

**FAYETTEVILLE CITY COUNCIL  
MINUTES  
JANUARY 14, 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  
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  
Kenny Horne, Purchasing Manager  
Dwight Miller, PWC Chief Financial 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 Rev. Charles Mac, Associate Pastor of Hood Memorial AME Zion Church, followed by the Pledge of Allegiance to the American Flag.

**1. APPROVAL OF AGENDA**

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

SECOND: Council Member Meredith

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

**2. PUBLIC FORUM:**

**A. Announcements and Recognition**

Mayor Chavonne recognized Council Member D. J. Haire for his receipt of the City of Fayetteville's ten-year pin for his service on the Fayetteville City Council.

**B. Comment Period**

Mayor Chavonne opened the public comment period.

Gary Blackwell, B and B Towing, 4800 Jefferson, Hope Mills, NC 28348 spoke regarding oaths of office taken by police officers and elected officials.

Jose I. Cardona, 233 Addison Street, Fayetteville, NC 28314 spoke to his concerns regarding safety at railroad crossings and school crossings, the need for seating at bus stops and water shortages.

Moses Best, 1824 Broadell Street, Fayetteville, NC 28301 spoke to concerns associated with the school bus lineup on Seabrook and Jasper Roads and dirt streets off of Jasper Road.

Tom Lambeth, City Rescue Mission, 331 Adams Street, Fayetteville, NC 28301 expressed his concerns regarding the panhandling ordinance amendment under consideration.

Demetria Murphy, 705 Filter Plant Drive, Apt. 7, stated Fayetteville should ready itself with jobs, housing and food for persons soon to be released from prison as the result of a retroactive law.

Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28311 spoke to Council's incorporation of items into Fayetteville Forward that were brought before them by citizens. Mr. Ledger also spoke in favor of the panhandling ordinance and distinguishing between homelessness and problems associated with panhandling.

**3. CONSENT:**

Council Member Bates requested Item 3.H. pulled for discussion.

**MOTION:** Council Member Haire moved to approve the consent agenda with the exception of Item 3.H.

**SECOND:** Council Member Meredith

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

The following items were approved:

**A. Approve minutes:**

- 1. Regular Meeting on November 26, 2007
- 2. Special Meeting on November 30, 2007
- 3. Special Meeting Bus Tour on December 1, 2007
- 4. Special Inaugural Meeting on December 3, 2007
- 5. Special Meeting on December 6, 2007
- 6. Agenda Briefing Meeting on December 13, 2007
- 7. Regular Meeting on December 17, 2007

**B. Capital Project Ordinance Closeout 2008-18 (Brownsfield Assessment Demonstration Pilot Project)**

Staff requests Council approval to close this project budget. This budget was first established in 1997 when the US Environmental Protection Agency awarded a grant to the City to work with the state and federal governments to find creative solutions to some of the environmental issues affecting the redevelopment of the City's downtown. This grant project has been completed and is ready for closure. The revenues and expenditures associated with this project have been audited. The attached closeout ordinance summarizes the budgeted and actual revenues and expenditures for this project.

**C. Capital Project Ordinance Amendment 2008-7 (Appropriation of Investment Income from Bond Proceeds and Funds from CSX for Street Construction and Associated Drainage Improvements)**

This amendment will appropriate an additional \$35,000 of actual and projected investment earnings on bond proceeds and a \$10,000 CSX

Transportation contribution for the Ray Avenue extension and related drainage system improvements. If approved, the revised budget will be \$3,125,696. The majority of the funds have been used for street improvements in the Center City Industrial Park.

**D. Capital Project Ordinance Amendment 2008-8 (Appropriation of Investment Income from Bond Proceeds for Street Improvements)**

This amendment will appropriate an additional \$10,000 of actual and projected investment earnings on bond proceeds, resulting in a total project budget of \$4,973,074. The income generated by the investment of the bond proceeds must be spent on street improvements and related bond administration expenses. To date, the City has used approximately \$4.72 million approved through this project budget for infrastructure improvements in the Phase 4A and 4B annexation areas. These projects have been completed and approximately \$250,000 remains that is available to be spent on street improvements in the City. The Engineering and Infrastructure Department propose to use the funds for street resurfacing.

**E. Tax Refunds Greater Than \$100**

	BILL NO.	YEAR	BASIS	CITY REFUND
nd Presbyterian h	2440244	2004-2006	Corrected Assessment	\$2,0
ll, Dagmar and nd James	2666170	2005	Clerical Correction	\$ 2
L				\$2,2

**F. Bid Recommendation – Purchase of one (1) 35,000 lb. Rubber Tire Loader**

Award bid to Rob's Hydraulics, Inc., Grimesland, NC low bider in the total amount of \$117,128.14 for purchase of one (1) 35,000 lb. rubber tire loader.

Bids were received as follows:

Rob's Hydraulics, Inc. (Grimesland, NC).....	\$117,128.14
Interstate Equipment Co. (Cary, NC).....	\$118,480.00
Southland Rental and Supply Co. (Fayetteville, NC).....	\$127,430.00
R. W. Moore Equipment (Garner, NC).....	\$130,500.00
Briggs Construction Equipment, Inc. (Greensboro, NC).....	\$133,586.00
Interstate Equipment Co. (Cary, NC).....	\$142,657.00
ASC Construction Equipment (Garner, NC).....	\$143,900.00
H&E Equipment Services (Raleigh, NC).....	\$155,677.00
Gregory Poole Equipment (Hope Mills, NC).....	\$156,300.00

**G. Ordinance Amendment Changing Deadline for Agenda Item Submissions**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-3, ORDER OF BUSINESS, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2008-001**

H. Pulled at the request of Council Member Bates.

**3.H. Consider Resolution to Adopt 2008 Council Meeting Schedule**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2008 CITY COUNCIL MEETING DATES CALENDAR. RESOLUTION NO. R2008-001**

**MOTION: Council Member Bates moved to approve the schedule and change the Agenda Briefing meetings from Thursdays to Wednesdays.**

SECOND: Council Member Meredith

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

**4. CONSIDER ADOPTION OF A BOND ORDER AUTHORIZING AND APPROVING THE ISSUANCE AND SALE UNDER THE PROVISIONS OF THE STATE AND LOCAL GOVERNMENT REVENUE BOND ACT, AS AMENDED, OF NOT EXCEEDING \$18,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, PUBLIC WORKS COMMISSION REVENUE BONDS, SERIES 2008 TO PROVIDE FUNDS FOR VARIOUS WATER AND SEWER CAPITAL IMPROVEMENTS AND DIRECTING THE AUTHENTICATION AND DELIVERY OF THE SERIES 2008 BONDS TO THE UNDERWRITER.**

Lisa Smith, Chief Financial Officer, provided an overview of the bond order and stated the PWC adopted a resolution on January 9, 2008 approving the terms of the bond order and requesting that Council approve up to \$18 million in bonds for sewer construction to fund a portion of Annexation Phase V, Project 1, along with other water and wastewater system projects. Mrs. Smith stated the bond order amends the original bond order that governs all of the PWC revenue bonds and general obligation bonds and is intended to provide greater flexibility to the PWC by allowing the City and the PWC to mutually determine and agree upon the amount that will be transferred by the PWC to the City. Mrs. Smith explained the bond rating upgrade that accompanied the bond issue.

**MOTION: Council Member Massey moved to adopt the bond order and proceed with the bond sale.**

SECOND: Council Member Bates

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

**5.AWARD CONTRACT IN THE AMOUNT OF \$490,663.50 FOR SOIL STREETS BOND PAVING PROJECT – GROUP #3 TO THE LOW BIDDER, HIGHLAND PAVING CO., FAYETTEVILLE, NC**

Bids were received as follows:

Highland Paving Co. (Fayetteville, NC).....	\$490,663.50
Hine Siteword, Inc. (Goldsboro, NC).....	\$514,550.45

Triangle Grading and Paving (Burlington, NC).....\$537,266.50

Barnhill Contracting (Fayetteville, NC).....\$546,153.95

Dale E. Iman, City Manager, stated streets to be paved are Oscar Street, Church Street, Seminole Drive, Meeting Street, Milan Road and Ray Avenue Extension. Mr. Iman stated the recommendation is to award the bid to Highland Paving Co., Fayetteville, NC, the lowest responsive, responsible bidder, in the amount of \$490,663.50, for the 2005 soil streets bond paving project – group #3. Mr. Iman explained this is part of a three-year commitment made by City Council to eliminate all dirt streets under the City's jurisdiction by 2010. Mr. Iman briefly reviewed future paving plans for 2008.

In response to a question posed by Council Member Massey, Mr. Iman clarified that the city cannot pave streets that are not City property and not designated as City right-of-way.

Council Member Applewhite asked whether private property owners would have an opportunity to have their streets paved. Mr. Iman responded in the affirmative and stated information could be made available to anyone interested. Mr. Iman pointed out Community Grant Block Grant funds were available to assist qualifying property owners.

**MOTION: Council Member Meredith moved to award the contract according to staff recommendation.**

SECOND: Council Member Haire

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

## **6. STRATEGIC PLAN SECOND QUARTER REPORT**

**Doug Hewett, Assistant City Manager, reviewed the elements of the strategic plan and provided an overview of progress made and anticipated actions for the following targets for action.**

**Policy Agenda – Top Priority:**

**Stormwater Management**

**Panhandling Strategy and Actions**

**Economic Development Incentive**

**HOPE VI Grant**

**University Link to Downtown**

**Zoning Ordinance and Subdivision Regulation**

**Consolidated City-County Transportation Study**

**Military Business Park**

**Corridor Study and Overlay Ordinance**

**Municipal Influence Area (MIA)**

**Downtown Parking Report and Action**

**Condos/Townhomes Solid Waste Reimbursement**

**Council Member Haire asked that consideration be given to a shuttle system to link the university and downtown areas.**

**In response to questions posed by Council Member Evans regarding transit studies, Mayor Chavonne explained staff would provide an action plan for operation of the current transit system. Council Member Bates explained there are two separate studies underway and the contract for the regional transportation study had been approved and was awaiting state approval.**

**Council Member Haire asked whether a portion of Murchison Road was being considered as a location for Phase II of the Military Business Park. Mr. Hewett stated Murchison Road has always been thought of as an ideal location for additional expansion of the Military Business Park following the opening of Phase I.**

**Management Agenda:**

**City's Economic Development Policy and Structure**

**Inspection Coordination**

**Performance-Based Evaluation and Coordination**

**Street Safety Action Plan**

## **Marketing - Telling the City's Positive Story**

At the request of Mayor Chavonne, Mr. Hewett provided an update on the Civilian Crash Investigators, traffic initiatives, citations issued and checkpoints located throughout the City. Mr. Iman provided statistics for 2007 for speeding violations, fatalities and accidents and explained proactive measures being taken to address speeding in neighborhoods.

At the request of Council Member Haire, Mr. Iman spoke to collaborative arrangements made between the city police and military officials with regard to moving violations. At the request of Council Member Crisp, Mr. Hewett explained grants pursued for gang intervention and the collaborative use of grants by the City and County. Mr. Iman also explained the City was at the national average for the retention of police officers and recruitment efforts were about the same.

### **Intergovernmental Agenda:**

**BRAC Strategy**

**Air Quality Non Attainment**

**City-County Parks and Recreation Funding Source**

**2030 Comprehensive Plan**

**City-County Consolidation Study**

**Public Safety Radio System**

**Fort Bragg Annexation**

Council Member Mohn expressed concern for the possible creation of an additional tax district for parks and asked that the City-County Parks and Recreation Commission consider some other funding plan.

**MOTION: Council Member Evans moved to approve the report.**

**SECOND: Council Member Meredith**

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

## **7.APPOINTMENTS TO MURCHISON CORRIDOR STUDY TASK FORCE**

Karen Hilton, Assistant Planning Director, provided a brief overview of the Murchison Corridor project to include community and Task Force involvement. Mrs. Hilton reviewed a list of persons nominated to the Murchison Corridor Study Task Force as follows: Dorothy Fielder, Theo DeBose, Sharon King, Julian D. Brown, Elmer Floyd, Chris Harris, Adam Beyah, Tripp Jones, Rev. Aaron Johnson, Allen W. Rogers, Lula Crenshaw, Dr. Melvin Henderson, Barbara Melvin, Dr. James Carson, Glen Prillaman and Rudy Gardenas. Council Member Massey asked that Moses Best be considered as an alternate.

**MOTION: Council Member Massey moved to approve the attached list with the addition of Mr. Moses Best as an alternate.**

**SECOND: Council Member Mohn**

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

## **8. ORDINANCE AMENDMENTS FOR REGULATING PANHANDLING**

Karen M. McDonald, City Attorney, stated since presentation of the proposed ordinance amendments to Council at the January 7, 2008 work session, staff realized the ordinance did not address solicitations for food or employment and have amended the definition of beg, solicit and panhandle to also include contributions for food and employment. Mrs. McDonald emphasized the ordinance does not eliminate panhandling but seeks to place reasonable restrictions on how panhandling is conducted in the city. Mrs. McDonald further emphasized the ordinance amendment is the first step in a three phase approach. At the request of Mayor Chavonne, Mrs. McDonald reviewed restrictions placed on panhandling under the proposed amendment and the resulting affect it would have on the revitalized downtown area.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2008-003**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 15, LICENSES, OF THE CODE OF ORDINANCES OF THE CITY OF**

**FAYETTEVILLE. ORDINANCE NO. S2008-002**

**MOTION: Council Member Meredith moved to adopt the attached ordinance amendment.**

SECOND: Council Member Haire

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

**9. CLOSED SESSION FOR CONSULTATION WITH ATTORNEY**

**MOTION: Council Member Haire moved to go into closed session for Consultation with Attorney.**

SECOND: Council Member Meredith

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

The regular session recessed at 8:15 p.m.

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

SECOND: Council Member Bates

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

The regular session reconvened at 9:03 p.m.

**INFORMATION ITEMS:**

**1. Report of tax refunds less than \$100**

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
First Presbyterian Church of Fayetteville Trustees	0024840	2006	Clerical Correction	22.32
First Presbyterian Church of Fayetteville Trustees	0024858	2006	Clerical Correction	34.91
First Presbyterian Church of Fayetteville Trustees	0024874	2006	Clerical Correction	39.14
Price, Naomi Eppler	6047422	2006	Corrected Assessment	39.49
TOTAL				\$135.86

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

2007 Taxes.....	15,642,685.53
2007 Vehicle Taxes.....	453,903.87
2007 Revit.....	26,983.12
2007 Vehicle Revit.....	631.19
2007 FVT.....	46,194.82
2007 Storm Water.....	766,985.59
2007 Fay Storm Water.....	1,115,012.95
2007 Annex.....	266.40
2006 Annex.....	\$46,378.30
2006 Taxes.....	25,143.23
2006 Vehicle Taxes.....	45,674.33
2006 Revit.....	0.00
2006 Vehicle Revit.....	0.14
2006 FVT.....	5,969.44
2006 Storm Water.....	1,809.58
2005 Taxes.....	\$3,225.12

2005 Vehicle Taxes.....	1,547.59
2005 Revit.....	0.00
2005 Vehicle Revit.....	0.00
2005 FVT.....	343.08
2005 Storm Water.....	563.72
2004 Taxes.....	876.00
2004 Vehicle Taxes.....	303.40
2004 Revit.....	0.00
2004 Vehicle Revit.....	0.00
2004 FVT.....	130.00
2004 Storm Water.....	137.14
2003 and Prior Taxes.....	941.56
2003 and Prior Vehicle Taxes.....	2,088.38
2003 and Prior Revit.....	0.00
2003 and Prior Vehicle Revit.....	0.00
2003 and Prior FVT.....	542.43
2003 and Prior Storm Water.....	562.84
Interest.....	14,066.88
Interest (Revit).....	13.50
Interest (Storm Water).....	625.35
Interest (Fay Storm Water).....	0.00
Interest (Annex).....	372.04
Total Collections.....	\$18,203,977.52

There being no further business, the meeting adjourned at 9:05 p.m.