MHP (12 trailers) (PIN 0446-69-0426/0446-69-2273); Robert Pierce**

**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. ORDINANCE NO. NS2008-022**

**5.736 Topeka Street (PIN 0438-07-4244); Willie G. Smith, Melvin J. Smith & Samuel Smith, Heirs**

**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. ORDINANCE NO. NS2008-023**

**6. 1112 Turnpike Drive (PIN 0437-03-1242); Robert Virgil & Stella Virgil**

**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. ORDINANCE NO. NS2008-024**

**2.L. Approve the rezoning from PND Planned Neighborhood Development to C1P commercial district for property located at 402 McArthur Road. Containing .67 acres more or less and being the property of Dr. Frank Stout. Case Number P08-41F**

Mr. Teal called attention to the vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant owns a larger parcel next to this parcel that is zoned C1P and he wishes to rezone this smaller parcel to C1P. Mr. Teal further stated options for City Council are to rezone to C1P commercial district or set a public hearing.

**MOTION: Council Member Bates moved to deny the rezoning.**

Mayor Chavonne advised denial was not an allowable option.

**MOTION: Council Member Bates moved to set a public hearing.**

SECOND: Council Member Crisp

Council Member Mohn asked whether anyone had appeared in opposition to the rezoning at the Zoning Commission public hearing. Mr. Teal responded in the negative.

**VOTE: FAILED by a vote of 4 in favor (Council Members Bates, Crisp, Haire and Evans) to 6 in opposition (Council Members Chavonne, Hurst, Massey, Mohn, Meredith and Applewhite)**

**MOTION: Council Member Massey moved to approve the Zoning Commission's recommendation for C1P commercial district.**

SECOND: Council Member Meredith

Council Member Bates spoke to issues associated with a blind intersection on McArthur Road across from Oakmont.

**VOTE: PASSED by a vote of 6 in favor (Council Members Chavonne, Hurst, Massey, Mohn, Meredith and Applewhite) to 4 in opposition (Council Members Bates, Crisp, Haire and Evans).**

**3. PUBLIC HEARINGS:**

**A. Consider an application by C. Patrick Moore III for a special use permit for a mini-storage facility in a C1P commercial district for property located at 3650 Ramsey Street. Containing 5.35 acres more or less and being the property of Curtis and Jacqueline Dail. Case Number P08-42F**

Mr. Teal 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. Teal stated the applicant wishes to use the building that once housed the Kroger grocery store at the corner of Ramsey Street and Law Road for interior storage. Mr. Teal called attention to revised Zoning Commission minutes provided to Council and clarified the rear of the property would be used for storage and access would be from Law Road. Mr. Teal stated the Zoning Commission recommended approval with conditions.

Mr. Teal confirmed for Council Member Haire that the existing footprint would be maintained and access would be from Ramsey Street and Law Road.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:19 p.m.

After being sworn in, Patrick Moore, 4736 B, Highway 17 By Pass South, Myrtle Beach, SC 29588 appeared in favor, displayed renderings of the proposed site plan and explained structural changes to the initial site plan.

No one appeared in opposition and the public hearing closed at 7:20 p.m.

**MOTION: Council Member Bates moved to approve the Zoning Commission's recommendation for approval with conditions.**

SECOND: Council Member Meredith

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

**B. Consider an application by Sonya Brown for a special use permit for a daycare center in an R10 residential district for property located at 2756 Rosehill Road. Containing 3.0 acres more or less and being the property of Haymount Presbyterian Church. Case Number P098-43F**

Mr. Teal 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. Teal stated the applicant wishes to lease the former church daycare site to open a daycare business at that location. Mr. Teal further stated the Zoning Commission recommended approval with conditions.

Mr. Teal responded to questions regarding the required driveway permit process, the number of children per shift, and the former church daycare hours of operation.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:29 p.m.

After being sworn in, Sonya Brown, 636 Dowless Drive, Fayetteville, NC appeared in favor and stated there were working parents in the neighborhood who needed the additional afternoon care for their children.

No one appeared in opposition and the public hearing closed at 7:30 p.m.

Ms. Brown responded to questions regarding access to the daycare, the number of hours of operation in each shift, the number of children per shift, and safety issues such as lighting.

**MOTION: Council Member Massey moved to approve the special use permit based on the findings of fact not to exceed 7:00 p.m.**

Council Member Massey's motion died due to lack of a second.

**MOTION: Council Member Haire moved to follow the recommendation of the Zoning Commission with the findings of fact as outlined.**

SECOND: Council Member Bates

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

**C. Consider an application by Vernice Morris for a special use permit for a daycare center in an R10 residential district for property located at 811 Rock Spring Road. Containing .39 acres more or less and being the property of Vernice Morris. Case Number P08-44F**

Mr. Teal 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. Teal stated the applicant wishes to convert her house from a residence to a daycare. Mr. Teal further stated the Zoning Commission recommended approval with conditions. Mr. Teal reviewed the conditions. Mr. Teal responded to questions regarding the driveway plan, parking, and drop-off site. This is the advertised public hearing set for this date and time. The public hearing opened at 7:50 p.m.

After being sworn in, Johnathan Charleston, 201 Hay Street, Suite 201, Fayetteville, NC appeared in favor representing the owners of the subject property and stated the applicant was not seeking changes in the operation of the current daycare facility except to allow for employees and an increase in the number of children per shift.

After being sworn in, Bob Chappelle, 813 Rock Spring Road, Fayetteville, NC appeared in opposition and stated one property owner's use should not negatively impact on another property owner's use, enjoyment or value.

After being sworn in, Derrell L. Carter, 812 Rock Spring Road, Fayetteville, NC appeared in opposition and expressed concern that the Montclair area would become commercialized and the neighborhood would be lost.

After being sworn in, Stan Bettancourt, 818 Moriston Road, Fayetteville, NC appeared in opposition and expressed concern for increased traffic, traffic control, and parking.

After being sworn in, Charles E. Gregory, 815 Rock Spring Road, Fayetteville, NC appeared in opposition and expressed concern for traffic congestion and the safety of children in the area.

After being sworn in, Mike Darcy, 810 Rock Spring Road, Fayetteville, NC appeared in opposition and expressed concern for debris in front of the daycare, a vehicle blocking the sidewalk, and traffic problems in the neighborhood.

In rebuttal, Mr. Charleston stated the revised site plan provided for entering and exiting the property and there would be no appreciable changes to the current traffic patterns.

There being no one further to speak, the public hearing closed at 8:20 p.m.

Mr. Teal explained the difference between a permit to operate a daycare as an incidental home occupation and the operation of a daycare under a special use permit.

**MOTION: Council Member Meredith moved to deny the special use permit based on findings.**

SECOND: Council Member Bates

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

**D. Consider an amendment to the Fayetteville Code of Ordinances, Section 30, Zoning, to add regulations for the use, location and duration of temporary storage containers in residential zoning districts.**

Mr. Teal stated in 2008 City Council requested an ordinance regulating the location and duration of temporary storage containers (PODS) in residential districts. Mr. Teal provided an overview of the ordinance amendment as developed by the Planning Commission and stated recommendation was for approval. Mr. Teal reviewed options available to Council.

Council Member Bates stated he contacted a temporary storage container company to determine the date of delivery and the company refused to disclose the information. Council Member Bates asked whether the date of delivery could be placed on the units to better monitor the duration of the units.

Mr. Teal responded the idea had been proposed during the Planning Commission meeting; however, the Planning Commission opted not to require the date of delivery on the units based

on information provided during the public hearing.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:26 p.m.

Harold Kidd, 5401 Woodview Drive, Fayetteville, NC appeared in favor and stated the city and his company's customers could all live with the ordinance amendment as recommended by the Planning Commission.

No one appeared in opposition and the public hearing closed at 8:27 p.m.

At the request of Council Member Meredith, Mr. Teal clarified the options available to Council. Council Member Meredith inquired of Mr. Kidd whether fifteen days and fifteen days with a thirty-day extension would be prohibitive. Mr. Kidd responded from an accounting standpoint, it would be prohibitive and stated, in his opinion, thirty days did not seem to be an excessive period of time.

Council Member Applewhite questioned when the clock would begin ticking on the placement of a unit and also requested clarification of how citizen-drive complaints would be handled. Mr. Teal responded the clock would begin ticking at the time the POD was placed at a location and the company would verify the exact date of placement for citizen-driven complaints.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2008-015**

**MOTION: Council Member Meredith moved to approve and adopt the ordinance as recommended by the Planning Commission.**

SECOND: Council Member Mohn

**VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Massey, Haire and Applewhite)**

**E. Consider an amendment to the Fayetteville Code of Ordinances, Section 30, Zoning, to regulate the material and color of fences.**

Mr. Teal stated in 2008 City Council requested an ordinance regulating fence materials and the color of fencing. Mr. Teal reviewed highlights of the ordinance developed by the Planning Commission and stated nonconforming fences would be given one year to become conforming. Mr. Teal stated the Planning Commission's recommendation was for approval. Council Member Crisp inquired about the lack of a grandfather clause. Mr. Teal explained bracing on the outside of an existing fence would be grandfathered in and the one year would allow for nonconforming fences or fences constructed out of inappropriate materials to come into compliance. Mr. Teal noted a statement could be included in the ordinance to provide further clarification should Council so desire.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:38 p.m.

No one appeared in favor.

Trey McLean, 1233 Hunters Trail, Hope Mills, NC appeared in opposition representing his client who he stated had expressed concerns regarding the wording of the proposed ordinance, the negative impact on construction material innovation, building inspectors being given the discretion to approve nonlisted items, and the lack of grandfathering with regard to supporting slats.

Wendy Michener, 223 Hillside Avenue, Fayetteville, NC appeared in opposition, expressed concern that the ordinance was too massive to address such a small problem and stated there could be unintended consequences.

There was no one further to speak and the public hearing closed at 8:44 p.m.

At the request of Council Member Haire, Mr. McLean provided examples of materials that could be in violation of the ordinance as proposed.

Council Member Crisp inquired about the appeals procedure should the ordinance be enacted. Karen M. McDonald, City Attorney, responded decisions of the building inspectors could be appealed to the Board of Adjustment.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, ARTICLE VI, GENERAL DIMENSIONAL REGULATION OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2008-016**

**MOTION:** Council Member Meredith moved to adopt the ordinance as recommended by the Planning Commission with the one modification to allow supporting slats and bracing to be grandfathered in.

**SECOND:** Council Member Crisp

At the request of Council Member Applewhite, Mr. Teal explained how new construction materials could be incorporated into the ordinance.

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

**F. Consider an amendment to the Fayetteville Code of Ordinances, Section 16, Solid Waste, requiring an outdoor litter receptacle for any business operating a grocery store, a convenience store or an establishment selling food or beverages for consumption off the premise.**

Mr. Teal stated in 2008 City Council requested an ordinance requiring a litter receptacle outside of each exit for establishments selling food or beverages. M. Teal reviewed highlights of the proposed ordinance and a revised item (d), which would make it the responsibility of the Inspection Director to give notice to anyone violating the provisions of the ordinance.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 9:53 p.m.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 22, SOLID WASTE, CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2008-017**

**MOTION:** Council Member Haire moved to adopt the ordinance as presented with the modification to Item (d) as outlined.

**SECOND:** Council Member Hurst

Council Member Applewhite asked whether safety measures had been taken into consideration regarding the location of receptacles in proximity to buildings. Mr. Teal responded concerns would be addressed, should they occur, following adoption of the ordinance.

Council Member Meredith asked how businesses would be notified of the new ordinance. Mr. Teal responded building inspectors would contact businesses found to be in violation of the ordinance and give them a period of time to acquire the required receptacles.

**VOTE:** PASSED by a vote of 7 in favor to 3 in opposition (Council Members Evans, Haire and Applewhite)

**4. ADOPTION OF STORMWATER CONTROL ORDINANCE**

Greg Caison, Stormwater Division Manager, provided background information that led to the development of the stormwater control ordinance. Mr. Caison spoke briefly to work performed by the stakeholder's group, the Stormwater Advisory Board and city staff to address the expected requirements of the new NPDES permit and requirements to minimize future potential flooding. Mr. Caison called attention to Section 23-68.2(e) and recommended that the phrase "stormwater management facilities related to detention ponds and other BMPs constructed to meet the requirements of this ordinance" be added to clarify the intent. Mr. Caison stated the ordinance was presented and discussed at the City Council work session on August 4, 2008. Mr. Caison stated an effective date of January 1, 2009 was recommended.

Council Member Meredith asked whether the ordinance as revised following the public hearing had been reviewed with stakeholders and the Stormwater Advisory Board. Mr. Caison stated an opportunity for discussion had been provided but the stakeholder's group was not interested in additional regulations. Council Member Crisp expressed concern that Council had not been provided copies of minutes of the discussions. Mr. Caison responded to further questions. Mayor Chavonne asked that staff work to determine the specifics that are preventing consensus regarding the ordinance.

**MOTION: Council Member Applewhite moved to deny adoption of the ordinance to allow more time for discussion and for staff to return to City Council in ninety days.**

SECOND: Council Member Meredith

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

**5. CONSIDER APPOINTMENT OF A TASK FORCE TO STUDY AFFORDABLE AND SUSTAINABLE LOCATION OPTIONS FOR THE FAYETTEVILLE MUSEUM OF ART**

Mayor Chavonne called attention to an updated list of nominees for the Museum of Art Task Force. Ralph Huff, Mark Sternlicht and Meredith Stiehl were appointed from nominations provided by the Museum of Art Board of Directors; Wayne Riggins, Jeff Pettus and George W. Breece were appointed from nominations provided by the Arts Council; and David G. Wilson, Scott E. Baker and Linda Devore were appointed from nominations provided by the Fayetteville City Council.

**6. CONSIDER A FRANCHISE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND CUMBERLAND COUNTY FOR THE OPERATION OF A CONSTRUCTION AND DEMOLITION WASTE FACILITY AT THE EXISTING ANN STREET LANDFILL**

Harvey Raynor, Deputy County Attorney, stated following the public hearing before the City Council on August 11, 2008, Council moved to table the agreement to allow for further negotiations. Mr. Raynor addressed changes to the franchise agreement consistent with those negotiations to include a ten-year term with a possibility of two ten-year extensions and a thirty-day notice by the county to the city of any substantial amendments or modifications to its permit. Mr. Raynor stated the changes as presented would satisfy the county's immediate need.

**MOTION: Council Member Meredith moved to approve the first reading of the franchise agreement and place it on the September 22, 2008 agenda for a second reading.**

SECOND: Council Member Evans

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

**INFORMATION ITEM:**

**1. Statement of taxes collected for the month of July 2008 from the Cumberland County Tax Administrator.**

2008 Taxes.....	\$153,352.72
2008 Vehicle Taxes.....	286,610.18
2008 Revit.....	18.39
2008 Vehicle Revit.....	247.20
2008 FVT.....	28,840.00
2008 Storm Water.....	8,564.99
2008 Fay Storm Water.....	11,240.00
2008 Recycle Fee.....	13,655.03
2008 Annex.....	0.00
2007 Taxes.....	\$50,170.53
2007 Vehicle Taxes.....	168,396.65
2007 Revit.....	42.44
2007 Vehicle Revit.....	158.88
2007 FVT.....	19,285.82
2007 Storm Water.....	3,418.72
2007 Fay Storm Water.....	3,762.82
2007 Annex.....	0.00
2006 Annex.....	\$2,847.69
2006 Taxes.....	6,035.35
2006 Vehicle Taxes.....	5,260.23
2006 Revit.....	0.00
2006 Vehicle Revit.....	0.00
2006 FVT.....	872.30

2006 Storm Water.....	445.34
2005 Taxes.....	\$1,962.35
2005 Vehicle Taxes.....	1,464.46
2005 Revit.....	0.29
2005 Vehicle Revit.....	0.00
2005 FVT.....	261.26
2005 Storm Water.....	145.21
2004 and Prior Taxes.....	\$1,899.10
2004 and Prior Vehicle Taxes.....	3,268.65
2004 and Prior Revit.....	0.00
2004 and Prior Vehicle Revit.....	0.00
2004 and Prior FVT.....	533.04
2004 and Prior Storm Water.....	190.96
Interest.....	\$16,093.15
Interest (Revit).....	7.59
Interest (Storm Water).....	381.19
Interest (Fay Storm Water).....	194.16
Interest (Annex).....	79.94
Interest (Fay Recycling).....	0.00
Total Collections.....	\$789,706.63

There being no further business, the meeting adjourned at 9:35 p.m.