

**FAYETTEVILLE CITY COUNCIL
MINUTES
FEBRUARY 11, 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: Kyle Sonnenberg, Assistant City Manager
Stanley Victrum, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
B.E. (Benny)Nichols, Fire/Emergency Management Chief
Lisa Smith, Chief Financial Officer

Victor Sharpe, Community Development Director
Robert Barefoot, Parks and Recreation Director
Kenny Horne, Purchasing Manager
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. Dr. Joseph Brown, Pastor of Evans Metropolitan A.M.E. Zion Church. Students from Terry Sanford Senior High School led the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

Karen M. McDonald, City Attorney, requested the addition of a closed session for Consultation with the Attorney.

MOTION: Council Member Meredith moved to approve the agenda with the addition of a closed session for Consultation with the Attorney as Item 5.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne extended best wishes for a speedy recovery to Dale E. Iman, City Manager. Mayor Chavonne congratulated Andrew Barksdale, reporter with the Fayetteville Observer, on his recent engagement of marriage.

B. Comment Period

Mayor Chavonne opened the public comment period.

Harmony Sell, 403 Dunn Road, Fayetteville, NC 28301 expressed concern for child abuse.

Alvin Howe, Local Census Bureau, 3611-B Ramsey Street, Fayetteville, NC 28311 asked for support of the 2008 census Dress Rehearsal and provided a toll-free number for persons interested in working with the census.

Emilie Helms, Fayetteville Area Metropolitan Planning Organization (FAMPO), 130 Gillespie Street, Fayetteville, NC 28301 shared copies of the booklet "Be Aware of Our Air" and thanked Council for their support of the Early Action Compact.

Jay Hatch, 833 Shaw Mill Road, Fayetteville, NC 28311 expressed concern regarding solid waste services.

Albert Bryant, 927 (illegible), Fayetteville, NC shared recommendations for improving the Fayetteville Area System of Transit (FAST).

Clinton Harris, 4713 Watauga Road, Fayetteville, NC 28304 spoke regarding plans to bring quality education to Fayetteville.

James Earl Cook, homeless, spoke to the need to lead children because they are our next generation.

Roosevelt Smith, 25 Barons Run, Spring Lake, NC 28399 stated he would like to be part of the homeless solution and suggested that a think-tank be organized.

Tom Lambeth, City Rescue Mission, 331 Adams Street, Fayetteville, NC 28301 invited Council Members to visit the City Rescue Mission and asked them to make homelessness a priority.

Walter Murphy, 7022 Timbercroft Lane, Fayetteville, NC 28314 questioned how life had been made better by annexation.

Moses Best, 1824 Broadell Drive, Fayetteville, NC 28301 expressed concern for crime and the need for a library in the Murchison Road area.

Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28311 complimented Council on their performance under Fayetteville Forward and shared words of encouragement from past presidents.

3. CONSENT:

Mayor Chavonne called attention to a modified 2008 City Council Meeting Dates calendar, which included the addition of joint meetings with the Board of County Commissioners on April 8, 2008 and October 14, 2008, and proposed that it be accepted as modified for Item 3.M. Council Member Haire requested Items 3.C., 3.G. and 3.I. pulled for discussion.

MOTION: Council Member Bates moved to approve the consent agenda with the exception of Items 3.C., 3.G. and 3.I. and with the modifications previously noted to Item 3.M.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve Minutes:

- 1. Minutes of January 7, 2008 Work Session Meeting**
- 2. Minutes of January 14, 2008 Regular Meeting**
- 3. Minutes of January 22, 2008 Special Meeting**
- 4. Minutes of January 23, 2008 Agenda Briefing Meeting**

B. Consider Increase in Authorized Spending Limit for the Transfer of Land to the Museum of Art

C. Pulled at the request of Council Member Haire

D. Bid Recommendation - Purchase One (1) 39,000 GVWR Cab and Chassis with 60' Boom Aerial Device and Forestry Body

Award bid for purchase of one (1) 39,000 GVWR Cab and Chassis with 60' Boom Aerial Device and Forestry Body (with the option to purchase additional units within a one-year period upon the agreement of both parties) to Altec Industries, Birmingham, Alabama in the total amount of \$154,123.00.

Bids were received as follows:

Altec Industries (Birmingham, AL)	\$154,123.00
Terex Utilities (Glen Allen, VA)	\$170,726.00

E. Bid Award for One Year Contract for Purchase of Approximately 485 Remote Disconnect Devices

Award a one-year contract for purchase of approximately 485 Remote Disconnect Devices (with the option to extend contract for additional one-year period(s) upon agreement of both parties) to Nighthawk Systems, San Antonio, Texas in the total amount of \$95,060.00.

Bids were received as follows:

Nighthawk Systems (San Antonio, TX) \$95,060.00

Dialight BLP c/o Harvey Plexico, Inc. (Columbia, SC) \$108,155.00

F. Bid Award for Purchase of One (1) Sanitary Service Unit

Award purchase of one (1) Sanitary Service Unit (with the option to purchase additional units within a one-year period upon the agreement of both parties) to Adams Equipment Co., Inc., Lexington, South Carolina in the amount of \$277,782.50.

Bids were received as follows:

Adams Equipment Co., Inc. (Lexington, SC) \$277,782.50

G. Pulled at the request of Council Member Haire.

H. Joint Facilities Use Agreement Between City and Cumberland County Board of Education

I. Pulled at the request of Council Member Haire.

J. Adopt Resolution Pursuant to N.C.G.S. 160A-31 Setting February 25, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Armstrong Property – Located on the Western side of Glensford Drive, Between Campground and Red Tip Roads)

ADOPT RESOLUTION PURSUANT TO N.C.G.S. 160A-31 SETTING FEBRUARY 25, 2008 AS A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA (ARMSTRONG PROPERTY – LOCATED ON THE WESTERN SIDE OF GLENSFORD DRIVE, BETWEEN CAMPGROUND AND RED TIP ROADS). RESOLUTION NO. R2008-007

K. Adopt Resolution Pursuant to N.C.G.S. 160A-31 Setting February 25, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Gates Four – Section 1 – Located on the Eastern side of Dundle Road, Across from Grimes and Heatherbrook Roads)

ADOPT RESOLUTION PURSUANT TO N.C.G.S. 160A-31 SETTING FEBRUARY 25, 2008 AS A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA (GATES FOUR – SECTION 1 – LOCATED ON THE EASTERN SIDE OF DUNDLE ROAD, ACROSS FROM GRIMES AND HEATHERBROOK ROADS). RESOLUTION NO. R2008-008

L. Adopt Resolution Pursuant to N.C.G.S. 160A-31 Setting February 25, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Faircloth/Huggins Property – Located on the Northwestern side of LA Dunham Road, Between Encore and Division Drives)

ADOPT RESOLUTION PURSUANT TO N.C.G.S. 160A-31 SETTING FEBRUARY 25, 2008 AS A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA (FAIRCLOTH/HUGGINS PROPERTY – LOCATED ON THE NORTHWESTERN SIDE OF LA DUNHAM ROAD, BETWEEN ENCORE AND DIVISION DRIVES). RESOLUTION NO. R2008-009

M. Consider Revision to 2008 Council Meeting Schedule

3.C. Authorize the Mayor to Execute a Contract with Cherry, Bekaert and Holland to Audit Accounts for Fiscal Year 2007-2008

Council Member Haire asked whether the contract involved minority participation and whether the City received a discount since Cherry, Bekaert and Holland also performed the audit for the Public Works Commission. Lisa Smith, Chief Financial Officer, responded the service had been put out to bid and the fee was combined. Mrs. Smith stated Cherry, Bekaert and Holland had a contract with a minority Certified Public Accountant (CPA) who would work with the audit under the current agreement.

MOTION: Council Member Haire moved to authorize the Mayor to execute the contract with Cherry, Bekaert and Holland to audit accounts for fiscal year 2007-2008.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

3.G. Consider an Ordinance of the City Council of the City of Fayetteville Granting a Gas Franchise to Piedmont Natural Gas Company, Inc.

Council Member Haire asked whether Council could request the extension of gas lines in certain places. Mrs. McDonald explained the Utility Commission regulates gas and Council cannot impose any type of requirements on the gas company as a part of the franchise.

MOTION: Council Member Haire moved to approve the ordinance granting a gas franchise to Piedmont Natural Gas Company, Inc.

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (10-0)

3.I. Accept Property Located at 913 Person Street (Formerly Hope Center Homeless Shelter) From the North Carolina Housing Finance Agency

Victor Sharpe, Community Development Director, provided an overview of the homeless shelter at the request of Council Member Haire and also explained providers who respond to the request for proposal would be given an opportunity to indicate who they propose to target in the homeless population.

MOTION: Council Member Crisp moved to accept the property from the North Carolina Housing Finance Agency.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

4. FEDERAL/STATE LEGISLATIVE AGENDA

A. Consider a Resolution Requesting Legislative Delegation Support for a Local Act to Allow Greater Investment Authority for Post Employment Benefit Funds Held In Trust

Mrs. Smith presented this item and explained the request was for Council to support a resolution asking the local delegation to offer a bill that would allow the city to expand its investment authority for any funds held in trust for post-employment benefits. Mrs. Smith explained many governments across the United States are interested in establishing trust funds for healthcare benefits offered to retirees. Mrs. Smith responded to questions and explained the flexibility the bill would allow local jurisdictions.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, REQUESTING LEGISLATIVE DELEGATION SUPPORT FOR A LOCAL ACT TO ALLOW GREATER INVESTMENT AUTHORITY FOR POST EMPLOYMENT BENEFIT FUNDS HELD IN TRUST. RESOLUTION NO. R2008-010

MOTION: Council Member Meredith moved to approve the attached resolution of support.

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

B. 2008 Federal Legislative Agenda

Doug Hewett, Assistant City Manager, provided an overview of the draft federal legislative agenda and explained it was based on needs identified by the City in partnership with the Cumberland County Business Council (CCBC) and Cumberland County. Mr. Hewett outlined the issues and projects for 2008 and explained legislative issues to be shared with the North Carolina General Assembly were not included as staff were researching items to be presented to them when they convene in May 2008. Mr. Hewett responded to questions and a brief discussion ensued.

Council Member Massey stated for the record he wanted to thank Council Member Haire for his efforts in exploring a new revenue source in 2005.

MOTION: Council Member Bates moved to approve the 2008 Federal Legislative Agenda.

SECOND: Council Member Crisp

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

5. CLOSED SESSION FOR CONSULTATION WITH ATTORNEY

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

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

The regular session recessed at 8:05 p.m.

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

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

The regular session reconvened at 8:29 p.m.

There being no further business, the meeting adjourned at 8:30 p.m.