

2000 - MEETING MINUTES  
CITY OF FAYETTEVILLE  
NORTH CAROLINA  
REGULAR MEETING  
JANUARY 3, 2000  
FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING  
CITY HALL COUNCIL CHAMBER  
JANUARY 3, 2000  
7:00 P.M.

Present: Mayor J. L. Dawkins  
Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Robert Barefoot, Chief Operating Officer, Recreation and Community Facilities  
Lisa Smith, Chief Financial Officer  
Ben Brown, Chief Development Officer  
Joe Boyd, Information Systems Director  
Craig Hampton, Administrative Services Director  
Theo McClammy, Human Relations Director  
Kumar Neppalli, Traffic Service Engineer  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by the Reverend Garfield Warren, of College Heights Presbyterian Church, followed by the Mayor leading in the Pledge of Allegiance to the American Flag.

RECOGNITION

Mayor Dawkins extended condolences to the family of Admiral Elmo Zumwalt, Sr.

Mayor Dawkins announced the Character Education Concept for January 2000 was self-discipline.

Mayor Pro Tem McBryde stated that both he and Councilmember Kendrick needed to abstain from voting or discussion on Item 5.B due to a possible conflict of interest.

MOTION: Councilmember Massey moved to allow Councilmembers Kendrick and McBryde to abstain from voting or discussion on Item 5.B.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmembers Kendrick and McBryde abstaining)

1. Reconsideration of changing Murchison Road Study land use plan from medium density residential to light commercial for the area between Normal Avenue and Rosewood Avenue. (Requested by Councilmember D.J. Haire) (Requires 3/4 vote to be placed on agenda)

Mayor Dawkins called for the vote on whether this item should be added to the agenda.

VOTE: Item was added by a vote of 11 in favor with Councilmember Fogleman in opposition.

2. APPROVAL OF AGENDA

City Manager Roger Stancil requested to shift Item 6, discussion of council retreat with facilitator Dick McMahon, to the end of the meeting at which time the council would move to the Lafayette Room for a more informal discussion.

Mayor Dawkins stated Item 6 would become Item 13 and Councilmember Haire's item would become Item 6.

MOTION: Councilmember Robertson moved to approve the agenda with the changes.

SECOND: Mayor Pro Tem McBryde

VOTE: UNANIMOUS

3. CONSENT:

Councilmember Kendrick requested to pull Item 3.G.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the exception of Item 3.G.

SECOND: Mayor Pro Tem McBryde

VOTE: UNANIMOUS

A. Approve Resolutions Declaring Cost and Ordering Preparation of the Preliminary Assessment Roll and setting January 18 for Public Hearing on Preliminary Assessment Roll for the following streets:

1. Haywood Street (from Deep Creek Road to Cedar Creek Road)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR HAYWOOD STREET [FROM DEEP CREEK ROAD TO CEDAR CREEK ROAD (HIGHWAY #53)]. RESOLUTION NO. R2000-001.

2. Coburn Street (from Haigh Street to Deep Creek Road)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR COBURN STREET (FROM HAIGH STREET TO DEEP CREEK ROAD). RESOLUTION NO. R2000-002.

3. Haigh Street (from Sapona Road to Coburn Street)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR HAIGH STREET (FROM SAPONA ROAD TO COBURN STREET). RESOLUTION NO. R2000-003.

4. Robin Street (from Cardinal Circle to Cardinal Circle)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR ROBIN STREET (FROM CARDINAL CIRCLE TO CARDINAL CIRCLE). RESOLUTION NO. R2000-004.

5. Cardinal Circle (from North Plymouth Street to North Plymouth Street to include the portion of Cardinal Circle which abuts Lots 96, 95 and the eastern 28.0' of Lot 94).

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR CARDINAL CIRCLE (FROM NORTH PLYMOUTH STREET TO NORTH PLYMOUTH STREET TO INCLUDE THE PORTION OF CARDINAL CIRCLE WHICH ABUTS LOTS 96, 95, AND THE EASTERN 28.0 OF LOT 94, PLAT BOOK 10, PAGE 24, CUMBERLAND COUNTY REGISTRY). RESOLUTION NO. R2000-005.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

B. Approve listed projects to be included in the NC Department of Transportation - Division of Aviation State Aid to Airports Program from 2000-2003.

C. Refer to Transportation Committee consideration of resolution for feasibility study for Boone Trail. (Requested by Councilmember Mark Kendrick)

D. Award contract for purchase of one Powerscape Playground Unit to Cunningham Associates, Inc, as per additional buy clause in City Bid #969707, in the amount of \$115,547.10.

Original bid was awarded by City Council on February 3, 1997, for immediate purchase only. Comparison of equipment previously awarded has been made and Cunningham Associates was judged the superior provider of equipment based on quality, installation, and service.

E. Adopt resolution assigning annexation areas to districts as follows:

1. Annexation No. 99-05-436, Glensford Commons, Phase 2, to Electoral District No. 7;

2. Annexation No. 99-05-437, Greystone Farms Equestrian Site, to Electoral District No. 1;

3. Annexation No. 99-07-438, Bill-Riddle Property (New Lowe's), to Electoral District No. 1;

4. Annexation No. 99-07-439, Bernard Szabo Property-Rulnick Street Apartments, to Electoral District No. 7;

5. Annexation No. 99-11-440, True Love Ministries, Kellam Circle, Lot 13, to Electoral District No. 1;

6. Annexation No. 99-11-441, Maria Pappas Property, NE Corner of Bingham Drive and Darrow Drive, to District No. 7; and,

7. Annexation No. 99-12-442, Keystone Hospitality Property, Jim Johnson Road, to District No. 2.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ADOPTING SEVEN REVISIONS TO THE ELECTORAL DISTRICT BOUNDARIES OF THE CITY OF FAYETTEVILLE FOR THE PURPOSE OF ACCOUNTING FOR TERRITORY ANNEXED TO THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2000-006.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

F. Approve speed humps on Riegelwood Street.

G. Refer to the Transportation Committee the possibilities of making all current and future neighborhood streets 25 mph (requested by Councilmembers Mark Kendrick and Nat Robertson).

This item was pulled by Councilmember Kendrick.

Councilmember Kendrick stated Councilmember Milligan needed to be added to this request.

MOTION: Councilmember Kendrick moved to approve Item G with the addition of Councilmember Milligan.

SECOND: Councilmember Smith

VOTE: Passed by a vote of 11 in favor with Councilmember Massey in opposition.

#### 4. PUBLIC HEARINGS:

A. Consideration of adoption of ordinance amending Chapter 20, Motor Vehicles and Traffic, to reduce the speed limit to 25 miles per hour for the following streets in Hollywood Heights Neighborhood: Conaway Drive from Wayside Road to its end; Crayton Circle from Wynnwood Drive to its end; Dandy Loop Road from Louise Circle to Louise Circle; Fanning Circle from Timberland Drive to its north and south ends; Glenlea Circle from Timberland Drive to its north and south ends; Hilco Drive from Wayside Road to its end; Hopkins Street from Dandy Loop Road to Louise Circle; Kimbrook Drive from Wayside Road to its end; Kingsley Road from Pritchett Road to Wynnwood Drive; Louise Circle from Louise Street to Louise Street (loop); Louise Street from Louise Circle to Skibo Road; Lynette Circle from Timberland Drive to its north and south ends; Malvern Circle from Wayside Road to its end; Pritchett Road from Cliffdale Road to Wayside Road; Regis Court from Wayside Road to its end; Timberland Drive from Pritchett Road to Louise Circle; Wanda Circle from Wayside Road to its end; Wayside Road from Pritchett Road to Timberland Drive; Wynnwood Drive from Timberland Drive to Wayside Road.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:19 p.m. Ms. Lillie Jackson-Carter, 6212 Timberland Drive, Fayetteville, NC, appeared in favor of the speed limit reduction. Mr. Clinton Harris, 4713 Watauga Road, Fayetteville, NC, appeared in opposition. There was no one further to speak and the public hearing closed at 7:24 p.m.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES, TRAFFIC SCHEDULE NUMBER 8 - SPEED CONTROL - HOLLYWOOD HEIGHTS SUBDIVISION. ORDINANCE NO. NS2000-001.

MOTION: Councilmember Worthy moved to approve the request.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

B. Consideration of adoption of ordinance amending Chapter 20, Motor Vehicles and Traffic, to reduce the speed limit to 25 miles per hour for the following streets in Foxfire Subdivision: Badger Court from Wichita Drive to its end; Bandera Drive from Wichita Drive to its East & West ends; Beaver Creek Drive from Rock Canyon Drive to Glen Canyon Drive; Big Horn Drive from Wichita Drive to its East & West ends; Bob White Court from Foxfire Road to its end; Brownwood Court from Rock Canyon Drive to its end; Cactus Court from Longhorn Drive to its end; Cartwright Drive from Bonanza Drive to Wichita Drive; Cassidy Court from Longhorn Drive to its end; Cisco Court from Rock Canyon Drive to its end; Courtshire Court from Wichita Drive to its end; Covenwood Drive from Glen Canyon Drive to its end; Dakota Court from Longbranch Drive to its end; Flagstone Court from Glen Canyon Drive to its end; Foxfire Road from Bonanza Drive to Brookfield Drive; Glen Canyon Road from Bonanza Drive to its end; Killdeer Drive from Lotus Drive to its East & West ends; Laredo Court from Sonnet Drive to its end; Longbranch Drive from Morganton Road to Glen Canyon Drive; Longbranch Court from Longbranch Drive to its end; Longhorn Drive from Bonanza Drive to Pima Drive; Lotus Drive from Sundown Drive to Killdeer Drive; Lowery Court from Glen Canyon Drive to its end; Pima Drive from Yadkin Road to Tucson Drive; Prairie Court from Sonnet Drive to its end; Quail Court from Foxfire Road to its end; Rock Canyon Drive from Covenwood Drive to its end; Sonnet Court from Glen Canyon Drive to its end; Sonnet Drive from Foxfire Road to Glen Canyon Drive; Sundown Drive from Rock Canyon Drive to its North & South ends; Tabor Court from Glen Canyon Drive to its end; Tanbark Court from Foxfire Road to its end; Tucson Drive from Bonanza Drive to Pima Drive; Wichita Drive from Santa Fe Drive to Longbranch Drive.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:30 p.m. Mr. Bobby Hill, 5311 Brookfield Road, Fayetteville, NC, and Mr. Willie J. Miller, 5239 Foxfire Road, Fayetteville, NC, appeared in favor of the speed limit reduction. Mr. Clinton Harris, 4713 Watauga Road, Fayetteville, NC, appeared in opposition. The public hearing closed at 7:39 p.m.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF

FAYETTEVILLE CODE OF ORDINANCES, TRAFFIC SCHEDULE NUMBER 8 - SPEED CONTROL - FOXFIRE SUBDIVISION. ORDINANCE NO. NS2000-002.

MOTION: Councilmember Pitts moved to approve.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

C. Consideration of establishing the number of Certificates of Convenience and Necessity for taxicabs for the year 2000.

Mr. Jerome Brown, Chairman of the Taxicab Review Board, presented this item. Mr. Brown stated that information on customer satisfaction and operating statistics was either incomplete or not available from the taxicab operators and he was requesting that the number of taxicabs remain at the current level of 108 while the Taxicab Review Board, the taxicab owners and the riding public work together to determine an acceptable method of administering the taxicabs operating within the City of Fayetteville.

A discussion was held regarding the time frame involved, the review of a free market system, and the way other cities operated.

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 7:45 p.m.

MOTION: Councilmember Kendrick moved to continue with the 108 certificates and to review this issue within six months.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

5. Consideration of Facility Use Agreements:

A. Amend joint use facility agreement with Friends of the Parks Foundation, Inc., for operation of Fascinate-U, a children's museum.

City Manager Roger Stancil presented this item. Mr. Stancil stated that the Fascinate-U agreement was an extension of an existing agreement and the Lions Club agreement was a revision of the contract. He recommended approval of both of these amendments and that a public hearing be set for the Boys and Girls Club agreement for public input on January 18.

MOTION: Councilmember Shaw moved to approve.

SECOND: Councilmember Fogleman

SUBSTITUTE MOTION:

Councilmember Robertson moved that 5.A and 5.B be sent to the Building Property and Facilities Committee for review to ensure that one group is being treated as equally as the other.

SECOND: Councilmember Talbot

Councilmember Robertson stated he felt there were inconsistencies in the agreement, specifically Item 5.A where the City provided cable television and telephone and in Item 5.B where the City did not provide the same services but instead required the lessee to provide telephone, and it was his feeling the agreements needed to be reviewed.

Mr. Robert Barefoot, Chief Operating Officer, Recreation/Community Facilities, stated that Cablevision was provided free to any City-owned building and that the City provided the basic one-line local telephone line service to any City-owned building but long distance would be a Lions Club expense.

Councilmember Robertson withdrew his substitute motion.

ORIGINAL MOTION VOTE:

UNANIMOUS

Councilmember Massey requested information on what the roles, missions and perimeters were for the council's, committees and subcommittees.

Mr. Stancil stated that it was the council's policy that nothing could be referred to a committee without the council's approval.

B. Amend contract with Lions Club for joint use of building located at 725 West Rowan Street.

MOTION: Councilmember Fogleman moved to approve the amendment.

SECOND: Councilmember Massey

VOTE: UNANIMOUS (Councilmembers Kendrick and McBryde abstaining)

C. Approve operating agreement with Boys and Girls Club of Cumberland County for joint use of Myers Recreation Center.

City Manager Roger Stancil recommended that a public hearing be set for January 18.

MOTION: Councilmember Smith moved to approve City Manager's recommendation.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

6. Reconsideration of changing Murchison Road Study land use plan from medium density residential to light commercial for the area between Normal Avenue and Rosewood Avenue. (Requested by Councilmember D.J. Haire) (Requires 3/4 vote to be placed on agenda).

MOTION: Councilmember Haire moved to have a public hearing set on this item.

SECOND: Mayor Pro Tem McBryde

City Manager Roger Stancil informed Mr. Haire that one of his options would be to amend the original motion, which had been made at a previous meeting. Mr. Haire stated he preferred the public hearing.

Mr. Stancil stated it was his opinion this item should be referred to the Planning Commission. Mr. Haire agreed to add that to his motion.

A discussion was held regarding the revision of the commercial zoning ordinance and removing adult type standings when located close to a residential area.

Mayor Pro Tem McBryde stated as a point of order this discussion was not on the agenda and should not be discussed.

VOTE: UNANIMOUS

7. Consideration of amendment for continuation of purchase of 701 Hay Street.

City Attorney Robert Cogswell stated that Bill and Dawn Hester were trying to borrow money on their property and the lender wanted assurances that if there was a default by the Hesters that the lender would have the opportunity to cure that default. The modification to the contract would give the lender 90 days to cure the default before the City could take the property.

Councilmember Worthy inquired if the City would be liable for the debt if there was a default. Mr. Cogswell stated that was a possibility.

Mayor Pro Tem McBryde inquired about what efforts had been made to operate the property as a bed and breakfast.

Mr. Bill Hester stated that they had advertised in the yellow pages and had received minimal calls for accommodations. He explained that their intent was to advertise and rent the property as a bed and breakfast when the market became suitable and the property was completely renovated.

Mayor Pro Tem McBryde asked Mr. Hester if the main house would be the bed and breakfast or would it be the small house in the back. Mr. Hester stated he could not guarantee it would not be the small house as that would be the logical part to use.

A discussion ensued regarding the lack of advertising and signage in front of the property.

MOTION: Mayor Pro Tem McBryde moved to not amend the contract and to leave it as it is.

SECOND: Councilmember Worthy

Discussion was held regarding financial issues, investors, and the options available to the Hesters.

City Attorney Robert Cogswell stated if the motion was passed, the contract would stay the same and the Hesters could still get a certificate of occupancy and go to the bank for financing. Mr. Cogswell noted the significance of not approving the modification was that once the certificate of occupancy had been issued and the property was not being used as a bed and breakfast, then the City would have the right to go in and enforce the contract. Mr. Cogswell also pointed that if the City took the property, it would have to pay the Hesters at least the value of the house.

VOTE: Motion to deny passed by a vote of 9 in favor to 3 in opposition (Councilmembers Talbot, Pitts, and Haire)

8. Consideration of agreement with AIT for parking.

City Manager Roger Stancil presented this item. Mr. Stancil recommended authorizing the staff to advertise this proposed lease and the final action would be taken on January 18.

MOTION: Mayor Pro Tem McBryde moved to approve.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

Mr. Cogswell stated it may be a good idea to have AIT to get liability insurance on the parking lot for \$1 million.

9. Consideration of adoption of resolution of consideration for future annexation areas.

City Manager Roger Stancil presented this item. Mr. Stancil recommended adoption of the resolution setting out the area to be considered for annexation. He stated this has to be done every two years and this is the first step in setting the boundaries of the future City.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IDENTIFYING THE AREA

DESCRIBED HEREIN AS BEING UNDER CONSIDERATION FOR FUTURE ANNEXATION. RESOLUTION NO. R2000-007.

MOTION: Councilmember Fogleman moved to adopt the resolution.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

10. Consideration of discussion of the need to require better buffer areas between residential and commercial usage. (requested by Councilmember Haire)

Councilmember Haire stated he wanted the neighborhoods to be kept safe.

MOTION: Councilmember Robertson moved to refer this item to Planning Commission.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

11. APPOINTMENTS:

A. Board of Appeals on Buildings and Dwellings - 1 resignation vacancy

No nominations were made at this time.

B. City of Fayetteville Finance Corporation - 4 appointments needed (historically two of the appointments have been the city manager and the finance director)

Mayor Pro Tem McBryde nominated Mrs. Lisa Smith and City Manager Roger Stancil.

Councilmember Robertson nominated Mr. Frank Toliver and Mr. Keith Love.

C. PWC Retirement Board - approval of PWC's recommended "participating employee" Donna P. Lopes is needed.

Councilmember Robertson nominated Ms. Donna Lopes.

12. ADMINISTRATIVE REPORTS

1. The Woman's Club of Fayetteville contract.

City Manager Roger Stancil stated that the Woman's Club of Fayetteville had turned down the contract because the costs to comply with the grant were greater than the grant.

2. Grants Received:

a. Topsfield grant for youth study circles.

City Manager Roger Stancil stated that a \$3,000.00 grant had been received from the Topsfield Foundation to conduct Youth Study Circles.

b. Z. Smith Reynolds grant for multiculturalism training.

Mr. Stancil reported that a \$25,000.00 grant from the Z. Smith Reynolds Foundation had been received for a multiculturalism training program.

INFORMATION ITEMS:

1. Planning Department - monthly report for November 1999.

2. Update on the Education/Sports Program.

3. FAEDC Board of Directors - minutes of November 16, 1999.

4. Fayetteville Sanitation Department - Letter of Appreciation.

13. Discussion of council retreat with facilitator Dick McMahon.

MOTION: Mayor Pro Tem McBryde moved to go into the Lafayette Room.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

The meeting moved to the Lafayette Room at City Hall.

The Councilmembers discussed location of the retreat and unanimously agreed to conduct the meeting at the Airport Conference Room.

Dick McMahon, the facilitator, then discussed the facilitation process, and advised that he would only conduct the retreat as facilitator if the council was comfortable with him doing that. He suggested they develop a tentative agenda and then distribute some materials on the ground rules of a successful facilitation process.

In summary those are:

1. Decide what they want to do;

2. Move through that agenda;

3. The facilitator intervenes if he/she thinks the group is not staying with the agenda.

Councilmember Robertson asked about Mr. McMahon's fee, and the response was \$1,100.00. Mr. McMahon said this is payable only if council agrees at the end of the retreat that they were satisfied with his performance. The council agreed to the following agenda:

January 21, 2000 6 p.m., Dinner  
7 p.m., Start discussions  
January 22, 2000 8 a.m., Continental breakfast  
8:30 a.m. Resume discussions

There was then a discussion of other ground rules to include expectations and goal setting to include defining goals.

Councilmember Kendrick suggested that there be no change in the goals adopted at the retreat, but have a six-month review with the facilitator.

City Manager Roger Stancil advised the council would be getting more information ahead of the retreat.

MOTION: Councilmember Kendrick moved to adjourn.

SECOND: Mayor Pro Tem McBryde

VOTE: UNANIMOUS

The meeting adjourned at 9:27 p.m.

RETREAT

JANUARY 21-22, 2000

FAYETTEVILLE CITY COUNCIL

RETREAT

FAYETTEVILLE REGIONAL AIRPORT

JANUARY 21-22, 2000

FACILITATOR: DICK MCMAHON

Present: Mayor J. L. Dawkins

Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Rollin Shaw (District 9)

Absent: Donald G. Talbot (District 8)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Terrie Hutaff, Assistant Human Resources Officer

After dinner, Mayor Dawkins called the meeting to order at 7:10 p.m.

Councilmember Talbot was excused.

With the assistance of Mr. McMahan, the following agenda was established:

1. Discuss and adopt ground rules
2. Discuss and adopt ground rules
3. Discuss expectations of one another
4. Define terms for planning
5. Develop list of goals

Mr. McMahan led a discussion of the underlying values to the ground Rules: valid information, free and informed choice, and internal commitment.

Mr. McMahan then discussed each of the Ground Rules for Effective Groups:

1. Share all relevant information.
2. Test assumptions and inferences (Ladder of Inference).
3. Use specific examples and agree on what important words mean.
4. Discuss undiscussable issues.
5. Focus on interests, not positions.
6. Explain the reasoning and intent behind your statements, questions and actions (much discussion on the benefits to the council and the public to explain the reasons behind your statements).
7. Balance advocacy and inquiry. Inquire deeply into the reasoning of others.
8. Jointly design ways of testing disagreements and solutions.
9. Keep the discussion focused.
10. Make decisions by consensus.

The Councilmembers then discussed expectations of the City Manager, referencing last year's list of similar expectations (see attached):

1. Refer to City Manager handout with expectations of City Manager. McMahan questioned the group about whether they have any problems or questions about these expectations.

2. Councilmember Pitts thought #8 is redundant. Mayor Pro-Tem McBryde said this was same as No. 5. City Manager clarified that this was in reference to within budget constraints.
3. Councilmember Fogleman thought #7 is too cumbersome. Group agreed to change mechanisms to process.
4. Question asked in reference to #1 (Councilmember Kendrick). Request to send acknowledgment from City Manager about request made from Councilmembers.
5. Councilmember thought that in regard to #13, there was no reason for the CM to justify, and the list was too long.
6. Question asked in reference to #14. Could be condensed with #13. Delete #14 and change #13 - approaches problems/ issues in an innovative manner. Also add another bullet under #13: participates in professional development to stay abreast of current issues.
7. Question asked in reference to #8. Combine with #5. Strive for operational efficiency while carefully watching costs. Add a bullet that states consider all ramifications.
8. Suggestion made to bring the evaluation instrument. Group agreed this would be useful, but not to go over in detail tomorrow.
9. Suggestion made by City Manager that as these expectations are revised to form another group to take the expectations and refine and adding more specificity.

Mr. Stancil discussed with the councilmembers expectations of City Manager for the Council, referencing last year's list of similar expectations (see attached):

#2 Right of inquiry. CM clarified that dealing with department heads on issues that change priority of work but does not limit City Council from asking employees questions. Change #2 to deal with CM and Dept. Heads with any request that changes the priority of work.

After that, the councilmembers discussed expectation of Council by Council, again referring to last year's summary:

Councilmember Shaw suggested utilizing ground rules for effective groups at council meetings and adding # 4: Focus on interests, not positions. Council discussed how to do this and who will determine what is a position and what is an interest. No consensus reached.

Councilmember Pitts suggested Changing #2 to read: Engage in open and respectful dialogue when problematic issues arise among council members.

Councilmember Smith made a suggestion to change #3 to respect each other's right to differ without tearing each other down. Decision made to keep #3 as it is.

Councilmember Pitts suggested to add #4: Maintain public openness (candor). Discussion centered around closed session. Suggestion was rescinded.

Councilmember Massey suggested to allow public as much time as staff.

Councilmember Pitts suggested to add #4: Members should focus on moving whole City forward. No decision reached.

The council decided to add to the list expectations for the City Attorney. Agreement reached to develop expectations for the City Attorney for the first 30 minutes tomorrow.

Meeting was recessed until 8:30 a.m. on January 22, 2000.

#### RETREAT CONTINUATION

JANUARY 22, 2000

CONTINUATION OF

FAYETTEVILLE CITY COUNCIL

RETREAT

FAYETTEVILLE REGIONAL AIRPORT

JANUARY 22, 2000

FACILITATOR: DICK MCMAHON

Present: Mayor J. L. Dawkins

Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Rollin Shaw (District 9)

Absent: Donald G. Talbot (District 8)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Terrie Hutaff, Assistant Human Resources Officer

After breakfast, Mayor Dawkins called the meeting to order at 8:35 a.m.

Request by Councilmember Mark Kendrick to postpone the vote for district issues which is on the agenda for Monday night due to an illness in his family. No consensus reached.

The council then discussed expectations of City Attorney:

Expectations of City Attorney

Shaw: All relevant information for considering an issue, covered or accompanied by an opinion as to what might be a recommended action based on his legal judgment.

Example: Bed and breakfast issue-lawyer's letter was left out and their lawyer's letter had some statements that were misleading. It would have been helpful to have a memorandum accompanying the letter about the facts.

Worthy: Follow-up and feedback from the City Attorney on request made of him

Worthy: Forthright and forthcoming on all matters

Pitts: Maintain open door policy for receiving legal inquiries from Councilmembers, management personnel and staff.

Robertson: Realize and understand that he is responsible for all legal advice to Council no matter who the attorney of record is, and if he doesn't agree with what the attorney or record is he needs to give notice.

Haire: Show Council all cost factors in each case.

Massey: Establish safeguards so that attorneys hired by a particular department are advising in a manner that is not inconsistent with one another.

Pitts: Stay abreast of most current developments in municipal law.

Pitts: Strongly and clearly advocate the city's position in all legal matters.

Fogleman: Clearly and succinctly communicate (Shaw from #1: in a timely manner) on legal matters for which the Council is responsible.

Pitts: Keep the Council abreast of all liability claims.

Kendrick: Have a full staff in the City Attorney's Office (includes the Asst. City Attorney) which will minimize the need for outside attorney assistance.

Robertson: During Council meeting show respect due Council. Wait until Councilmembers is finished stating his point of view before responding to the Councilmembers.

Kendrick: City Attorney when presenting an item to Council recommends to Council the action he believes is the most effective. (Shaw: the reasons for this recommendation).

Smith: Act professionally and be courteous in dealing with people.

Worthy made a recommendation that a committee of Council work on CA expectations and bring their recommendations to the group.

The City Attorney's made the following responses in the order as above:

Agreed with Councilmember Shaw that not all the information was included on that item.

Risk management committee makes some decisions. Any decision on a claim requires risk management committee approval. Council gets involved when we have to hire outside counsel. Reason that claims are handled in manner authorized by ordinance is because it would take Council a long time if they have to review all claims. Council agreed that notebook would meet their need for information.

City Attorney Robert Cogswell explained the reason why it took so long to recruit for the Assistant City Attorney.

The City Attorney then stated his expectation of Council:

Understand who is the client. City is the client. (Majority position is what CA has to advocate).

If Council expects to ask me a question in a Council meeting give me a call before the meeting so attorney can prepare response.

Mayor Dawkins informed the Council that he will be having tests Monday and may not be attending Monday night.

Fogleman wanted to add the issue of expectation for City Manager to Council and City Attorney to Council added by McBryde): City Manager Roger Stancil and City Attorney Robert Cogswell should be able to expect a comfortable level of job security from Council. City Manager addressed issue in his expectation that states Council communicate with him when they have concerns or problems. No consensus reached.

McMahon discussed the handout on definitions.

The City Council then discussed and developed the following Goals for fiscal year 2001:

NOTE: Numbers in parenthesis at end of each goal represent vote of councilmembers on priority of each goal. 1st number =1st priority. 2nd number=less priority. 3rd number=no particular priority

1. Improve recruitment and retention of employees (10-1-0)

Pay plan and compensation for all city employees

2. Enhance economic development downtown (9-2-0)  
Customer-friendly parking within the next six months for downtown businesses opening up (no boots on cars)  
Create accessibility to downtown
3. Equitable distribution of city resources and services throughout the city for all citizens (8-2-0)
4. Foster an atmosphere of openness and accessibility between the city (employees, elected officials) and its citizens (10-1-0)
6. Eliminate duplication of programs and services between city and county.  
Improve efficiency (3-7-0)  
Cost-benefit analysis
6. Continued beautification of the city (6-5-0)  
Relocating overhead facilities in the ground  
Improving gateways  
Tree ordinance
7. Protect the safety, integrity, and continuity of residential communities (10-1-0)  
Increase safety in neighborhoods from vehicular traffic
8. Aggressively project a positive image of Fayetteville to the public (11-0-0)  
Be careful with the images we choose to project  
To other municipalities
9. Continue to expand our park system(9-2-0)  
River trail  
Greenery system  
Park acquisition fund
10. Increase revenues for the city (8-2-1)  
Fees and charges on services specific for the user  
Tax-base development
11. Assure the timely implementation of approved programs (4-6-1)
12. Look at funding scheme for projects (1-0-8)
13. Efficient implementation of projected goals (0-3-8)
14. Assure that city upholds its responsibility regarding environmental services in a timely manner(5-5-0)
15. Privatize services to achieve more cost-effective operations (1-7-2)
16. Develop long range (20 year) planning (4-5-1)
17. Get out of businesses we do not need to be in (5-6-0)
18. Retain control of utility restructuring decisions (Carry over from last year)
19. Nurture small businesses (9-2-0)

Specific City Council Goals:

1. Improve the efficiency of council meetings and make them "citizen friendly" (10-1-0)
2. Review of procedures
3. Look at parliamentary procedure

Councilmembers requested that the City manager put additional information and costs with these goals and bring back for further discussions

Self-Critique:

Did well:

Communicated well

People had chance to get ideas out

Roger and Bob had chance to share their points

People did not get offended

Respected one another

Food was good

Liked facility

Will be the best Council

Do Differently:

Excessive sidebars by Councilmembers

Six month update

Mayor Pro Tem McBryde made a motion to adjourn, seconded by Councilmember Haire and voted upon

unanimously in favor. Meeting adjourned at 2:05 p.m.

## EXPECTATIONS

Developed: Council Retreat 2/5/99

Revised: Council Retreat 2/21/00

### Expectations of City Manager

1. Follow up & feedback  
Report progress/status  
Agreed upon deadline
2. Heads up communication (Crisis Communication)  
Keep council informed of all information that impacts council members (press questions, etc)
3. Forthright and forthcoming on all issues  
Share with Council all relevant information that will help council members be more effective
4. Strategic thinking  
Manager puts together forward-thinking strategic plan that anticipates near-future issues
5. Strive for operational efficiency while carefully watching costs  
Continuity for operations  
People on same page and work together  
Have business-like attitude  
Budgets time efficiently  
Considers all ramifications  
Right people in the right places  
Hires, trains and develops department heads that can accomplish councils plans and objectives
6. Present budget that reflects the council's priorities
7. Installs process in all departments that ensures fiscal responsibility
8. Look at services from external customer's view  
Collect citizen/user information regarding services  
Design processes to respond to citizen information
9. Effective in cooperating with other governmental agencies (intergovernmental relationships)  
Departments are successful in getting grants for which Fayetteville is eligible
10. Acts in a professional manner in all actions taken as a manager
11. Promotes a professional attitude throughout the organization  
Role model and training
12. Approaches problems/issues in an innovative manner  
Allowed to take calculated risk  
Participates in professional development to stay abreast of current issues
13. Good community relations  
Promotes community unity  
Addresses the needs of all people in the community regardless of socio-economic status  
Involves self directly in bringing about community unity

### Expectations of Council

1. Honesty - If you have a problem with CM, tell CM about it
2. Deal with CM and department heads with any request that changes the priority of work.
3. Be realistic of expectations of city manager
4. Let me know when you need answer back on inquiry

### Discussion of previous goals:

(Roger's status reports & council concerns)

### Expectations of Council by Council

1. Let City Manager do his job
2. Engage in open and respectful dialogue when problematic issues arise among council members
2. Respect each other's right to differ

## SPECIAL MEETING

JANUARY 31, 2000

FAYETTEVILLE CITY COUNCIL

SPECIAL MEETING

CITY HALL COUNCIL CHAMBER

JANUARY 31, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4)(arrived late); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Mayor J. L. Dawkins

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Pete Piner, Chief Operating Officer, Fire  
Theo McClammy, Human Relations Director  
Tom McNeill, PWC  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Mable C. Smith, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Councilmember Massey moved to excuse Councilmember Haire until he arrived.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

City Manager Roger Stancil requested to correct Item 2.I to read Bienville Drive rather than Belaville Drive; to remove Item 5, consideration of granting contract award authority to City Manager and increasing personal property disposal limit; and to eliminate the portion of the closed session for property acquisition in Item 9.

MOTION: Councilmember Massey moved to approve the agenda with the changes.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Haire excused)

Mayor Pro Tem McBryde announced the Character Education Concept for January 2000 was self-discipline.

2. CONSENT:

Mayor Pro Tem McBryde requested to abstain from voting or discussion on Item 2.E.

MOTION: Councilmember Kendrick moved to allow Mayor Pro Tem McBryde to abstain from voting or discussion on Item 2.E.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmember Haire excused)

Mayor Pro Tem McBryde presented the consent agenda. Councilmember Pitts requested to pull Item 2.E for discussion.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the exception of Item 2.E.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmember Haire excused)

The following items were approved:

A. Refer to Transportation Committee the street resurfacing list for 2000.

B. Adopt resolution authorizing exchange of E-911 workstations.

A RESOLUTION DECLARING EIGHT E-911 TELEPHONE WORKSTATIONS AND 30 BUTTON MODULE FOR POSITRON PHONE SYSTEM SURPLUS AND AUTHORIZING DISPOSAL VIA EXCHANGE OF PROPERTY AS ALLOWED BY N.C.G.S. 160A-271. RESOLUTION NO. R2000-008.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

C. Adopt technical amendment to Resolution of Consideration for Future Annexations adopted January 3, 2000. AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER CONSIDERATION FOR FUTURE ANNEXATION.

RESOLUTION NO. R2000-009.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- D. Approve sale of 5- by 10-foot parcel of Ray Avenue sidewalk to Tom and Marilyn Price.
- E. Approve condemnation to obtain right-of-way and easements in support of Soil Street Package 4.  
This item was pulled for discussion by Councilmember Pitts.
- F. Authorize advertisement of the proposed sale of a portion of Robeson Street Electrical Substation Property to Floyd Construction Company, Inc. (PWC)

**RESOLUTION AUTHORIZING ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN CITY PROPERTY AND TO SOLICIT UPSET BIDS. RESOLUTION NO. R2000-010.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- G. Adopt resolution authorizing Lease with AIT for parking.  
**RESOLUTION AUTHORIZING LEASE OF CITY OF FAYETTEVILLE PROPERTY TO ADVANCED INTERNET TECHNOLOGIES, INC. RESOLUTION NO. R2000-011.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- H. Approve award of contract for construction of the Rockfish Road Water Main, Phase II, to Odell Smith and Sons, low bidder in the amount of \$189,678.80. (PWC)

Bids were received as follows:

Odell Smith and Sons (Spring Lake, NC) \$189,678.80  
Mid-Atlantic Contractors (Albemarle, NC) \$197,855.98  
Unlimited Utilities (Wilmington, NC) \$210,982.79  
W.J. Jackson Construction (Fayetteville, NC) \$223,633.70  
State Utility Contractors, Inc. (Monroe, NC) \$243,038.60  
Blue Construction Co. (Sanford, NC) \$287,932.00  
BRS, Inc. (Richfield, NC) \$290,363.00

- I. Approve award of contract for construction of a 16" water main along US-401N/Ramsey Street, from Wolfpoint Drive to Bienville Drive to State Utility Contractors, low bidder, in the amount of \$409,470.00.(PWC)

Bids were received as follows:

State Utility Contractors (Monroe, NC) \$409,470.00  
Blue Construction (Sanford, NC) \$414,083.00  
Wellons Construction (Dunn, NC) \$426,023.55  
Odell Smith & Sons (Spring Lake, NC) \$432,193.10  
Sanford Contractors (Sanford, NC) \$498,088.00  
Billy Bill Grading (Fayetteville, NC) \$498,694.50  
BRS, Inc. (Richfield, NC) \$590,678.00

- J. Approve award of contract for Electric Transmission Line Relocation along Robeson Street [NCDOT Project No. 8.1442401 (U-3421)] to Utilities Construction Company, Inc., low bidder in the amount of \$153,311.22. (PWC)

Bids were received as follows:

Utilities Construction Co., Inc. (Charleston, SC) \$153,311.22  
Howell Construction Co., Inc. (Wilmington, NC) \$205,537.00  
C.W. Wright Construction (Chester, VA) \$217,417.45

- K. Adopt resolution accepting an offer to purchase the northern half of the PWC Administration Building site on Person Street.(PWC)

**RESOLUTION ACCEPTANCE OF AN OFFER TO PURCHASE CITY OF FAYETTEVILLE PROPERTY. RESOLUTION NO. R2000-012.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- E. Approve condemnation to obtain right-of-way and easements in support of Soil Street Package 4.  
Mayor Pro Tem McBryde abstained from discussion or voting on this item. Councilmember Fogleman presided over the item.

Councilmember Pitts inquired as to why there were 23 properties to be approved for condemnation when 14 cases were projected to have positive results and the suit would not have to be filed.

City Attorney Robert Cogswell explained that usually all condemnations in a project are brought to the Council at one time and if any are settled, a lawsuit would not be filed. Mr. Cogswell also explained that sometimes the City has to have possession of the property particularly if the contractor is on the job.

**A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY. RESOLUTION NO. R2000-013.**

**MOTION:** Councilmember Pitts moved to approve.

SECOND: Councilmember Massey

VOTE: UNANIMOUS (Councilmember Haire excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

3. Consideration of request to address City Council from George Breece, Chairman, Task Force on Council Elections, for submission of Task Force Report.

Mr. George Breece, Chairman of the Task Force on Council Elections, introduced the following members of the Task Force:

NOMINATOR      TASK FORCE MEMBER

J.L. Dawkins    Jeff Riddle

Milo McBryde    George Breece

Anne Fogleman    Carole Goforth

Jimmy Kizer      Frank Moorman

Betty Milligan    Elton Hendricks

Paul Williams    Martha Duell

Robert Massey    James Florence

D.J. Haire        Sharon Drake

Suzan Cheek      Jeff Thompson

Mark Kendrick    Charles Jordan

Curtis Worthy    Troy Graham

Don Talbot        Frank Kelly

Wick Smith        Linda Lee Allan

Mr. Breece stated the Task Force's charge had been to study the size, shape, and terms of the City Council and the City's elections. Mr. Breece noted there had always been one overriding factor that the group had had to deal with and that was there could be no dilution of minority representations per the United States Department of Justice.

Mr. Breece reported that the Committee's recommendation was for two-year terms and nine single-member districts with a voting Mayor.

Mayor Pro Tem McBryde thanked the Task Force for a year of hard work.

MOTION: Councilmember Shaw moved that a public referendum of the people be held prior to the adoption of any election system which would reduce the number of four (4) votes allowed per citizen under the current election system.

SECOND: Councilmember Fogleman

Councilmember Fogleman inquired why the Task Force had neglected part of the charge, which was to come up with a plan not to necessitate redistricting every time an annexation occurred.

Mayor Pro Tem McBryde stated he did not think this question addressed the motion and he would come back to the issue.

Councilmember Kendrick inquired if a three multi-member district system would require a public referendum. Mr. Cogswell answered in the affirmative.

Councilmember Haire arrived at this time.

Mayor Pro Tem McBryde restated the motion on the floor for Councilmember Haire's benefit.

City Attorney Robert Cogswell asked to clarify that under Councilmember Shaw's motion, which fell under a charter ordinance, the Council could call for a referendum, but with a multi-member district system, the legislature would be the one to determine if a referendum were to be held and it would be included in the local act. Mr. Cogswell pointed out the legislature was under no obligation to set a referendum.

Councilmember Milligan stated she felt the public should be aware their voting power would be diminished and rather than having four people representing them, they would only have one.

A discussion was held.

VOTE: Failed by a vote of 5 in favor (Councilmembers Kendrick, McBryde, Shaw, Fogleman, and Milligan) to 7 in opposition (Councilmembers Robertson, Worthy, Talbot, Pitts, Smith, Massey, and Haire)

Councilmember Fogleman again inquired of Mr. Breece why the Task Force had neglected to meet the charge to come up with a plan that would not necessitate redistricting every time an annexation occurred.

Mr. Breece responded that he had not seen that as a specific charge of the Task Force, however the issue had been discussed at length at the public hearing and in all their meetings.

Councilmember Fogleman restated her belief that it had been a charge of the group.

Mr. Breece inquired of the Task Force members present if that were their understanding and the response was negative from all members.

MOTION: Councilmember Worthy moved to accept the Task Force recommendation and implement it in the next City Council election in 2001 and that future City Councils be made up of nine single districts with the Mayor having the right to vote and the terms of the Council would be for two years.

SECOND: Councilmember Talbot

MOTION TO AMEND:

Councilmember Shaw moved to amend the motion to adopt the Task Force recommendation to be contingent on a referendum being held.

SECOND: Councilmember Fogleman

Councilmembers Worthy and Haire did not accept the amendment.

Councilmember Pitts stated that the public referendum was a problematic area and he inquired if having a public hearing would preclude the public from requesting a referendum if they got 5,000 signatures or 10 percent of the registered voters to sign a petition. Mr. Cogswell stated in this case, there would be 5,000 signatures and the referendum would have to be set. He noted that the Council could still set a referendum.

A discussion was held regarding the cost of a referendum. It was stated it would cost somewhere between \$15,000 to \$38,000.

Councilmember Fogleman requested that a decision be postponed until Mr. Wilson could be present. She stated she felt Mr. Wilson's presence was vital to the process.

A discussion was held with the Councilmembers expressing their observation of the meanings of the public input that had been heard by the Council thus far on this issue. The Councilmembers also stated their individual positions on the issue.

Mayor Pro Tem McBryde called for a vote on the motion of amendment.

AMENDED MOTION VOTE:

Failed by a vote of 5 in favor (Councilmembers Kendrick, McBryde, Shaw, Fogleman, and Milligan) to 7 in opposition (Councilmembers Robertson, Worthy, Talbot, Pitts, Smith, Massey, and Haire)

Councilmember Pitts addressed the Council regarding the public's three major concerns about the Council's structure: accountability, fairness, and efficiency.

Councilmember Kendrick expressed his concern that Mr. Jerry Wilson had told him several times that the three multi-member district system was the way to go and now he wanted some feedback as to why it was not being considered.

Mr. George Breece stated that the Task Force had looked at it and with a consensus vote felt that it was the solution until Mr. Wilson told them that it would not work because one district might not meet the specifications to elect three minority representatives. It was Mr. Wilson's opinion that based on the numbers only two minorities might be elected.

Mr. Breece stated that the Task Force felt Mr. Wilson was competent and as the City's paid consultant, his advice should be followed.

Mrs. Linda Allan addressed the Council and in particular Mr. Kendrick's concern. Mrs. Allan stated she had questioned Mr. Wilson in-depth about the multi-member districts and he had told her that due to additional annexations, a demographic shift, and a number shift, the plan would probably not be approved by the Justice Department. Mrs. Allan stated that she and the Task Force had found Mr. Wilson to be extremely professional, creditable, and unbiased and they felt that because he works for government entities, he was required to do the best possible job he could.

Councilmember Massey stated he had discussed the multi-member districts with Mr. Wilson also and his take had not been the same as Councilmember Kendrick's.

City Attorney Robert Cogswell stated he wanted to make it clear to the audience that the City Council has the option to make the ordinance subject to a referendum at the meeting when the resolution of intent is adopted. Mr. Cogswell stated if the resolution does not pass, this will end this process but there were other options, which could be used.

MOTION: Councilmember Haire called the question.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

Mayor Pro Tem McBryde called for the vote on Councilmember Worthy's motion.

VOTE: Passed by a vote of 7 in favor (Councilmembers Robertson, Worthy, Talbot, Pitts, Smith, Massey, and Haire) to 5 in opposition (Councilmembers Kendrick, McBryde, Shaw, Fogleman, and Milligan)

4. Consideration of request from Fayetteville Technical Community College to install campus signage.

Councilmember Massey requested to abstain from discussion or voting on this item.

MOTION: Councilmember Kendrick moved to allow Councilmember Massey to abstain from discussion or voting on this item.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmember Massey abstaining)

5. Consideration of granting contract award authority to City Manager and increasing personal property disposal limit.

This item was removed from the agenda by the City Manager.

6. Report from Policy Committee:

A. Further definition of human resource experience for appointment to Personnel Review Board.

Mayor Pro Tem McBryde presented this item. He reported that the Policy Committee recommended adoption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING § 22-21(e)(3)b.6.(i), "PERSONNEL REVIEW BOARD, CREATION AND ORGANIZATION", OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2000-001.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

Councilmember Massey stated he wanted to put in the record that the Committee had compromised in order that the Personnel Review Board would have comparable numbers of members from both management and labor side of the issue by leaving four positions unlabeled.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

B. City representation on outside agencies.

Mayor Pro Tem McBryde recommended that the following policy 110.5 be adopted:

POLICY NUMBER 110.5 ON APPOINTMENTS AND MEMBERSHIP OF CITY MANAGER OR CITY ATTORNEY IN OUTSIDE ORGANIZATIONS

The City Council shall approve any appointments of the City Manager or the City Attorney to the board of directors of any organization, or membership in any organization, where the appointment or membership is based upon the position of City Manager or the City Attorney.

MOTION: Councilmember Shaw moved to approve.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

C. Art in public places.

Mayor Pro Tem McBryde presented this item in two parts. The first recommendation to the Policy Committee was to recommend that the Arts Council prepare a definition of public arts.

MOTION: Councilmember Kendrick moved to let the Arts Council do a definition of public art.

SECOND: Councilmember Fogleman

Councilmember Shaw stated that the Arts Council dealt with art and the public all of the time and could do a lot of the legwork that would be required. She stated the recommended guidelines on art in public places should be brought before the Council for their input.

VOTE: UNANIMOUS

Mayor Pro Tem McBryde stated the second part of this item was a request for the Christmas Box Angel.

MOTION: Councilmember Robertson made the following motion: from this point forward all requests involving art, statues, memorials or monuments on City property, be addressed to the Parks and Recreation Advisory Board prior to coming to City Council for approval. That board should employ the policy put into effect by this City Council, approved by the Policy Committee and compiled by the Arts Council, Appearance and Historic Resources Commissions. My motion also includes following the unanimous recommendation of the Parks and Recreation Advisory Board to allow the Christmas Box Angel Memorial to be placed in Cross Creek Park as it was presented to the previous City Council in July of 1999. As part of this motion, the Parks and Recreation Commission must recommend the specific location in Cross Creek Park where this monument will be placed.

SECOND: Councilmember Smith

A discussion was held on the pros and cons of allowing the statue to be placed in a City park without a formal policy being in place.

Councilmember Robertson pointed out to the Council that the City had appointed citizens to the Parks and Recreation Advisory Board and they had unanimously recommended this project be done in July of 1999. Mr. Robertson further stated that there would be zero cost to the City for either the installation or maintenance of the statute.

Further discussion was held. Mayor Pro Tem McBryde called for the vote.

VOTE: Passed by a vote of 9 in favor to 3 in opposition (Councilmembers Fogleman, Shaw, and Milligan)

D. Ordinance amendment allowing sidewalk and bicycle path to be placed together.

Mayor Pro Tem McBryde recommended that no action be taken on this item until it had been reviewed by the Transportation Committee.

E. Right of inquiry by City Council members (Policy No. 115.2).

Mayor Pro Tem McBryde introduced this item and stated that the Policy Committee recommended no action on this. He then recognized Councilmember Talbot.

MOTION: Councilmember Talbot moved to approve Policy No. 115.2, City Council Policy on matters of concern, and inquiries from citizen, to read as follows: In order to avoid conflicts between employees and their supervisors when a City Councilmember has a question, concern, or request from a citizen that requires a staff response, the City Councilmember should contact the City Manager's office, the City Attorney's office, or the department head involved. Except for the purpose of inquiry, the Council and its members shall deal with the administration solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager either publicly or privately.

SECOND: Councilmember Haire

After discussion by Councilmembers Kendrick, McBryde, Talbot, Pitts, Fogleman, Worthy, Shaw, Robertson, Massey, and Smith, as to the intent of a right or purpose of inquiry, and responses by both Mr. Stancil and Mr. Cogswell, a friendly amendment was proposed by Councilmember Pitts to change the first part of the first sentence of the second paragraph to read "Except for the purpose of inquiries which do not interfere with staff responsibilities . . .". This was accepted by Councilmembers Talbot and Haire.

VOTE: Passed by a vote of 10 in favor (with Councilmembers Haire, Massey, Smith, McBryde, Pitts, Robertson, Kendrick, Worthy, Talbot, and Shaw) to 2 in opposition (Councilmembers Milligan and Fogleman)

F. Funding of agencies invited to participate as representatives of the City in parades or similar events.

Mayor Pro Tem McBryde said that no action was taken on this item but Mr. Stancil had a report.

Mr. Stancil stated he did not have the report because the persons involved had been unable to get together. He stated he would be back with the report as soon the meeting was held.

7. Discussion of establishing new procedure for making decision to cancel a City Council meeting. (Requested by Councilmember D.J. Haire)

Mayor Pro Tem McBryde explained the process that he had used to make the decision to cancel the City Council meeting of January 24, 2000.

A discussion was held regarding the lack of having a written policy for the cancellation of Council meetings.

MOTION: Councilmember Haire moved to have this item go to the Policy Committee.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

8. APPOINTMENTS:

A. Board of Appeals on Buildings and Dwellings - 1 resignation - 1 vacancy

No nominations were made.

Councilmember Haire stated he had nominated several people for this board which did not meet very often and he was inquiring if there was another way it could be set up and dealt with by staff.

Mayor Pro Tem McBryde stated that this issue needed to be placed on another agenda.

B. City of Fayetteville Finance Corporation - 4 appointments needed - (Historically two of the appointments have been the city manager and the finance director)

No additional nominations were made.

C. PWC Retirement Board - approval of PWC'S recommended "participating employee" Donna P. Lopes is needed.

No additional nominations were made.

D. Designation of appointee to Fayetteville Redevelopment Commission for term that expires 2002.

No additional nominations were made.

A discussion was held regarding the designation of one of the newly elected members to fill the term of Mr. John Monague whose term expired in 2002.

Mayor Pro Tem McBryde requested that Councilmembers Haire and Worthy who were the original nominators get together and decide who would be designated for this position. Mr. McBryde requested they report their decision at the next meeting.

9. ADMINISTRATIVE REPORTS

A. Report on City position vacancies.

B. Report on proposed property disposal.

Mr. Stancil stated the ultimate decision on the property disposal would be made by the Council.

Councilmember Fogleman stated she wanted the Beldon-Horne House to be protected.

Mr. Stancil stated that because of the historical restrictions placed on the property, he felt the building would be safe-guarded.

MOTION: Councilmember Worthy moved to go into closed session to discuss economic development.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

The closed session began at 9:25 p.m. and the regular session resumed at 10:15 p.m.

10. Closed session to discuss:

A. Economic development

B. Property acquisition

INFORMATION ITEMS:

1. Update on availability of natural gas service to the Phase III-B annexation area.

2. Professional Standards - monthly report from the Office of Professional Standards and Inspections for the month of November 1999.

3. Status of Phase IIIA & IIIB annexation projects.

4. Fayetteville Redevelopment Commission - minutes of November 10 and December 8, 1999.

5. FAEDC - President's December Activities Report

MOTION: Councilmember Kendrick moved to adjourn.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

The meeting adjourned at 10:16 p.m.

REGULAR MEETING

FEBRUARY 7, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

FEBRUARY 7, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Mayor J. L. Dawkins

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Craig Hampton, Administrative Services Director  
Jimmy Teal, Chief Planning Officer  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by the Reverend Mike Turner, Fayetteville Christian Church, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor Pro Tem McBryde announced the Character Education Concept for February 2000 was trustworthiness.

#### RECOGNITION

Ms. Melinda Coleman, Certified Local Government Coordinator with the State Historic Preservation Office of the North Carolina Department of Cultural Resources, presented a certificate stating the City of Fayetteville was a newly certified participant in North Carolina's Certified Program for Preservation.

Ms. Coleman stated that only 56 other cities had received this certification since the program began 15 years ago. She noted the City of Fayetteville would now be able to compete for annual grant funds, which are only available for certified local government participants.

Ms. Barbara Olcott, Regent of the Liberty Point Chapter, NCS DAR, presented a certificate acknowledging Fayetteville as a Bicentennial Community. Ms. Olcott stated there were only 23 such communities in North Carolina.

1. Consideration of Conditional Use Zoning. (Requested by Councilmember Haire)

MOTION: Councilmember Talbot moved to add Item 1 to the agenda.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

2. APPROVAL OF AGENDA

Mayor Pro Tem McBryde stated Item 1 would become Item 12.A.

MOTION: Councilmember Smith moved to approve the agenda with the addition of Item 12.A.

SECOND: Councilmember Haire

VOTE: UNANIMOUS

3. CONSENT:

MOTION: Councilmember Worthy moved to approve the consent agenda.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The following items were approved:

A. Approve minutes of regular meeting of December 20, 1999.

B. Approve minutes of regular meeting of January 3, 2000.

C. Approve tax refunds in excess of \$100.

Name	Year	Basis	City Refund
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Shadowood Builders, Inc.	1999	Corrected Assessment	\$121.14
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Sunset Lounge	1999	Corrected Assessment	142.60
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VT Inc. Tastee World Omni	1998	Corrected Assessment	129.85
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Total		\$393.59	
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D. Approve request for special permit for special events signs to advertise the Twenty-Fifth Annual Craftsmen's Spring Festival and Fayetteville Antiques & Collectibles Show.

E. P97-55F. Approve the rezoning from R5 District to C1 District or to a more restrictive zoning classification for an area located at 1223 and 1225 Murchison Road, and 603 Matthews Street. Containing .45 acres more or less and being the property of Maybob B. Paye, et al; and Catherleen Bertha Thomas, et al; and Catherleen and Arthur Thomas as evidenced by deeds recorded in Deed Books 385, Page 285; 3517, Page 565; and 2911, Page 323, respectively, Cumberland County Registry.

F. P99-68F. Approve the rezoning from R6 Residential District to MHPD (Manufactured Home Park District) or to a more restrictive zoning classification for an area located at 6779 Old Bunce Road. Containing 7.12 acres more or less and being the property of WBM, LLC, as evidenced by deed recorded in Deed Book 4560, Page 218, Cumberland County Registry.

G. P99-70F. Approve the rezoning from R15 Residential District to C1P Shopping Center District or to a more restrictive zoning classification for an area located 6202 Raeford Road. Containing 3.073 acres more or less and being the property of Time-Warner Entertainment as evidenced by deed recorded in Deed Book 4300, Page 347, Cumberland County Registry.

H. Adopt resolution approving condemnation to obtain right-of-way for Murchison Road sidewalk from Rowan Street to Martin Luther King, Jr. Expressway.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY. RESOLUTION NO. R2000-014.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

I. Authorize Mayor to sign proposed letter of commitment for housing construction project.

4. PUBLIC HEARINGS:

A. Consideration of adoption of a resolution closing a portion of Colton Drive.

Mr. Craig Hampton, Administrative Services Director, presented this item with the recommendation that the street be closed and the City reserve an all-purpose underground and overhead utility easement in and over the entire area of the street portion being closed.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:16 p.m. Mr. John W. "Bill" Hurley appeared in favor of the street closing. There was no one further to speak and the public hearing closed at 7:17 p.m.

RESOLUTION AND ORDER CLOSING A PORTION OF COLTON DRIVE. RESOLUTION NO. R2000-015.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

B. Consideration of operating agreement with Boys & Girls Club of Cumberland County for joint use of Myers Recreation Center.

Mr. William Carver, Chair of the Parks and Recreation Advisory Commission, presented this item. Mr. Carver noted that the Commission unanimously recommended approval of the agreement and holding a public hearing in one year to see how it was going.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:20 p.m. Appearing in favor of the agreement were: Mildred Oglesby, 915 Rochester Drive, Fayetteville, NC; Charles Stevens, Ray Avenue Advisory Board Chairman, Fayetteville, NC; Eddie McMillan, Ray Avenue Unit Director, Fayetteville, NC; Dr. Jerry Fonke, President, Boys & Girls Club of Cumberland County; Mr. Ron Howard, Past President, Board of Directors; Rev. John T. Johnson, 339 Vanstory Street, Fayetteville, NC; and Tonia Clare-Jones, Director of Operations, Boys & Girls Club of Cumberland County.

The following appeared in opposition: Mr. John W. Smith, 1200 Morgan Street, Fayetteville, NC; and Mr. Charles Evans, 926 Fleetwood Drive, Fayetteville, NC.

There was no one further to speak and the public hearing closed at 7:51 p.m.

MOTION: Councilmember Fogleman moved to approve the agreement.

SECOND: Councilmember Worthy

A discussion was held regarding fee assistance, the availability of the facility and programs for neighborhood children, and improvement of the process to ensure public participation and input.

VOTE: UNANIMOUS

C. Consideration of adoption of resolutions confirming assessment rolls for the following streets:

City Manager Roger Stancil presented this item. Mr. Stancil recommended confirmation of the assessments at a rate of \$10.00 per linear foot for a term of ten years at an interest rate of the ten-year T-bill of 6.64 percent. Mr. Stancil stated Community Development funds would be available for anyone whose income met the qualifications set out by HUD.

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 8:11 p.m.

1. Haywood Street (from Deep Creek Road to Cedar Creek Road)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-016.

2. Coburn Street (from Haigh Street to Deep Creek Road)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-017.

3. Haigh Street (from Sapona Road to Coburn Street)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-018.

4. Robin Street (from Cardinal Circle to Cardinal Circle)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-019.

5. Cardinal Circle (from North Plymouth Street to North Plymouth Street to include the portion of Cardinal Circle which abuts Lots 96, 95 and the eastern 28.0' of Lot 94.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-020.

MOTION: Councilmember Smith moved to approve the assessment rolls at a ten-year term with an interest rate of 6.64 percent.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

The resolutions were approved and the assessments levied at 8:12 p.m.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

D. P99-69F. Consideration of an application by Francina Breece for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 32-24 to allow a Day care in a P2 Professional District for an area located at 1804 Murchison Road. Containing .52 acres more or less and being the property of Dr. and Mrs. G. W. Allen as evidenced by deed recorded in Deed Book 614, Page 253, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item. Mr. Sharpe reviewed the current zoning, 2010 Land Use Plan, and the site plan for the day care facility. He noted that the Zoning Commission recommended approval of the Special Use Permit, noting that the staff cannot make a recommendation because this permit must be given based on the findings of fact to be made by the Council.

The recommended findings of fact are as follows:

1. That the use fits in with the character of the area in which the use is to be located.
2. That the use is not detrimental to the surrounding neighborhood.
3. That fencing screens the adjacent property and is tall enough to secure the children inside the yard, and that the fence be solid along the back property line.

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 8:17 p.m.

MOTION: Councilmember Haire moved to approve the Special Use Permit with the Findings of Fact as set out above.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

E. P99-71F. Consideration of an application by L. Stacy Weaver for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 32-22(17.1) in an R15 Residential District (Proposed C1P Shopping Center District) for an area located at 6202 Raeford Road. Containing 3.073 acres more or less and being the property of Time-Warner Entertainment, as evidenced by deeds recorded in Deed Book 4300, Page 347, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. She reviewed the current zoning, the 2010 Land Use Plan, and the site plan for the tower. Ms. Kem stated a Special Use Permit was required for this tower because the new tower cannot fit into the existing overlay district and the tower exceeds the replacement height of 199 feet. Ms Kem noted that the existing tower would be dismantled after the new tower was constructed. The new tower would be 420 feet high which would be 30 feet shorter than the existing tower.

Ms. Kem stated that the Zoning Commission had recommended the following findings of fact:

The recommended findings of fact are as follows:

1. That inner buffer standards be required around the base of the guyed wires.
2. That the Special Use Permit specifically state that white strobe lights will NOT be used at night.
3. That the use shall fit in with the character of the area in which the use is to be located and that the use is not detrimental to the surrounding neighborhood.
4. That all restrictions set out in City of Fayetteville Code of Ordinances, Article IV, Section 32-22(17.1)(a)-(z) be adhered to.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:25 p.m. Mr. Stacy Weaver, 202 Fairway Drive, Fayetteville, NC, appeared in favor of the Special Use Permit. There was no one present to speak in opposition and the public hearing closed at 7:30 p.m.

A discussion was held regarding the condition of the current tower, the nonconformity of the current tower, and the adherence to the FAA requirements for lighting on the tower.

MOTION: Councilmember Robertson moved to approve the Special Use Permit with the Findings of Fact as set out by the Zoning Commission.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

5. Consideration of request to address City Council from Charles C. Matthews regarding the repair of Rose's Lake

Dam and spillway.

Mr. Charles Matthews, 3618 Tindall Court, Fayetteville, NC, addressed the Council on behalf of the Rose's Lake Property Owners' Association. Mr. Matthews stated this was not a private lake because the City of Fayetteville owned property on the lake and PWC wanted to drain the lake to repair the spillway.

Mr. Matthews said that the lakeside property owners were appealing to the City to approve and pay for the repairs needed to upgrade the dam to meet the required standards. He stated if it were necessary for the lakefront property owners to share in the cost of the upgrade, they would prefer it be proportioned according to the size of their property and that all fees be prorated.

City Manager Roger Stancil stated that when the property was deeded to the City, it was deeded to the high water mark which leaves a 20-foot strip around the lake and technically the City did not own property around the lake.

Mr. Stancil informed the Council that the Corp of Engineers would have to issue a permit before any work could be done on the dam.

A discussion was held regarding the number of property owners who were in favor of the assessment of costs, the ownership of the land under the lake by the property owners, and the five-year-old order to breach the dam.

MOTION: Councilmember Massey moved to refer this item to the staff to look at and come back to the Council within 60 days.

SECOND: Councilmember Robertson

Councilmember Worthy requested a study be done on the devaluation of the property, which might result from the breaching of the dam.

Councilmember Pitts asked Mr. Matthews to contact all the property owners and report back the exact number of owners who are in favor of the assessment. Mr. Pitts stated he had a problem with assessing owners against their will.

VOTE: UNANIMOUS

6. Consideration of request to address City Council from Linda Lee Allan and Ray Shipman, Co-Chairs of Fayetteville United, regarding an upcoming visit by Christopher Gates, President of the National Civic League.

Ms. Linda Lee Allan made this presentation. Ms. Allan requested the Council's support in applying a holistic view of the community to public policy matters and that all members of the City's boards and commissions be invited to attend the sessions with Mr. Christopher Gates, President of the National Civic League.

City Manager Roger Stancil stated that the boards and commissions members had already been issued information regarding these events.

7. Consideration of adoption of a Resolution of Intent to consider an ordinance amending Chapter III, "Governing Body", and Chapter IV, "Elections" of the Charter of the City of Fayetteville to (a) eliminate at-large seats and create nine (9) single-member districts as the mode of election for members of the Fayetteville City Council, and (b) give the Mayor the right to vote on all matters.

RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING CHAPTER III, "GOVERNING BODY", AND CHAPTER IV, "ELECTIONS", OF THE CHARTER OF THE CITY OF FAYETTEVILLE TO (A) CHANGE FROM "NINE (9) SINGLE-MEMBER DISTRICTS AND THREE (3) AT-LARGE SEATS" TO "NINE (9) SINGLE-MEMBER DISTRICTS" AS THE MODE OF ELECTION FOR MEMBERS OF THE FAYETTEVILLE CITY COUNCIL, AND (B) GIVE THE MAYOR THE RIGHT TO VOTE ON ALL MATTERS. RESOLUTION NO. R2000-021.

MOTION: Councilmember Worthy moved to accept the resolution and schedule a public hearing for February 21, 2000, at 7 p.m. in the City Council Chambers.

SECOND: Councilmember Haire

AMENDMENT TO MOTION:

Councilmember Shaw moved to amend the motion to include a referendum.

SECOND: Councilmember Kendrick

A discussion was held regarding the procedure for the inclusion of a referendum and the cost of holding a referendum during the upcoming primary/election.

AMENDED MOTION VOTE:

Failed by a vote of 5 in favor (Councilmembers Fogleman, McBryde, Kendrick, Milligan, and Shaw) to 7 in opposition (Councilmembers Robertson, Worthy, Talbot, Pitts, Smith, Massey, and Haire)

ORIGINAL MOTION VOTE:

Passed by a vote of 7 in favor (Councilmembers Robertson, Worthy, Talbot, Pitts, Smith, Massey, and Haire) to 5 in opposition (Councilmembers Fogleman, McBryde, Kendrick, Milligan, and Shaw)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000

8. Consideration of financial matters related to Fayetteville Partnership.

City Manager Roger Stancil presented this item. Mr. Stancil noted that the total outstanding bills for Fayetteville Partnership was \$19,233.36. He stated this figure included the Radisson Prince Charles bill of \$3,982.26 for the banquet.

Mr. Stancil stated the funds to be used would come from the fourth quarter payment that had not been made to the Partnership.

Councilmember Talbot inquired if the County would be participating. Mr. Stancil replied they would be paying their prorated share.

MOTION: Councilmember Talbot moved to pay the Prince Charles bill plus other expenses not to exceed \$6,000.

SECOND: Councilmember Haire

VOTE: UNANIMOUS

9. Consideration of mediation in EEOC cases. (Requested by Councilmember Pitts)

Councilmember Pitts recommended that a mediation conference be set for the EEOC cases involving the police officers. Mr. Pitts explained the history of mediation and the mediation process, noting that mediation enabled all parties to get the total picture and to make more effective decisions.

Mr. Pitts stated this was a very delicate situation because it involved racial harmony, protection of the reputation of the Police Department, and cost to the taxpayers.

A discussion was held regarding the best time to set up the mediation session. Mayor Pro Tem McBryde stated that Mr. Van Hoy was in agreement with the mediator recommended by Mr. Pitts, but he felt the mediation should wait until discovery had been done. City Attorney Robert Cogswell stated his opinion was the same as Mr. Van Hoy.

MOTION: Councilmember Pitts moved that the Council engage in mediation with all interested parties in the EEOC cases, with the mediator being Jonathan R. Harkavy and the mediation taking place in the spring after meaningful discovery had been done.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

Councilmember Robertson inquired if Mr. Cogswell was in agreement with the choice of the mediator. Mr. Cogswell's reply was in the affirmative.

10. Consideration of request that Development Committee convene and devise strategies for the development of land along the Cape Fear River. (Requested by Councilmember Pitts)

Councilmember Pitts presented this item.

MOTION: Councilmember Worthy moved to refer this item to the Council's Development Committee.

SECOND: Councilmember Massey

Councilmember Shaw requested that the Development Committee meet in conjunction with the Fayetteville Economic Development Corporation.

City Manager Roger Stancil stated that a committee meeting was scheduled for this Committee on Thursday and this item could be added.

Mayor Pro Tem McBryde requested that Mr. Harry Whalen be invited to the meeting.

VOTE: UNANIMOUS

11. BOARDS AND COMMISSIONS:

A. Board of Appeals on Buildings and Dwellings - 1 resignation - 1 nomination needed.

Councilmember Smith nominated Mr. Curtis Dowd.

B. City of Fayetteville Finance Corporation - 4 vacancies; 4 appointments needed.

City Attorney Robert Cogswell stated that Mr. Frank Toliver's name needed to be withdrawn because he did not reside in the City limits of Fayetteville.

Mr. Cogswell recommended Mr. Steve Arndt and the Council concurred.

Councilmembers unanimously elected Mrs. Lisa Smith, Roger L. Stancil, and Keith Love to the Finance Corporation.

C. PWC Retirement Board - 1 employee vacancy; 1 approval of recommendation is needed.

Ms. Donna P. Lopes was unanimously appointed to fill the vacancy.

D. Designation of appointee to Fayetteville Redevelopment Commission for term that expires 2002.

Mayor Pro Tem McBryde reported that Councilmembers Talbot and Haire had agreed that Mr. Lester McGuire would fill the term expiring in 2002.

12. ADMINISTRATIVE REPORTS

A. Consideration of Conditional Use Zoning. (Requested by Councilmember Haire)

Councilmember Haire stated that he had been working with Mr. Cogswell, Mr. Teal, and Mr. Stancil regarding the implementation of a conditional use zoning to protect the neighborhoods in the City.

City Attorney Robert Cogswell stated a conditional use permit was a tool used to tailor a rezoning and it came as close as you can get to contract zoning without being contract zoning. Mr. Cogswell explained that it was a two-step permit process which allowed conditions to be set for the use of a property.

Councilmember Shaw expressed her concern, based on her experience as a County Commissioner, that the conditions were neither enforceable nor exempt from spot zoning challenges.

Mr. Cogswell acknowledged that a study had been done on the County's conditional use permit and it had reflected the tendency to legitimize nonconforming uses which could be a problematic area.

Mr. Cogswell stated he envisioned crafting an ordinance where a conditional use permit would not be allowed in every zone, but would only be applicable to carved out areas.

Councilmember Shaw stated that the County had placed a condition on this type of permit and that was if the property were sold, it would revert back to the original zoning. She stated this seemed to make it more doable.

Councilmember Kendrick stated he felt this was a way of allowing businesses to be placed in residential neighborhoods and he could not support it.

The Councilmembers unanimously approved the request from Councilmember Haire that this issue be referred to the staff for the preparation of a draft ordinance.

B. Report on Community Development 1999-2000 One Year Action Projects (CDBG/HOME).

C. Discussion of request from FAEDC for an informal dinner meeting.

D. Report on initiating 2030 Comprehensive Plan.

A tentative time of February 15 was discussed.

E. Update on tower ordinance presentation to Council.

F. Position vacancy report for January 2000.

This item will be addressed at the February information meeting.

#### INFORMATION ITEMS:

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

Name	Year	Basis	City Refund
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Aguilar, Alberto	1998	Military Exempt	\$25.84
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Averitte, Steven	1999	Corrected Value	4.65
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Bell, Bryan Gene	1997	Military Exempt	64.45
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Howard, F. Belle T/A Southern Belle	1999	Corrected Assessment	2.15
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Dreibelbis, Rick and Stan	1999	Corrected Assessment	.81
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Eblen, Erick McKinley	1998	Corrected Assessment	24.56
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Fisher, Margaret Lee	1998	Military Exemption	68.60
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Furrer, Paul Joseph & Linda	1995	Military Exemption	23.98
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Ann Martin	1996		20.59
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1997	7.39
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1997	44.99
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1998	38.34
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Ingram, Gloria S.	1999	Corrected Assessment	5.61
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McNeill, Emanuel Mattie	1997	Corrected Assessment	27.44
1998			

Overmann, John B.	1999	Corrected Assessment	18.23
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Patel, Manubhai, D. T/A Travel Inn	1999	Corrected Assessment	40.78
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Rammouni, Ali T/A Caroco #7	1999	Corrected Assessment	6.07
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Smithboro Furniture Co. of NC, Inc.	1999	Corrected Assessment	39.51
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T & W Auto Sales, Inc.	1999	Corrected Assessment	43.49
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Valley Women's Center, Inc.	1999	Corrected Assessment	27.97
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Vernon, Melissa Dee	1998	Military Exemption	34.58
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Woodford, James	1998	Corrected Assessment	50.50
1999	56.80		

Total \$677.33

2. Information on HUD's Annual Performance Assessment of the City's CDBG & HOME Programs.
3. Parks and Recreation Advisory - minutes of December 13, 1999.
4. Planning Department Monthly Report for December, 1999.

MOTION: Councilmember Fogleman moved to adjourn the meeting.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

The meeting adjourned at 9:57 p.m.

REGULAR MEETING

FEBRUARY 21, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

FEBRUARY 21, 2000

7:00 P.M.

Present: Mayor J. L. Dawkins

Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Craig Hampton, Administrative Services Director  
Jimmy Teal, Chief Planning Officer  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by the Reverend Floyd W. Johnson, Jr., Chaplain, Cumberland County Sheriff's Department, followed by Mayor Dawkins leading in the Pledge of Allegiance to the American Flag.

Mayor Dawkins announced the Character Education Concept for February 2000 was trustworthiness.

1. APPROVAL OF AGENDA

City Manager Roger Stancil requested to add Item 2.L, referral of the report of the County-wide GIS report to the City/County Liaison Committee, to the consent agenda.

MOTION: Councilmember Robertson moved to add Item 2.L to the agenda.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

Councilmember Pitts stated that Item 6.D did not state the recommended action to search for a consultant.

MOTION: Mayor Pro Tem McBryde moved to approve the agenda as amended.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

2. CONSENT:

MOTION: Mayor Pro Tem McBryde moved to approve the consent agenda.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The following items were approved:

- A. Approve minutes of City Council Retreat held on January 21-22, 2000.
- B. Approve minutes of special meeting of January 31, 2000.
- C. Acceptance of high bid for purchase of a portion of PWC site on Robeson Street in the amount of \$450,000.00.

RESOLUTION ACCEPTANCE OF AN OFFER TO PURCHASE CITY OF FAYETTEVILLE PROPERTY.

RESOLUTION NO. R2000-022.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- D. Approve execution of right-of-way agreement with NCDOT for improvements to Secondary Road 1200 (Baily Road).
- E. Approve nonprofit agency contracts with Fayetteville Area Chamber of Commerce (Metrovisions) and Salvation Army.
- F. P00-1F. Approve the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification for an area located on the northeast corner of Fillyaw Drive and Bromley Drive. Containing .53 acres more or less and being the property of Randall Leo & Sok Cha Hinds as evidenced by deed recorded in Deed Book 5197, Page 461, Cumberland County Registry.

G. Adopt resolution accepting a report of unpaid taxes for the current fiscal year that are liens on real property and directing the tax collector to advertise the tax liens.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2000-023.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

H. Approve award of contract for construction of the Golfview Road Water Main, Phase II, to State Utility Contractors (Monroe, NC), low bidder, in the amount of \$464,379.80. (PWC)

Bids were received as follows:

State Utility Contractors (Monroe, NC)	\$464,379.80
Unlimited Utilities (Wilmington, NC)	\$548,037.88
Odell Smith & Sons (Spring Lake, NC)	\$549,026.50
Blue Construction (Sanford, NC)	\$578,530.00
Sanford Contractors (Sanford, NC)	\$596,591.34
BRS, Inc. (Richfield, NC)	\$654,446.25

I. Approve award of contract for purchase of 91 Capacitors, 3-Ph Bank, 600 KVAR, 12kV Switched, with option to order additional quantities within a one-year period to Scott-Parish Electric (Wake Forest), low bidder, in the amount of \$368,338.88. (PWC)

Bids were received as follows:

Scott-Parish Electric (Wake Forest, NC)	\$368,338.88
WESCO Distribution (Raleigh, NC)	\$382,746.00*
Power Supply, Inc. (Matthews, NC)	\$381,472.00*

\* Did not meet specifications

J. Approve award of contract for purchase of 24 Capacitors, 3-Ph Bank, 300 KVAR, 12kV Switched, with option to order additional quantities within a one-year period to Scott-Parish Electric (Wake Forest), low bidder, in the amount of \$85,013.76. (PWC)

Bids were received as follows:

Scott-Parish Electric (Wake Forest, NC)	\$85,013.76
WESCO Distribution (Raleigh, NC)	\$85,896.00*
Power Supply, Inc. (Matthews, NC)	\$83,928.00*

\* Did not meet specifications

K. Approve "piggyback" to the City of New Bern's low bid by Vermeer Carolinas, Inc. (Garner, NC), for Trenchers with Backfill Blades and Backhoes, and purchase three (3) units, as allowed by NCGS 143-129(g) at a total cost of \$98,940.00. (PWC)

L. Referral of the report of the County-wide GIS report to the City/County Liaison Committee meeting.

**3. PUBLIC HEARINGS:**

A. Consideration of an ordinance of the City Council of the City of Fayetteville amending Chapter III, "Governing Body", and Chapter IV, "Elections", of the Charter of the City of Fayetteville to (a) change from "nine (9) single-member districts and three (3) at-large seats" to "nine (9) single member districts" as the mode of election for members of the Fayetteville City Council, and (b) give the Mayor the right to vote on all matters.

City Attorney Robert Cogswell reviewed in detail the procedures for the consideration of changing the mode of elections and authorizing the Mayor to vote on all matters and the addition of a referendum by either the Council or by a petition from the citizens.

A question and answer period ensued.

This is the advertised public hearing set for this date and time. Mayor Dawkins opened the public hearing at 7:26 p.m. (Mayor Dawkins left the meeting during the public hearing and Mayor Pro Tem McBryde presided over the

remainder of the meeting.)

The following persons appeared as proponents of the proposed revisions:

Christian Davis, 3940 Gillespie Street, Fayetteville, NC; Brian Irving, 1713 Veanna Drive, Fayetteville, NC; Ed Lampkin, 809 Cape Fear Avenue, Fayetteville, NC; Ronnie Peele, 306 S. McPherson Church Road, Fayetteville, NC; Clinton Harris, 4713 Watauga Road, Fayetteville, NC; Doc Scheffler, 625 Welsh Place, Fayetteville, NC; Tom Hennessey, 219 Claremont Street, Fayetteville, NC; Paul Williams, 1509 Berkshire Road, Fayetteville, NC; Edna Pickett, 2846 Little Drive, Fayetteville, NC; Douglas L. Fumage, 903 East Russell Street, Fayetteville, NC; Iman Eronomy Muhammad, 1207-D Murchison Road, Suite D, Fayetteville, NC; Ray Shipman, 6614 Colaway Drive, Fayetteville, NC; LeRoy Fischer, 105 Mary Street, Fayetteville, NC and Ben Watson, Fayetteville, NC.

The following persons appeared as opponents:

Wick Smith, 6332 Caveson Court, Fayetteville, NC; Susan Cheek, 2724 Briarcreek Place, Fayetteville, NC; Teresa Ciszek, 2604 N. Edgewater Drive, Fayetteville, NC; Jane P. Crabill, 6841 Wimbleton Circle, Fayetteville, NC; Denny Shaffer, 2910 Skye Drive, Fayetteville, NC; Charles Astrike, 5407 Tarheel Drive, Fayetteville, NC; David L. Padgett, 807 Cape Fear Avenue, Fayetteville, NC; John Malzone, 3305 Hutton Place, Fayetteville, NC; Bryce Neier, 2703 Plainfield Court, Fayetteville, NC; Paul Werner, 1512 Palmer Drive, Fayetteville, NC; Bea Buie, 127 Open View Drive, Fayetteville, NC; Nannie B. Smith, 2606 Morganton Road, Fayetteville, NC; Bill Parrott, 205 Devane Street, Fayetteville, NC; Clair Hudspeth, 1006 Clarendon Street, Fayetteville, NC; R. Don Beard, 2918 Skye Drive, Fayetteville, NC; Hubert A. Noble, 111 Hearthstone Drive, Fayetteville, NC; Larry McGlothlin, 303 Whitney Drive, Fayetteville, NC; and James P. Burgio, 314 Reid Court, Fayetteville, NC.

There was no one further to speak and Mayor Pro Tem McBryde closed the public hearing at 8:50 p.m.

MOTION: Councilmember Shaw moved to have the ordinance placed on the February 28, 2000, agenda for action.

SECOND: Councilmember Kendrick

A discussion was held regarding the deadlines of the procedures required if the Council added the referendum versus the referendum done by petition.

Mr. Cogswell stated that if the referendum was approved by the Council either on February 28, 2000, or March 6, 2000, the elections could be held on May 2, and if the referendum was done by petition, there would be a window of opportunity for the election to be held on May 30. He noted that if the election could not be held on May 30, there would have to be a special election.

Mr. Cogswell reminded the Council the Department of Justice would have to approve the election in either scenario.

Further discussion was held on the time frame and procedure.

Councilmember Shaw withdrew her motion.

MOTION: Councilmember Shaw moved to place the ordinance on the March 6, 2000, agenda for consideration.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

B. P99-42F. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located on the north side of Country Club Drive and west of Clearwater Drive. Containing .45 acres more or less and being the property of Mae Q. DeJesus as evidenced by deed recorded in Deed Book 3364, Page 515, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item. Mr. Sharpe reviewed the current land use, the 2010 Land Use Plan, and the zoning history. He stated that a valid protest petition had been received, and the rezoning would require a three-fourths vote (nine) from the Council.

Mr. Sharpe stated the Planning staff and Zoning Commission voted to approve the rezoning to P2 Professional District because it would provide a buffer from the adjacent commercial property.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:40 p.m. Mr. Jim E. Graves, 153 Meadowcroft Drive, Fayetteville, NC, appeared in favor of the rezoning and Mr. W. Clay Hodge, 2705 Dartmouth Drive, Fayetteville, NC, and Ms. Charlotte Mason, 603 Arrowood, Fayetteville, NC, appeared in opposition. There was no one further to speak and the public hearing closed at 9:50 p.m.

MOTION: Councilmember Worthy moved to approve the rezoning to P1.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

C. P99-55F. Consideration of the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located at 805 Cain Road. Containing .50 acres more or less and being the property of Gary and Sharlyn Logan as evidenced by deed recorded in Deed Book 3160, Page 661,

Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. Ms. Kem reviewed the current land use, the 2010 Land Use Plan, and the rezoning history. She stated the Council had previously denied the C3 rezoning three times. She stated staff recommended denial of this request and that it be rezoned to P2 Professional District to provide a transition between an existing commercial and the adjoining resident zoning. Ms. Kem stated the Zoning Commission recommended approval of the rezoning to C3.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:52 p.m. Mr. Gary Logan, 805 Cain Road, Fayetteville, NC, and Mr. Larry Tinney, 305 White Oak Court, Fayetteville, NC, appeared in favor of the rezoning. There was no one present to speak in opposition and the public hearing closed at 9:58 p.m.

MOTION: Councilmember Talbot moved to approve the C3 zoning.

SECOND: Councilmember Haire

VOTE: Passed by a vote of 10 in favor (Councilmembers Robertson, McBryde, Worthy, Talbot, Shaw, Pitts, Fogleman, Smith, Massey, and Haire) to 2 in opposition (Councilmembers Kendrick and Milligan)

D. P00-2F. Consideration of an application by Tessie Boney for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 32-24, to allow a daycare in a P2 Professional District for an area located at 247 Bonanza Drive. Containing .99 acres more or less and being the property of Tessie and Ellen Boney as evidenced by deed recorded in Deed Book 5189, Page 541, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. She reviewed the current land use, the 2010 Land Use Plan, and a site plan. Ms. Kem stated a request for a Special Use Permit had been approved by the Zoning Commission and the following findings of fact were recommended:

1. A finding is made that such use shall fit in with the character of the area in which such use is to be located.
2. That such use is not detrimental to the surrounding neighborhood.

This is the advertised public hearing set for this date and time. The public hearing opened at 10:02 p.m. Mr. Larry Boney and Mr. Elton Boney, Bonanza Day Care Project, Fayetteville, NC, were sworn in by the City Clerk and spoke in favor of the Special Use Permit. There was no one present to speak in opposition and the public hearing closed at 10:04 p.m.

MOTION: Councilmember Worthy moved to approve the Special Use Permit with the recommended findings of fact.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

4. Consideration of award of construction contract for streetscape project to APAC Carolina, Inc., Crowell Construction Division. Sidewalk construction on a portion of Hay Street, resurfacing of Hay Street, and construction of crosswalk on Hay Street in the amount of \$320,493.25.

City Manager Roger Stancil presented this item. He stated the Council had approved on May 3, 1999, a streetscape plan which is reflected in front of the new Police Station as the standard for the downtown area. Mr. Stancil stated this contract would place sidewalks on all sides of the street from Robeson Street to the railroad past Huske Hardware and would include the resurfacing and installation of a crosswalk for employees in the 400 block of Hay Street.

Mr. Stancil noted that PWC would bear the cost for the purchase and installation of the light fixtures. He stated that PWC had negotiated to get both the light and the base for the same price of the light previously approved by the Council.

Mr. Stancil recommended that the pedestrian lights be left off of the light poles and this issue be addressed at a later date when a determination could be made on the safety issues.

MOTION: Councilmember Fogleman moved to award the contract without pedestrian lights at this time, subject to review.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

Bids were received as follows:

APAC Carolina, Crowell Constructors Division	\$320,493.25
Tri-State Consultants	\$349,770.35
Nortec Construction Services	\$408,124.84

5. Consideration of approval of street resurfacing list for 2000.

Councilmember Kendrick, Chairman of Council's Transportation Committee, presented this item, recommending approval of the street resurfacing list for 2000.

MOTION: Councilmember Kendrick moved to approve the resurfacing list for 2000.

SECOND: Councilmember Fogleman

Councilmember Worthy inquired about the paving of dirt streets. Mr. Stancil stated that under the 1994 bond issue, there were 20 more dirt streets coming to the Council.

VOTE: UNANIMOUS

6. Report from Council Development Committee.

A. Discussion of mission statement.

Councilmember Worthy reported that the Committee had voted to re-adopt the mission statement as previously approved.

B. Discussion of downtown facade program.

Councilmember Worthy stated that the Committee recommended that the Council approve funding for \$25,000.00 for the downtown development program out of unused funds from the current fiscal year's allocation to Fayetteville Partnership.

MOTION: Councilmember Worthy moved to follow the recommendation to fund the \$25,000.00 out of Fayetteville Partnership funding.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

C. Review of Frank Weaver request and review proposed changes to sign ordinance.

Councilmember Worthy stated the Committee recommended that blank opaque inserts be used as long as a sign was conforming, was maintained and did not advertise a business no longer in operation. Mr. Worthy stated the Committee also recommended that nonconforming signs be removed within 120 days and that owners be given 30 days within which to change out panels in a conforming sign.

No action was taken on this item.

D. Discussion of development along the Cape Fear River.

Councilmember Worthy stated the Committee recommended that the City seek out an investigatory consultant to help create strategies for the development along the Cape Fear River.

MOTION: Councilmember Worthy moved to approve the Committee's recommendation.

SECOND: Councilmember Pitts

VOTE: UNANIMOUS

7. BOARDS AND COMMISSIONS:

A. Board of Appeals on Buildings and Dwellings - nomination needed to fill one vacancy.

No nominations were made.

B. City of Fayetteville Finance Corporation - nominations are needed for one year only; one vacancy.

No nominations were made.

8. ADMINISTRATIVE REPORTS

A. Report on City Manager appointment to Finance, Administration, Intergovernmental Relations (FAIR) Committee of the NC League of Municipalities.

MOTION: Councilmember Robertson moved to approve the appointment of the City Manager to the F.A.I.R. Committee of the NC League of Municipalities.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

B. Discussion of dates for proposed meeting between Fayetteville Downtown Development, Inc., Cumberland County Board of Commissioners, and Fayetteville City Council. (Proposed dates: March 2 or March 9, 2000)

Mr. Stancil reported that the Rotary Club and the new car dealers had agreed to sponsor the Christmas Parade for this year.

INFORMATION ITEMS:

1. Thank you note from Mr. and Mrs. Dawkins.

2. Statement of taxes collected for the month of January 2000 from the Cumberland County Tax Administrator.

1999 Taxes \$4,910,779.08

1999 Vehicle Taxes 203,581.20

1999 Revit 41,637.72

1999 Vehicle Revit 406.30

1999 FVT 23,112.22

1999 Storm Water 256,125.35

1998 Taxes 18,683.19

1998 Vehicle Taxes	23,681.05
1998 Revit	0.00
1998 Vehicle Revit	6.99
1998 FVT	3,093.71
1998 Storm Water	1,226.86
1997 Taxes	5,566.20
1997 Vehicle Taxes	284.22
1997 Revit	0.00
1997 Vehicle Revit	0.00
1997 FVT	60.00
1997 Storm Water	574.78
1996 Taxes	2,795.61
1996 Vehicle Taxes	152.42
1996 Revit	0.00
1996 Vehicle Revit	0.00
1996 FVT	25.00
1996 Storm Water	484.28
1995 & Prior Taxes	2,770.48
1995 & Prior Vehicle Taxes	215.25
1995 & Prior Revit	0.00
1995 & Prior Vehicle Revit	0.00
1995 & Prior FVT	57.73
1995 Storm Water	284.67
Interest	25,603.96
Interest (Revit)	14.27
Interest (Storm Water)	939.64
Fayetteville Discount	0.00
Revit. Discount	0.00
Total Collections	\$5,522,162.18

3. Status of Phase IIIA & IIIB annexation projects.
4. Executive Summary of the January 2000 Monthly Report on Annexation Phase III-A Projects from Construction Dynamics Group.
5. Update on SEPA Environmental Assessment for proposed West Cary Wastewater Treatment Plant and Collection System.
6. Update on Cary-Apex Interbasin Transfer Request.
7. PWC - minutes of January 12, 2000.
8. Redevelopment Commission - minutes of January 12, 2000.
9. FACVB - minutes of January 13, 2000.
10. Cape Fear Botanical Garden - minutes of January 20, 2000.
11. Planning Department - monthly report for January 2000. (Inserted in packet)

MOTION: Councilmember Fogleman moved to adjourn the meeting.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

The meeting adjourned at 10:32 p.m.

SPECIAL MEETING WITH THE FAYETTEVILLE AREA  
ECONOMIC DEVELOPMENT CORPORATION  
FEBRUARY 22, 2000  
FAYETTEVILLE CITY COUNCIL  
SPECIAL MEETING WITH THE FAYETTEVILLE  
AREA ECONOMIC DEVELOPMENT CORPORATION  
TONY ROMA'S (PRIVATE ROOM)  
GLENSFORD ROAD  
FEBRUARY 22, 2000  
6:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Nat Robertson (District 5)  
FAEDC Executive Board Members Joe Thompson, Linda Allan, Billy Davidson, LaMar Williams, Robert Gaines, Keith Allison, Pat Talty, Murray Duggins  
Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Harry Whalen, President of the Fayetteville Area Economic Development Corporation

The meeting started at 6:00 p.m. with dinner. After dinner, President Joe Thompson welcomed everyone and then introduced Councilmember Fogleman who gave a briefing on her trip to Wilmington, North Carolina, along with President Whalen and City staff members Jimmy Teal and Victor Sharpe. They attended a Vision 2030 meeting sponsored by the Science and Technology Division of the Governor's office. The idea for the Vision 2030 began a year ago with focus groups and there were over 100 attendees at the Wilmington meeting. The purpose of the meeting was to dialogue about driving the new economy. There will be other conferences throughout the state, and a report due in late spring. They broke into small discussion groups and talked about possible changes to state laws, regulations, and administrative procedures for economic development. Councilmember Fogleman commented that the attendees expressed that southeastern North Carolina was largely a blue-collar based economy and that more high-tech industry was needed in this area of the state.

President Whalen then commented that there was a need to diversify the local economy, and that in May, the North Carolina Technological Authority will be conducting a meeting in Fayetteville, with Fayetteville Technical Community College as the host.

President Whalen then commented that FAEDC is looking to expand the industrial inventory of the area, with perhaps buildings, and that they are redoing the newsletter. He also indicated they are going to come back to the Council shortly to talk about incentives. He also expressed a desire to do some partnering with our Sister City in St. Avold, France, to consider expanding relationships to other areas of the world also.

Keith Allison, who had served on the FAEDC Board for five years and was retiring off of the Board, thanked the Council for the partnership that had existed between the City and FAEDC for the past five years. He indicated that FAEDC now has a web site and he wants to improve that and also work on a funding formula for Hope Mills and Spring Lake to participate in the partnership between local government and FAEDC. He also said that there is a focus group currently in existence between the Chamber and FAEDC to establish lines of communication to avoid the duplication of efforts.

Mayor Pro Tem McBryde thanked FAEDC for having the City Council to dinner, that the Council has always supported economic development, and that the Council is looking forward to working together with FAEDC in the future.

The meeting adjourned at 8:25 p.m.

INFORMATION MEETING

FEBRUARY 28, 2000

FAYETTEVILLE CITY COUNCIL

INFORMATION MEETING

CITY HALL COUNCIL CHAMBER

FEBRUARY 28, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Mayor J. L. Dawkins

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Lisa Smith, Chief Financial Officer  
Elizabeth Doucet, Deputy Tax Collector  
Pete Piner, Chief Operating Officer - Fire  
Craig Hampton, Administrative Services Director

Jimmy Teal, Chief Planning Officer  
Kathy Kem, Planner II  
Steve Blanchard, PWC, General Manager  
Tom McNeill, PWC, Special Projects Director  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Robertson, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

#### RECOGNITION

City Manager Roger Stancil introduced Mrs. Faith Thompson, the newly appointed Assistant to the City Manager for Customer Focus.

Mayor Pro Tem McBryde announced the Character Education Concept for February 2000 was trustworthiness.

#### 1. APPROVAL OF AGENDA

MOTION: Councilmember Worthy moved to approve the agenda.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

#### 2. CONSENT:

MOTION: Councilmember Kendrick moved to approve the consent agenda.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The following items were approved:

A. Approve award of contract for purchase of one (1) each Multigraphics 4610 KCD Offset Printing Press, installed, in the amount of \$39,900.00.

Bids were received as follows:

Multigraphics, Inc. \$39,900.00

Printing Equipment, Inc. \$42,810.50

B. Approve tax refunds in excess of \$100.

Name	Year	Basis	City Refund
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Stewart Olds Inc. DBA	1998 & 1999	Rental vehicles	\$4,240.71
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Affordable Car Rental

Cumberland Co. Farm Bureau	1997 & 1998	Corrected Assessment	133.19
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Snack Attack Deli Inc.	1999	Corrected Assessment	111.98
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Kings Grant Club	1998 & 1999	Corrected Assessment	467.60
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Marc Mizelle Richardson	1995	Interest Refund	12.46
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Total			\$4,965.94
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C. Approve award of contract to WESCO (Raleigh), low bidder for purchase of 200, 38-foot Concrete Poles, Black, with up to 6 fixtures, with option to purchase additional quantities within a one-year period, in the amount of \$158,400.00. (PWC)

Bids were received as follows:

WESCO (Raleigh, NC). \$158,400.00

Rigby Electric Supply (Rocky Mount, NC) \$159,400.00

Scott-Parish (Wake Forest, NC) \$162,816.00

Shealy Electrical (Greenville, SC) \$162,942.00

D. Approve award of contract to WESCO (Raleigh), low bidder, for purchase of 100 Brackets, Teardrop, Luminaire, Concrete Pole, Black, 6' x 6' x 2" with option to purchase additional quantities within a one-year period, in the amount of \$29,100.00. (PWC)

Bids were received as follows:

WESCO (Raleigh, NC). \$29,100.00

Rigby Electric Supply (Rocky Mount, NC) \$29,600.00

Scott-Parish (Wake Forest, NC) \$29,872.00

Shealy Electrical (Greenville, SC) \$30,083.00

E. Approve award of contract to Rigby Electric Supply (Rocky Mount), low bidder, for purchase of 123 Capacitors, Control 3-Ph, Bank, AVG volts, with option to purchase additional quantities within a one-year period, in the amount of \$66,392.94. (PWC)

Bids were received as follows:

Rigby Electric Supply (Rocky Mount, NC) \$66,392.94

Scott-Parish (Wake Forest, NC) \$68,188.74

WESCO (Raleigh, NC). \$69,987.00

Shealy Electrical (Greenville, SC) \$71,955.00

F. Approve award of contract to Rigby Electric Supply (Rocky Mount), low bidder, for purchase of 70,000 feet of 4/0 AL URD Triplex Cable, with option to purchase additional quantities within a one-year period, in the amount of \$66,430.00. (PWC)

Bids were received as follows:

Rigby Electric Supply (Rocky Mount, NC) \$66,430.00

Shealy Electrical (Greenville, SC) \$70,000.00

\*WESCO (Raleigh, NC). \$77,700.00

Power & Telephone (Knoxville, TN) \$80,299.80

\* Bid did not meet specifications

G. Approve Sanitary Sewer Annexation Agreement with King Model Homes, Inc. for Harris Place property, identified as Cumberland County PIN 9477-65-0953.

3. Presentation on Telecommunications Act and Its Impact on Local Government.

Ms. Nancy Essex, Attorney for the law firm of Poyner & Spruill, presented a review of Section 704 of the Telecommunications Act of 1996. Ms. Essex reviewed the following provisions:

1. States and local governments may not unreasonably discriminate among providers.

2. States and local governments may not prohibit the provision of personal wireless services.

3. States and local governments must act on applications for permits for such facilities within a reasonable time.

4. Any decision by a State or local government to deny a request to place, construct, or modify personal wireless service facilities must be in writing with notice of the decision being sent to the company, and must be supported by substantial evidence in a written record.

5. Permits cannot be denied on the basis of environmental effects of radio frequency emissions.

Ms. Essex informed the Council that all appeals on communication towers can now be appealed to federal court, which requires documentation and substantial evidence and the written record. She suggested recording the meetings and having the minutes clarify what basis was used for any denial of a request.

Ms. Essex pointed out that a neighborhood cannot simply say they do not want a tower in their neighborhood. The residents need actual reasons documented by evidence. She gave the example of property devaluation, which she stated would need an appraisal showing reduction in the actual property value.

Ms. Essex also stated the Council needed to be careful of comments made during any discussion because those comments will be used as a basis of the record.

A discussion was held among Councilmembers.

MOTION: Councilmember Kendrick moved (1) to request the staff to make appropriate changes to the zoning ordinance and refer it to the Planning Commission for public hearing and the Planning Commission would then forward their recommendation to City Council; and (2) that the Policy Committee review the tower policy and provide a recommendation to City Council.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

4. P99-72F. A Neighborhood Study of the McPherson Church Road Corridor between Cliffdale Road and Morganton Road defined to the east by Kirkwood Drive and to the west by Palomar Street for Consideration of Issues of Zoning Districts and 2010 Land Use Plan.

Ms. Kathy Kem, Planner II, presented this item. She reviewed the current zoning, the zoning history, the 2010 Land Use Plan, land values, the area traffic count, and the indicators used in determining if a neighborhood is in transition.

Ms. Kem stated the problem with trying to retrofit an area that does not currently contain a transitional buffer was not a new one to Fayetteville and there were several ways this buffer may be provided. One option would be the development of a new district that could be used for these areas that have commercial areas abutting low-density residential uses.

This new district would be designated P4 Professional District and would allow the same uses as our current P2 Professional District. The primary difference between the two districts would be that the P4 would require that the lot have or retain its residential character and the building so that the continuity of the residential neighborhood would not be broken. The district is designed for small areas rather than large strips of land and would create the transition difference that did not previously exist between the commercial and low-density residential areas.

Another requirement of this district would be a design review of the building to ensure its compatibility with the adjoining neighborhood. A site plan would be required at the time of the rezoning application and would show all buildings, buffers, screenings, parking areas, trees beginning with the caliper of five inches and any other pertinent information. This district would also require a ten-foot unobstructed buffer around the perimeter of the property where no structures or parking would be permitted. Signage in this district would be the equivalent of that allowed in residential districts for incidental home occupations. Unless the lot had previously been designated Zero Lot Line, Zero Lot Line would also not be permitted in this district, because of this ten-foot requirement.

One concern in retrofitting sites is often the structures are removed and the site is clear cut of all trees. Most established residential areas have a good deal of mature trees already on site. In an effort to retain those trees, if an applicant requests the P4 Professional District, all trees with at least a caliper of five inches would be required to be shown on the site plan. The developer would be encouraged to retain as many of the original trees as possible when rezoning the property so that the continuity of the existing neighborhood would not be disrupted.

Ms. Kem stated that after three public hearings, the residents and property owners that abut McPherson Church Road were in favor of professional zoning for those properties. The residents and property owners within the Westwood and Kirkwood neighborhoods were opposed to the rezoning.

Ms. Kem presented the following recommendations:

#### Staff Recommendations

1. Rezone all lots abutting McPherson Church Road to P4 Professional.
2. Change 2010 Plan to reflect any zoning changes.
3. Develop P4 District regardless of study outcome.

#### Planning Commission Recommendation

1. Zoning remain unchanged.
2. 2010 Plan remain unchanged.
3. Proceed with P4 District development.

Ms. Kem presented the following decision options:

1. Deny request.
2. Rezone only subject property to P2 or P4.
3. Initiate area rezoning to P2 and change 2010 Plan.
4. Initiate area rezoning to P4 and change 2010 Plan.
5. Change 2010 Plan only.

Councilmember Shaw stated there was a sixth option and that was to add P4 to the ordinance.

A discussion was held regarding traffic, the procedure to be used to approve the P4 zoning district, preservation of the neighborhood, preservation of the area trees and the approval of a site plan by the Planning Commission.

**MOTION:** Councilmember Robertson moved to follow the recommendations of the Planning Commission and keep the land use for McPherson Church Road corridor at low density residential and zoned as R10 Residential.

**SECOND:** Councilmember Kendrick

Further discussion was held regarding the pros and cons of the motion.

**SUBSTITUTE MOTION:**

Councilmember Smith moved to defer action on this item until the staff could come back with P4 recommendations.

**SECOND:** Councilmember Worthy

After discussion, Mayor Pro Tem McBryde called for a vote on the substitute motion.

**SUBSTITUTE MOTION VOTE:**

Failed by a tie vote of 6 in favor (Councilmembers Worthy Talbot, Pitts, Smith, Massey, and Haire) to 6 in opposition (Councilmembers McBryde, Robertson, Kendrick, Shaw, Fogleman, and Milligan)

**ORIGINAL MOTION VOTE:**

Passed by a vote of 9 in favor (Councilmembers McBryde, Robertson, Kendrick, Shaw, Pitts, Fogleman, Milligan, Massey, and Haire) to 3 in opposition (Councilmembers Worthy, Talbot, and Smith)

**MOTION:** Councilmember Massey moved that the concept of P4 be sent to the Planning Commission for review and then returned to the Council for recommendations.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

5. Consideration of the Non-Power Agency City proposal for debt relief of the 51 power agency cities, and adoption of Debt Relief Resolution.

RESOLUTION OF DEBT RELIEF. RESOLUTION NO. R2000-024.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Haire was absent at the time of the vote and his vote was counted in the affirmative)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

6. Consideration of a resolution of the City of Fayetteville, North Carolina, authorizing the Public Works Commission Manager as the representative of the City of Fayetteville to submit a proposal(s) to the United States Army Engineering and Support Center in response to Solicitation Number DACA 87-00-R-006 to acquire, operate, maintain, repair, and expand the electric, water, wastewater and natural gas utility systems at Fort Bragg, North Carolina.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AUTHORIZING THE PUBLIC WORKS COMMISSION MANAGER AS THE REPRESENTATIVE OF THE CITY OF FAYETTEVILLE TO SUBMIT A PROPOSAL(S) TO THE UNITED STATES ARMY ENGINEERING AND SUPPORT CENTER IN RESPONSE TO SOLICITATION NUMBER DACA 87-00-R-006 TO ACQUIRE, OPERATE, MAINTAIN, REPAIR, AND EXPAND THE ELECTRIC, WATER, WASTEWATER AND NATURAL GAS UTILITY SYSTEMS AT FORT BRAGG, NORTH CAROLINA. RESOLUTION NO. R2000-025.

MOTION: Councilmember Worthy moved to authorize the resolution.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

7. ADMINISTRATIVE REPORTS

A. Update on sidewalks within the City limits.

City Manager Roger Stancil presented this item. Councilmember Haire requested that Filter Plant Road be placed on the sidewalk map and Councilmember Smith requested that Deep Creek Road also be placed on the map.

Mr. Stancil stated the 1994 bond projects had been finalized and a five-year plan needed to be developed.

A discussion ensued regarding criterion for new construction of sidewalks versus the maintenance of sidewalks, the placement of the sidewalks throughout the City and on Filter Plant Road, and whether the Transportation Committee should review the sidewalks before submission to Council for approval.

Mr. Stancil reviewed the Sidewalk Policy and a discussion followed regarding the adequacy of the policy. Council's consensus was the policy should stay as written.

MOTION: Councilmember Talbot moved to send this to send this item to the Transportation Committee.

SECOND: Councilmember Shaw

Councilmember Kendrick requested that the Transportation Committee process sidewalks like they do streets. A discussion was held with Councilmembers stating the Transportation Committee should follow the current policy.

VOTE: UNANIMOUS

B. Report on MWBE program.

Mr. Craig Hampton, Administrative Services Director, presented the report on the City's effort to actively seek qualified minority and women-owned businesses for participation in construction services, City procurements, and professional and consulting services. He noted that currently there are 43 businesses certified with the City with only 11 new businesses having been certified and 11 businesses having been re-certified from January 1, 1999, to December 31, 1999.

A discussion was held with Councilmember Pitts expressing his concern about the City's low goals for minority women. Mr. Hampton responded that the City's goals of 10 percent were the same goals adopted by the State of North Carolina and the other goals were based on availability of this type business rather than on the general population.

C. Report on privilege licenses.

Lisa Smith, Chief Financial Officer, presented this report. Ms. Smith gave an overview of the City's current privilege license procedure and schedule. She explained that a review had been done of several municipalities and the findings indicated that a gross receipts method of determining privilege license taxes was a more equitable method of taxation and allowed a larger portion of corporate revenues to remain in Fayetteville. Ms. Smith stated this is the

method used by other large North Carolina cities.

Ms. Smith recommended the following:

1. Approve new privilege license schedule based on gross receipts by March 20.
2. Approve calculation method (.50 per \$1,000.00 of gross receipts).
3. Establish a minimum (\$25.00) and a maximum (\$1,200.00) for the gross receipt tax.
4. Make new schedule effective July 1, 2000.

MOTION: Councilmember Fogleman moved to approve the proposal.

SECOND: Councilmember Milligan

A discussion was held regarding the method to be used to determine gross receipts, the impact on small businesses, the projected revenue, and whether a fiscal year or calendar year would be used to determine gross receipt data.

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Robertson)

8. Closed session to discuss matters of attorney-client privilege.

City Attorney Robert Cogswell stated this item had been inadvertently placed on the agenda and would be done at the March 6 meeting.

INFORMATION ITEMS:

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

Name	Year	Basis	City Refund
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Libs Place Inc.	1999	Corrected Assessment	\$1.44
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Douglas E. Bender	1999	Corrected Assessment	2.34
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Charles O. Jones	1998	Listed in error	7.70
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Paul D. & Mary Owings	1999	Corrected Assessment	12.19
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KP's Kustom Matting & Framing	1999	Corrected Assessment	19.75
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Su Hu Mamkung	1999	Corrected Assessment	27.53
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Total			\$70.95
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2. Police Department - Monthly report from the Office of Professional Standards for the month of January 2000.
3. FAEDC - minutes of December 21, 1999, and President's Activities Report for December 1999 and January 2000.
4. Update on Time Warner and affiliates.

MOTION: Councilmember Worthy moved to adjourn the meeting.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The meeting adjourned at 9:30 p.m.

REGULAR MEETING

MARCH 6, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

MARCH 6, 2000

7:00 P.M.

Present: Mayor Pro Tem McBryde presided over the meeting from 7:00 p.m. until the Mayor's arrival prior to Item 4. Mayor Dawkins presided over the meeting from Item 4 through Item 10. He was excused at 9:07 p.m. with Mayor Pro Tem McBryde presiding over the remainder of the meeting.

Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Jimmy Teal, Chief Planning Officer  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Theo McClammy, Human Relations Director  
Frank Simpson, Inspections Director

Mike McNair, Interim Community Development and Housing Manager  
Kumar Neppalli, City Traffic Engineer  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Dr. Bruce Martin, Village Baptist Church, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

#### RECOGNITION

Mayor Pro Tem McBryde presented a Proclamation in Support of Census 2000 to Mr. Theo McClammy, Chair of the Fayetteville/Cumberland County Census 2000 Complete Count Committee.

Mayor Pro Tem McBryde announced the Character Education Concept for March 2000 was Fairness.

#### 1. APPROVAL OF AGENDA

Mayor Pro Tem McBryde requested the item on business taxes be brought back to the Council at the next meeting for further discussion. Mr. McBryde stated he felt there was a need to look at it further and to work with the business community to be sure the right thing was being done.

City Manager Roger Stancil stated that the action taken last week had given the staff permission to proceed in that direction, but actual implementation would require the Council's approval.

Councilmember Robertson requested that a date be considered for a public hearing.

MOTION: Councilmember Worthy moved to approve the agenda.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

#### 2. CONSENT:

Councilmember Fogleman requested that the minutes of February 21, 2000, Item 3.B, be changed to reflect that the approved rezoning was P1 Professional and not P2.

Councilmember Smith requested that the minutes of February 21, 2000, Item 3.A, be changed to show Mr. Ben Watson as a proponent in the public hearing rather than an opponent. She also requested to have the word "approve" added at the beginning of Item 2.E of the February 7, 2000, agenda portion of the minutes.

MOTION: Councilmember Shaw moved to approve the consent agenda.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The following items were approved:

- A. Approve minutes of regular meeting of February 7, 2000.
- B. Approve minutes of regular meeting of February 21, 2000.
- C. Approve conveyance of Lots 3, 4 and 20 of Habitat Village to the Fayetteville Area Habitat for Humanity.
- D. Adopt ordinance amending Chapter 20, Motor Vehicles and Traffic, for stop and yield control.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-003.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-004.

Copies of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS2000.

E. P00-6F. Approve the rezoning from C3 Heavy Commercial District to P2 Professional District or to a more restrictive zoning classification for an area located at 200 and 206 Maiden Lane. Containing .28 acres more or less and being the property of John W. Lynch and Lynch Company as evidenced by deeds recorded in Deed Book 4291, Pages 790-796; and 4781, Page 773, respectively Cumberland County Registry.

F. Approve request for special permit for special event signs to advertise the Annual Home Builders Association of Fayetteville-Parade of Homes.

G. Consideration of the following actions related to a joint purchasing venture with Cumberland County:

1. Approve award of purchase contracts to the following vendors for the immediate purchase of sports equipment: Clarks Sporting Goods Company (\$3,948.98); Earl Boykin Sports (\$29,490.46); Sport Supply Group Inc. dba BSN Sports (\$768.60) and A.D. Starr (\$3,130.70).
2. Waive Performance Bond requirement due to payment schedule; sports equipment will be ordered on an as-needed basis and will not be paid for until sports equipment has been received by the city.
3. Award of continuing contract to Clarks Sporting Goods Company, Earl Boykin Sports, Sport Supply Inc. dba

BSN Sports and A.D. Starr through FY 2001/2002 subject to annual appropriations and vendor performance.

H. Approve award of contract for purchase of one (1) Crafcro Super Shot 125D Pavement Sealant Melter Applicator to Sherwin Industries, Inc. (Milwaukee, WI), lowest bidder meeting specifications, in the amount of \$23,917.50.

Bids were received as follows:

Sherwin Industries, Inc. (Milwaukee, WI) \$23,917.50  
Public Works Equipment and Supply, Inc. (Monroe, NC) \$27,627.60  
Sherwin Industries, Inc. (Milwaukee, WI) \$28,130.18

I. Approve award of contract to Cherry, Bekaert & Holland for Audit of Accounts for Fiscal Year 1999-2000. The contract is not to exceed \$79,500.00

J. Approve loan documents for Blanton Road apartments project and authorize Mayor to execute documents.

### 3. PUBLIC HEARINGS:

A. P00-3F. Consideration of an application by David Matthews for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 32-29, to allow a Mini-warehouse in a C1P Shopping Center District for an area located at 5385 Ramsey Street. Containing 2.32 acres more or less and being the property of The Lampe Company as evidenced by deed recorded in Deed Book 4937, Page 256, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item by reviewing the current zoning, the 2010 Land Use Plan, and the proposed site plan. Mr. Sharpe stated the Zoning Commission unanimously recommended the approval of the Special Use Permit with the following findings of fact:

1. Such use shall fit in with the character of the area in which such use is to be located;
2. Such use is not detrimental to the surrounding area;
3. The proposed use is free of objectionable characteristics, such as noise, smoke and fumes;
4. Pedestrian and vehicular traffic will not be obstructed by loading and unloading activities;
5. Existing first floor retailing activities similarly zoned along the block containing the site are not disrupted by the proposed use;
6. The proposed use complies with the applicable fire code; and
7. The external walls facing any public street shall be consistent with and not detract from the general appearance of other existing first floor retailing activities similarly zoned in the area.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:19 p.m. with Mr. David A. Matthews, of Moorman, Kizer, and Reitzel, Inc., 115 Broadfoot Avenue, Fayetteville, NC, being sworn in and appearing in favor of the Special Use Permit. There was no one present in opposition and the public hearing closed at 7:20 p.m.

MOTION: Councilmember Kendrick moved to approve the Special Use Permit with the recommended Findings of Fact.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

B. P00-4F. Consideration of the rezoning from R1 Residential District to R6 Residential District or to a more restrictive zoning classification for an area located on the east side of Kathy Street, north of Pamalee Drive. Containing .64 acres more or less and being the property of Koala Day Care Centers, Inc., as evidenced by deed recorded in Deed Book 5217, Page 77, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item reviewing the current zoning, the 2010 Land Use Plan, and the rezoning history of the area. Mr. Sharpe stated a valid protest petition had been filed and a three-fourths vote would be required for approval.

A discussion was held regarding the effect of the rezoning on property across the street and future rezoning requests in the area and the uses allowed in an R6 zoning district.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:29 p.m. Mr. Alfred J. Bost, Jr., PhD, P.O. Box 675, Spring Lake, NC, and Mr. Rudolph Singleton, Jr., Attorney for Mr. Bost, 1 Skye Place, Fayetteville, NC, appeared in favor of the rezoning. Mr. Singleton requested to reserve a portion of his time for rebuttal.

Mr. Wayne Smith, 4424 Kathy Street, Fayetteville, NC; Ms. Lillian Aust, 1131 Oakwood Street, Fayetteville, NC; Ms. Mildred Leslie, 4416 Kathy Street, Fayetteville, NC; Mr. Remas Adams, 4404 Karen Lake Drive, Fayetteville, NC; and Ms. Pat Adams, 4404 Karen Lake Drive, Fayetteville, NC, appeared in opposition. They expressed their concerns about the traffic increase and the safety issues.

Mr. Singleton offered rebuttal. He requested the Council follow the recommendations of the Zoning Commission and approve the rezoning. The public hearing was closed at 7:50 p.m.

MOTION: Councilmember Worthy moved to approve the rezoning request.

SECOND: Councilmember Massey

Councilmembers Talbot and Shaw requested that the City work with the neighborhood on diverting the traffic, which had become a problem.

VOTE: Failed by a vote of 5 in favor (Councilmembers Worthy Talbot, Smith, Massey, and Haire) to 7 in opposition (Councilmembers McBryde, Robertson, Kendrick, Shaw, Pitts, Fogleman, and Milligan)

C. P00-5F. Consideration of the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification for a portion of an area located at 3304 Ramsey Street, 107 Bartow and adjacent property. Containing .43 acres more or less and being the property of Kirby Augustus Carter; Joseph Earl Allen and wife Helen; and Mehmet Ergun as evidenced by deeds recorded in Deed Book 750, Page 291; 2689, Page 75; 3545, Page 643; and 4748, Page 143 respectively, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item reviewing the current zoning, the 2010 Land Use Plan, the zoning history and a proposed site plan.

Mr. Sharpe stated the Zoning Commission recommended approval of the rezoning to C1 and the staff recommended approval of the P2 Professional District based on the following facts:

1. The P2 will provide a transition between the commercial and residential districts;
2. The City Council action on Case #P98-29 and Case #P98-34 rezoned the property on the opposite side of Ramsey Street from residential to professional. This rezoning provided a buffer between the Eckerd's and the residential area; and
3. The likelihood of residential development at the corner of Ramsey Street and Bartow Drive is remote.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:58 p.m. with Mr. Stacy Weaver, Attorney for the petitioner, 203 Fairway Drive, Fayetteville, NC, appearing in favor of the rezoning. Mr. Weaver presented a plan for a proposed drugstore. There was no one present to speak in opposition and the public hearing closed at 8:05 p.m.

Discussion was held regarding the rezoning and the fact that the rezoning could not be done based on a proposed use.

MOTION: Councilmember Milligan moved to approve the rezoning to C1.

SECOND: Councilmember Talbot

VOTE: Passed by a vote of 11 in favor with Councilmember Shaw in opposition.

Mayor Pro Tem McBryde called for a five-minute recess.

Mayor Dawkins arrived at the meeting during the recess and began to preside over the meeting.

4. P99-52F. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located at 205 McPherson Church Road. Containing 1.16 acres more or less and being the property of Charles & Faye Stamitoles as evidenced by deed recorded in Deed Book 4453, Page 169, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item reviewing the current zoning, the 2010 Land Use Plan, and the zoning history. Ms. Kem stated the Zoning Commission recommended approval of P2 Professional zoning. She stated that at the February 28 meeting the City Council had adopted the McPherson Church Road Corridor Study to keep the existing residential uses zoned as residential.

MOTION: Councilmember Talbot moved to approve the rezoning request.

SECOND: Councilmember Worthy

A discussion was held on the pros and cons of rezoning this property.

VOTE: Failed by a vote of 5 in favor (Councilmembers Massey, Smith, Robertson, Worthy, and Talbot) to 7 in opposition (Councilmembers Haire, Pitts, McBryde, Kendrick, Shaw, Fogleman, and Milligan)

5. Consideration of request to address City Council by Gary Tierney regarding proposed group home being placed at 1225 Faison Avenue.

Mr. Gary Tierney, 1217 Faison Avenue, Fayetteville, NC, requested help from the City in stopping this type of business being placed in their neighborhood. City Attorney Robert Cogswell stated that the Federal Fair Housing Act and the state statutes protect this type of home, and a local government cannot stop the development.

A discussion was held regarding the neighborhood's unawareness of the situation and the lack of a source where property owners can get information and answers to their questions.

Councilmember Shaw stated she felt that when citizens had questions, the City should be able to give information which would designate a point of contact for addressing the issue.

After discussion Councilmember Shaw requested that Mr. Tierney contact Mr. Victor Sharpe, of the City Planning

Department, as a starting point. Mrs. Shaw stated the person in charge of this project had a responsibility to meet with the neighborhood.

Councilmember Kendrick requested the City Attorney give copies of the federal and state laws dealing with this issue to Mr. Tierney.

6. Discussion of Winston-Salem Council structure. (Requested by Councilmember Pitts)

Councilmember Pitts stated that he had talked with representatives from the City of Winston-Salem, the only major city in North Carolina that had a single district setup like the one being proposed for Fayetteville. He stated there were eight wards and eight aldermen.

Mr. Pitts reviewed the advantages and disadvantages of this type of electoral system.

Mr. Pitts also reported that after the 2000 Census, Winston-Salem's district lines were going to be redrawn so that each district would have a part of the downtown area included, thereby giving each ward a vested interest in that area.

7. Consideration of approval of an ordinance of the City Council of the City of Fayetteville amending Chapter III, "Governing Body", and Chapter IV, "Elections", of the Charter of the City of Fayetteville to (a) change from "nine (9) single-member districts and three (3) at-large seats" to "nine (9) single member districts" as the mode of election for members of the Fayetteville City Council, and (b) give the Mayor the right to vote on all matters.

Mayor Dawkins presented this item.

City Attorney Robert Cogswell stated the Council needed to vote either for or against adoption of this ordinance.  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER III, "GOVERNING BODY", AND CHAPTER IV, "ELECTIONS", OF THE CHARTER OF THE CITY OF FAYETTEVILLE TO (A) CHANGE FROM "NINE (9) SINGLE-MEMBER DISTRICTS AND THREE (3) AT-LARGE SEATS" TO "NINE (9) SINGLE-MEMBER DISTRICTS" AS THE MODE OF ELECTION FOR MEMBERS OF THE FAYETTEVILLE CITY COUNCIL, AND (B) GIVE THE MAYOR THE RIGHT TO VOTE ON ALL MATTERS. ORDINANCE NO. S2000-002.

MOTION: Councilmember Talbot moved to approve the adoption of the ordinance.

SECOND: Councilmember Worthy

A discussion was held regarding the pros and cons of changing the current electoral system of nine single districts and three at-large to nine single districts with the mayor having the right to vote on all issues. Councilmembers Pitts, McBryde, Shaw, Smith, and Worthy expressed their points of view.

VOTE: Passed by a vote of 7 in favor (Councilmembers Robertson Worthy, Talbot, Pitts, Smith, Massey, and Haire) to 5 in opposition (Councilmembers McBryde, Kendrick, Shaw, Fogleman, and Milligan)

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

8. Consideration of making an ordinance No. S2000-002 of the City Council of the City of Fayetteville amending Chapter III, "Governing Body", and Chapter IV, "Elections", of the Charter of the City of Fayetteville to (a) change from "nine (9) single-member districts and three (3) at-large seats" to "nine (9) single member districts" as the mode of election for members of the Fayetteville City Council, and (b) give the Mayor the right to vote on all matters, effective only if approved by the voters, pursuant to NCGS §160a-102.

Mayor Dawkins presented this item.

City Attorney Robert Cogswell stated for the record that usually when an ordinance was adopted the first time it was introduced, a two-thirds vote was required but that was not the case here because this item had been introduced several times. Mr. Cogswell explained this action will make the ordinance previously approved subject to a referendum.

Mr. Cogswell also stated that if the ordinance was approved in the election, the Council would be bound for one cycle before any further changes could be made.

MOTION: Councilmember Talbot moved that this item be disapproved.

SECOND: Councilmember Worthy

Mr. Cogswell ruled the motion was in order.

VOTE: Failed by a vote of 6 in favor (Councilmembers Worthy, Talbot, Pitts, Smith, Massey, and Haire) to 7 in opposition (Councilmembers McBryde, Robertson, Kendrick, Shaw, Fogleman, Milligan, and Mayor Dawkins casting the tie-breaking vote)

MOTION: Mayor Pro Tem McBryde moved to make the ordinance subject to a referendum.

SECOND: Councilmember Kendrick

VOTE: Passed by a vote of 7 in favor (Councilmembers McBryde, Robertson, Kendrick, Shaw, Fogleman, Milligan, and Mayor Dawkins casting the tie-breaking vote) to 6 in opposition (Councilmembers Worthy, Talbot, Pitts, Smith, Massey, and Haire)

9. Consideration of resolution of the City Council of the City of Fayetteville calling for a special election pursuant to NCGS §160-102 on March 6, 2000, to consider approval of Ordinance No S2000-002, amending Chapter III, "Governing Body", and Chapter IV, "Elections" of the Charter of the City of Fayetteville to (a) change from "nine (9) single-member districts and three (3) at-large seats" to "nine (9) single-member districts" as the mode of election for members of the Fayetteville City Council, and (b) give the Mayor the right vote on all matters.

Mayor Dawkins presented this item.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CALLING FOR A SPECIAL ELECTION PURSUANT TO NCGS § 160-102 ON MARCH 6, 2000, TO CONSIDER APPROVAL OF ORDINANCE NO. S2000-002 AMENDING CHAPTER III, "GOVERNING BODY", AND CHAPTER IV, "ELECTIONS", OF THE CHARTER OF THE CITY OF FAYETTEVILLE TO (A) CHANGE FROM "NINE (9) SINGLE-MEMBER DISTRICTS AND THREE (3) AT-LARGE SEATS" TO "NINE (9) SINGLE-MEMBER DISTRICTS" AS THE MODE OF ELECTION FOR MEMBERS OF THE FAYETTEVILLE CITY COUNCIL, AND (B) GIVE THE MAYOR THE RIGHT TO VOTE ON ALL MATTERS. RESOLUTION NO. R2000-026.

City Attorney Robert Cogswell stated that in order to get the special election pre-cleared on time, it would be best to approve the ballot tonight.

MOTION: Mayor Pro Tem McBryde moved to approve the resolution and the short version of the ballot.

SECOND: Councilmember Talbot

A discussion was held regarding the appropriate ballot to be used.

VOTE: Passed by a vote of 9 in favor (Councilmembers McBryde, Shaw, Talbot, Worthy, Kendrick, Robertson, Pitts, Fogleman, and Milligan) to 3 in opposition (Councilmembers Smith, Massey, and Haire)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

10. Consideration of sale of City property along east wall of City Hall.

No discussion was held on this item.

MOTION: Councilmember Robertson moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

Mayor Dawkins requested that the Council excuse him from the meeting.

MOTION: Councilmember Worthy moved to excuse the Mayor.

SECOND: Councilmember Haire

VOTE: UNANIMOUS

Mayor Dawkins left the meeting at 9:07 p.m. Mayor Pro Tem McBryde presided over the remainder of the meeting.

11. Report from Council Transportation Committee.

Councilmember Kendrick presented this item.

A. Update on SafeLight Program.

B. Discussion of procedures for adding transportation projects to existing lists.

Councilmember Kendrick stated the Committee would be doing an orientation program in the next month or so for the new councilmembers.

C. Report on speed studies on Sandalwood Drive, Pearl Street and Sandra Drive.

D. Discussion of an ordinance permitting bicycles on sidewalks with pedestrian having the right of way.

Councilmember Kendrick stated the Committee recommended adoption of the ordinance amendment allowing the riding of bicycles on sidewalks except for the downtown area.

Councilmember Kendrick stated the staff needed to investigate allowing skateboards, roller skates, roller blades, and other similar modes of transportation on the sidewalks and the findings should be reported to the Transportation Committee.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2000-003.

MOTION: Councilmember Kendrick moved to adopt the ordinance.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

E. Discussion of resolution for feasibility study for Boone Trail.

Councilmember Kendrick stated the Committee recommended adoption of the resolution requesting a feasibility

study by the North Carolina Department of Transportation.

RESOLUTION REQUESTING FEASIBILITY STUDY FOR IMPROVEMENTS TO BOONE TRAIL.

RESOLUTION NO. R2000-027.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

F. Discussion of the possibilities of making all current and future neighborhood streets 25 miles per hour.

Councilmember Kendrick reported that the Committee did not recommend making all current and future neighborhood streets 25 miles per hour.

Mr. Kendrick stated that the Committee recommended amending the current process to allow the mechanism whereby the City Manager can reduce the speed limit to 25 miles per hour upon the submission of a valid petition from 51 percent of the residents in a neighborhood. This would eliminate a public hearing before the City Council.

Mr. Stancil explained the proposed procedure and stated an ordinance would be brought back to the Council for action.

MOTION: Councilmember Robertson moved to approve.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

12. APPOINTMENTS:

A. Board of Appeals on Buildings and Dwellings

Mr. Curtis Dowd was unanimously appointed to the term expiring in May 2002.

B. City of Fayetteville Finance Committee

Mr. Steve Arndt was unanimously appointed to the Finance Committee.

13. ADMINISTRATIVE REPORTS

A. Report on City position vacancies.

14. Closed session to discuss matters of attorney-client privilege.

MOTION: Councilmember Fogleman moved to go into closed session to discuss matters of attorney-client privilege.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

The closed session began at 9:12 p.m. and the regular session resumed at 9:25 p.m.

INFORMATION ITEMS:

1. Report on Kinwood Subdivision drainage issue.

2. Parks and Recreation Advisory - minutes of January 24, 2000.

MOTION: Councilmember Fogleman moved to adjourn the meeting.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

The meeting adjourned at 9:26 p.m.

REGULAR MEETING

MARCH 20, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

MARCH 20, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Mayor J. L. Dawkins

Darrell J. Haire (District 4)

Betty Milligan (District 1)

Others Present: Roger L. Stancil, City Manager (arrived at 7:12 p.m.)

Robert C. Cogswell, Jr., City Attorney

Ben Brown, Chief Development Officer

Brad Whited, Airport Director

Mike McNair, Interim Community Development and Housing Manager  
James Rose, PWC  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
Lisa Smith, Chief Financial Officer  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Ben Brown, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor Pro Tem McBryde announced the Character Education Concept for March 2000 was Fairness.

#### RECOGNITION

Mayor Pro Tem McBryde introduced Boy Scout Troop 598 and their Scoutmaster, Mary Cates.

MOTION: Mayor Pro Tem McBryde moved to excuse Mayor J. L. Dawkins and Councilmembers Haire and Milligan from the meeting.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

Councilmember Pitts inquired about the history of the Character Education Concept and whether the City did anything to foster the concept presented each month.

A discussion was held with Mayor Pro Tem McBryde explaining this item was added to the agenda by former Councilmember Blackwell and as far as he knew, this was the only thing done by the City.

No action was taken.

Mayor Pro Tem McBryde expressed condolences on behalf of the City Council and staff to the family of David Sharp, a Fayetteville firefighter who died in the line of duty on March 17, 2000.

#### 1. APPROVAL OF AGENDA

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmembers Haire and Milligan excused)

#### 2. CONSENT:

Mayor Pro Tem McBryde presented the consent agenda and asked if any items should be removed.

Councilmember Pitts requested to pull Item 2.F.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the exception of Item 2.F.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmembers Haire and Milligan excused)

The following items were approved:

A. Approve minutes of February 22, 2000 - Special Meeting with The Fayetteville Area Economic Development Corporation.

B. Approve minutes of February 28, 2000 - Information Meeting.

C. Approve tax refunds in excess of \$100.

Name	Year	Basis	City Refund
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Parker, Jeannine Marie	1995-1998	Military	\$483.17
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Heba Inc. T/A Subway	1999	Corrected Assessment	137.31
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Total			\$620.48
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D. Adopt Special Revenue Fund Project Ordinance 2000-6 (Strict and Fair Enforcement Program - Traffic Safety).

The North Carolina Department of Transportation Governor's Highway Safety Program awarded the City of Fayetteville \$66,725.00 for the Police Department's strict and Fair Enforcement Program. The City is required to provide a local match of \$20,775.00, which is budgeted in the police department budget. The funds from this project will be used for training and equipment to improve overall traffic safety and highway safety management. This ordinance is necessary to establish the \$87,500.00 project budget for the program.

E. Adopt Resolutions Declaring Cost and Setting Public Hearing for April 3, 2000, on the following Streets:

1. Abraham Avenue [From Deep Creek Road to Jacob Street North]

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR ABRAHAM AVENUE [FROM DEEP CREEK ROAD TO JACOB STREET (NORTH)]. RESOLUTION NO.

R2000-028.

2. Elba Street/Rosebud Street (From Oxford Street to Griffin Street)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR ELBA STREET/ROSEBUD STREET (FROM OXFORD STREET TO GRIFFIN STREET). RESOLUTION NO. R2000-029.

3. Griffin Street (From Troy Drive to Oxford Street)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR GRIFFIN STREET (FROM TROY DRIVE TO OXFORD STREET). RESOLUTION NO. R2000-030.

4. Jacob Street (North) (from Abraham Avenue to Cade Hill Avenue)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR JACOB STREET (NORTH) (FROM ABRAHAM AVENUE TO CADE HILL AVENUE). RESOLUTION NO. R2000-031.

5. Jacob Street (South) (from Cade Hill Avenue to Noah Avenue)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR JACOB STREET (SOUTH) (FROM CADE HILL AVENUE TO NOAH AVENUE). RESOLUTION NO. R2000-032.

6. Oxford Street (From Little Avenue to Griffin Street)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR OXFORD STREET (FROM LITTLE AVENUE TO GRIFFIN STREET). RESOLUTION R2000-033.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

F. Pulled for discussion by Councilmember Pitts.

G. Adopt ordinance which will allow City Manager to approve the speed limits in residential areas.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2000-004.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

H. Adopt resolution setting public hearing for May 1, 2000, to consider the paving without petition of the following streets: (Bond project - Soil Street Package 5).

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF PROGRESS STREET FROM JUMALON STREET TO W. JENKINS STREET; JUMALON STREET FROM PROGRESS STREET TO W. JENKINS STREET; W. JENKINS STREET FROM SOUTHERN AVENUE TO DALLAS STREET; DIANA STREET FROM PROGRESS STREET TO DALLAS STREET; TEAGUE STREET FROM DALLAS STREET TO PROGRESS STREET; EUGENE STREET FROM SOUTHERN AVENUE TO CAMDEN ROAD; GARVIN STREET FROM SOUTHERN AVENUE TO POWELL STREET; HALL STREET FROM CAMPBELL AVENUE TO BUTLER STREET; BUTLER STREET FROM COOL SPRING STREET TO DICK STREET; MACDOUGALD ROAD FROM PENNSYLVANIA AVENUE TO UNIVERSITY AVENUE. RESOLUTION NO. R2000-034.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

I. Approve amendment to Loan Agreement with Blanton Green Apartments.

J. Approve Water and/or Sanitary Sewer Annexation Agreement with Ann B. McLeod for utility service to new State Farm Insurance building on Raeford Road (PIN 9496-37-9318). (PWC)

K. Adopt Annexation Phase III Capital Project Fund Budget Amendment #3. (PWC)

L. Adopt Uptown Revitalization Budget Amendment #1. (PWC)

F. Approve Amendment to Utility Easement Agreement with Sprint at Fayetteville Regional Airport.

Councilmember Pitts requested that the original terms of the 50-year contract be explained.

Brad Whited, Airport Director, stated the original contract was for 50 years and there was no dollar amount included. He further explained the amendment would increase the square footage of the existing easement and a one-time payment of \$10,000.00 would be paid up-front to cover the remaining years on the original contract.

Councilmember Pitts stated he felt there needed to be more flexibility in the process because the \$10,000.00 up-front money ties the City's hands and the payment is equivalent to \$200.00 annually for the remainder of the contract

and \$200.00 would not retain the same value over the remaining 35 years.

A discussion ensued with Councilmember Robertson expressing his opinion there was a need for a uniform standard operating procedure for charging fees to utilities using the City's easements.

City Attorney Robert Cogswell stated these were different scenarios, and this was for the acquisition of additional land and not for the cost of maintaining the City's right-of-way, which was being used by a subscriber at a current cost of \$50,000.00 per year per subscriber.

MOTION: Councilmember Pitts moved to pull Item 2.F for the purpose of gathering further information for clarification for the Councilmembers.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmembers Haire and Milligan excused)

City Manager Roger Stancil arrived at the meeting.

3. Consideration of actions requested for the development of University Village apartments:

Ben Brown, Chief Development Officer, presented this item. Mr. Brown requested to add a resolution accepting Church Street as a City street to the agenda, noting this needed to be done before the street could be closed.

Mr. Brown recommended the Council: (1) approve PWC's recommendation to exchange properties between Fayetteville State University Foundation, Inc., and PWC for the proposed University Village Apartments; (2) adopt resolution accepting Church Street; (3) adopt resolution setting public hearing for the closing of Church Street; and (4) authorize the City Manager or designee to advertise the Council's intent to exchange the turnaround at Church and College Streets.

A discussion was held regarding the process used for exchange of property and the reason the street needed to be accepted by the City prior to its closing.

A. Follow recommendations of Public Works Commission and approve an exchange of property between Fayetteville State University Foundation, Inc., and Public Works Commission for the proposed University Village apartments.

B. Adopt resolutions accepting Church Street and setting a public hearing to close a portion of Church Street between College and Council Streets.

RESOLUTION ACCEPTING CHURCH STREET AS A CITY STREET. RESOLUTION NO. R2000-035.

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF CHURCH STREET.

RESOLUTION NO. R2000-036.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

C. Authorize City Manager or designee to advertise the Council's intent to exchange the turnaround at Church and College Streets for a like FSU Foundation parcel to the immediate south.

MOTION: Councilmember Worthy moved to accept staff recommendations and open and close the streets mentioned, to swap and exchange the land that had been presented, and to adhere to all of the recommendations set forth.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmembers Haire and Milligan excused)

4. Consideration of award of construction contract to Nortec Construction Services, Inc. (Fayetteville), lowest responsible bidder, for Disaster Relief Initiative project (Murchison Road area - HUD grant), in the amount of \$282,989.00.

Mr. Craig Hampton, Administrative Services Director, presented this item noting that the Committee's recommendation was to award the contract to the second lowest bidder, Nortec Construction Co., Inc., because the lowest bidder, Hosack Enterprises, Inc., did not have the correct contractor's license for the performance of this job.

Mr. Hampton stated these funds were from HUD and had been designated to remove debris and other obstructions from the Little Creek Crossway resulting from damage from Hurricane Fran.

MOTION: Councilmember Fogleman moved to award the contract as presented.

SECOND: Councilmember Worthy

A discussion was held regarding the criteria used for the determination of the accepted bidder, and the origin of and process used in the licensing issue.

VOTE: UNANIMOUS (Councilmembers Haire and Milligan excused)

Bids were received as follows:

Hosack Enterprises \$248,635.00

Nortec Construction Services, Inc. \$282,989.00

R & G Construction Co. \$284,064.20

WECC, Inc. \$340,216.00

SCS Group. \$366,313.40  
Phillips & Jordan, Inc. \$405,458.00  
Intercoastal Diving, Inc. \$572,039.35

5. Consideration of award of paving construction contract to Wellons Construction, Inc. (Dunn), in the amount of \$748,687.50, for Soil Street Package #4 which includes the following streets in East Fayetteville: Alphin Street; King Street; Lock Trail; Martin Street; McDonald Street; Neal Street; Faircloth Street; Ardmore Drive; Sage Street.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmembers Haire and Milligan excused)

Bids were received as follows:

Wellons Construction, Inc. \$748,687.50  
Autry Grading, Inc. \$768,559.30  
Billy Bill Grading Co., Inc. \$799,776.00  
McDonald Grading Company \$850,000.00

Mr. Stancil stated he wanted the Council to know that the County Fire Department would be maintaining the City's Fire Stations during the funeral of David Sharp.

INFORMATION ITEMS:

1. Statement of taxes collected for the month of February 2000, from the Cumberland County Tax Administrator.

1999 Taxes	\$635,304.48
1999 Vehicle Taxes	256,225.27
1999 Revit	2,453.18
1999 Vehicle Revit	179.26
1999 FVT	30,721.29
1999 Storm Water	52,002.07
1998 Taxes	16,555.07
1998 Vehicle Taxes	29,331.65
1998 Revit	0.00
1998 Vehicle Revit	2.21
1998 FVT	4,315.00
1998 Storm Water	1,614.90
1997 Taxes	6,157.79
1997 Vehicle Taxes	657.05
1997 Revit	0.00
1997 Vehicle Revit	0.00
1997 FVT	188.86
1997 Storm Water	662.28
1996 Taxes	1,763.97
1996 Vehicle Taxes	386.26
1996 Revit	0.00
1996 Vehicle Revit	0.00
1996 FVT	85.00
1996 Storm Water	312.00
1995 & Prior Taxes	1,386.64
1995 & Prior Vehicle Taxes	645.43
1995 & Prior Revit	0.00
1995 & Prior Vehicle Revit	0.66
1995 & Prior FVT	106.28
1995 Storm Water	132.00
Interest	26,611.39
Interest (Revit)	75.06
Interest (Storm Water)	1,866.40
Fayetteville Discount	(439.38)
Revit. Discount (1.98)	
Total Collections	\$1,069,300.19

2. Report of tax refunds less than \$100.  

Name	Year	Basis	City Refund
Libby, Alonzo	1999	Corrected Assessment	\$1.89
Digital Color Graphics	1999	Corrected Assessment	25.64
Alert All Alarms, Inc.	1999	Corrected Assessment	26.00
Tire City Inc. c/o Phil Latimer CPA	1999	Corrected Assessment	32.15
El-Hatto, Maher T/A Subway	1999	Corrected Assessment	46.24
Clay, Terrence L. & Yolanda M.	1998	Military Non-resident	62.02
Strip Technology of Fayetteville	1999	Corrected Assessment	66.64
Acton Mobile Inc.	1999	Equipment moved out of county	98.50
Total			\$359.08
3. Letter of appreciation from the City of Albemarle for assistance during winter storm cleanup.
4. Information from City Council Facility Tour held March 3, 2000.
5. Update of ongoing annexation projects in Phases IIIA and IIIB areas.
6. Personnel Review Board - minutes of February 18, 2000.
7. FACVB - minutes of February 10, 2000.
8. Joint Senior Citizens Advisory Commission - minutes of February 8, 2000.
9. Redevelopment Commission - minutes of February 9, 2000.
10. Botanical Garden - minutes of February 17, 2000.
11. Planning Department - monthly report for February 2000. (Inserted in packet)

MOTION: Councilmember Smith moved to adjourn the meeting.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmembers Haire and Milligan excused)

The meeting adjourned at 7:40 p.m.

#### INFORMATION MEETING

MARCH 27, 2000

FAYETTEVILLE CITY COUNCIL

#### INFORMATION MEETING

CITY HALL COUNCIL CHAMBER

MARCH 27, 2000

7:00 P.M.

Present: Mayor J. L. Dawkins

Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7)(arrived late); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Ben Brown, Chief Development Officer

Joe Boyd, Information Systems Director

Vera Bell, Chief Operating Officer - Solid Waste

Robert Barefoot, Chief Operating Officer - Recreation and Community Facilities

Terrie Hutaff, Assistant Human Resources Officer

Karen Moore, Solid Waste Analyst

Frank Simpson, Inspections Director

Kumar Neppalli, Traffic Engineer

Victor Sharpe, Planning Services Manager

Janet Jones, City Clerk

Jason Brady, Public Information Officer

Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Shaw, followed by Mayor Dawkins leading in the Pledge of Allegiance to the American Flag.

#### RECOGNITION

Mayor Dawkins recognized Boy Scout Troop 957 from the Manna Church.

Mayor Dawkins announced the Character Education Concept for March 2000 was Fairness.

MOTION: Mayor Pro Tem McBryde moved to excuse Councilmember Worthy until he arrived.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

1. APPROVAL OF AGENDA

City Manager Roger Stancil requested to pull Item 5, presentation by Fayetteville State University Foundation and University Developers on Bronco Square, University Village and Incubator, from the agenda due to a mix-up in dates for the presentation.

He also requested to combine Item 3, presentation by Excellence in Government Focus Group for Solid Waste Management regarding solid waste issues for the City, with Item 8, discussion of Chapter 14 Solid Waste, Section 14-17. Notice to abate unlawful conditions; abatement by city where conditions of matter admits of no delay of our City Code. Item 8 became Item 3.B

MOTION: Councilmember Robertson moved to approve the agenda with the changes.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS (Councilmember Worthy excused)

2. Presentation by Steering Committee for Downtown Development.

Dr. Franklin Clark, Chairman of the Steering Committee for Downtown Development, presented this item. Mr. Clark gave an overview of the 12-member Committee and an assessment of the professional consultant's recommendations for the best methods for advancing Downtown Development to include the community strengths, weaknesses, opportunities and threats.

Dr. Clark stated the Committee agreed that the focus of any downtown development initiative in Fayetteville should be primarily and consistently economic in nature and that downtown revitalization is a journey and not an event.

The following recommendations were presented to the Council:

A. NEW ORGANIZATION

The Committee recommended that a new economic development organization be formed for the purpose of promoting economic development in downtown Fayetteville. The downtown organization should provide to all possible extent "one stop shopping" for all public, private, and regulatory information for downtown. To accomplish this goal, the organization should complete a complete property census, assessment of property owners' intentions, and develop short- and long-range plans for downtown in a coordinated and cooperative fashion with the City of Fayetteville, Cumberland County, FAEDC, and the downtown merchants and property owners association. Such action would ensure appropriate solicitation and placement of businesses within the downtown area for continued economic development. Further, it would allow the executive director, organization staff, and its Board of Directors to communicate and liaise with the broader Fayetteville community about current and planned economic development.

B. ORGANIZATIONAL STRUCTURE

The Committee recommended that the new organization be structured as a private-public, nonprofit 501(c)6 organization. Structured in this manner, the organization would be considered tax exempt by the Internal Revenue Service, and would allow contributions from businesses to be considered as business expenses, but not individuals. A review of the contributions from the other and the previous organizations shows a vast majority of donations originating from businesses rather than individuals anyway. Further, this structure would reflect the trend for such economic development agencies.

C. GEOGRAPHIC BOUNDARIES

The consulting group found a great deal of variance among residents regarding the geographical definition of "downtown". Much discussion was had among the Committee. However, following that discussion, the Committee recommended initially defining "downtown" as represented beginning with the "downtown tax district" (approximately defined by the Airborne Museum on the west, County Courthouse on the east, new County jail on the south and Cross Creek on the north), and adding Murchison Road corridor to the Fayetteville State University campus.

This definition would reflect a small portion of the City with the traditional City core, but would be more dynamic by incorporating current plans by the City. As downtown economic development succeeds, the Committee recommends continuous expansion to the entire 3,000 acres set forth in the "Marvin Plan."

D. BUDGET

The Committee recommended that the new organization be initially funded by the public sector. However, the level of funding initially requested would be below the level enjoyed by the previous organization, and would not

approach the level of 1999-2000 requested by such an organization until after the third year of operation. Further, it was the position of the Committee that following the successful hiring of an experienced executive director the private sector would respond appropriately. The pro forma budget was based on the analysis of other organizations in North Carolina, their sources of revenue and associated expenditures.

#### E. PERSONNEL

The new organization and its associated budget requires a lean and efficient operation recommended to initially be composed of an executive director and one staff. As economic development occurs, staff expansion to a third person, full or part-time, may be appropriate to handle additional needs. However, the Committee recommended that the organization stay focused on its original intent of economic development instead of diluting that purpose with other ancillary activities that would require additional personnel.

Critical to success for the organization is the recruitment and selection of a quality, experienced individual to serve as executive director. In order to attract and retain an individual with appropriate credentials, it will be necessary to offer a very competitive salary and benefit package. Therefore, 49 percent of the initial budget would be appropriated for salary. That amount, initially appearing high, would be in line with the percent expenditures of other successful organizations in North Carolina.

#### F. LOCATION

The Committee recommended that the new organization place its officers in a location that reflects a business atmosphere, and that is in close proximity to other organizations with which it would communicate and coordinate activities. With the construction of the new PWC building in downtown Fayetteville, the Committee believes that such a location would be advantageous to the success of the organization.

#### G. BOARD OF DIRECTORS

The new organization will need a responsible and dedicated group to guide and direct the efforts of economic development. The Board will play a significant role in the creation, program development, and conduct of business by the new organization. They will be charged with hiring the executive director to carry out the mission of economic development.

A diverse group of 25 community leaders have agreed to serve as the initial Board of Directors for the new organization. The Board will consist of 26 members, 12 nonvoting ex officio members with staggered three-year terms.

Mr. Jonathan Charleston, Attorney and Committee member, recommended that the organization be set up as a private/public nonprofit organization 501(c)6.

Mr. Charles Davis, of Fayetteville State University and a Committee member, reviewed the budget. Mr. Davis said the organization needed to start out as a public-funded organization and the budget would be less than \$200,000.00. He stated they were asking the City to contribute \$150,000.00 and the County to contribute \$48,000.00. Mr. Davis explained that one half of the funds would be used for salaries and no funds were being proposed from the Municipal Service Tax District.

Mr. Davis presented a three-year projection noting that it was anticipated there would be grants in the second and third years.

Dr. Henry Parfitt presented the names of the members of the Board of Directors and the ex officio members.

Councilmember Pitts inquired about the dissolution of the Fayetteville Partnership, the need for reduction of the financial dependency on governmental funds, and the need for a cooperative spirit to ensure the success of a new organization.

**MOTION:** Mayor Pro Tem McBryde moved to have the City Manager start the contract negotiations, and come back to the Council as soon as possible.

**SECOND:** Councilmember Fogleman

Councilmember Massey stated that diversity on the Board and term limitations were needed to ensure the best representation for the citizens.

Councilmember Robertson inquired whether the City Manager interpreted his direction to proceed to include seeking other funding options or was it to proceed only on what had been presented tonight.

Mr. Stancil stated that the objectives needed to be identified and then the contract should reflect the objectives and reasonable funding should be provided to meet the objectives.

**VOTE:** UNANIMOUS (Councilmember Worthy excused)

Councilmember Talbot stated he felt the outlined boundaries were too limited and needed to be extended. He also stated that he did not think the organization should be named Fayetteville Partnership, noting that the ex officio members should not have the right to vote and that it should be clarified that if public funding were being used, it was the business of the Council to know how the funds were being used.

Mr. Talbot also stated he expected the minutes and financial reports to be maintained in a businesslike manner.

Councilmember Smith requested that Mr. Ben Brown's name be added to the record as a member of the technical assistance team. Councilmember Smith stated she had concerns on several items of the Bylaws which would be addressed later.

Councilmember Shaw asked if there were going to be a consorted effort between the new organization, the City Council, and other agencies, and if so how would a decision be made on what the Downtown Development Plan would be.

Dr. Franklin Clark responded the Downtown could not be developed without the Council and the Economic Development groups working together.

City Manager Roger Stancil stated that in 1997 and 1998, the Vision Plan was not being addressed by anyone, so he created a Senior Economic Development Management Team, consistent of all entities active in the economic development of the City and Cumberland County. Mr. Stancil stated the Fayetteville Once and For All Management Team had been redefined by adding AIT, Fayetteville State University, and Fayetteville Technical Community College as components.

Councilmember Shaw stated she wanted to know whether the Council would be given recommendations by the Senior Economic Development Management Team for the redefinition of the Marvin Plan for approval.

Mr. Stancil replied in the affirmative, noting that he hoped this would happen within six months.

Mayor Dawkins left the meeting at this point and Mayor Pro Tem McBryde presided over the remainder of the meeting.

MOTION: Councilmember Robertson moved to excuse the Mayor from the remainder of the meeting.

SECOND: Mayor Pro Tem McBryde

VOTE: UNANIMOUS (Councilmember Worthy excused)

3.

A. Presentation by Excellence in Government Focus Group for Solid Waste Management regarding solid waste issues for the City.

Ms. Vera Bell, Chief Operating Officer - Solid Waste, presented this item, noting the accomplishments of the previous focus group as follows: (1) defined core business as residential, (2) eliminated commercial roll-outs, (3) revised limb collection service, and (4) set goals for future group.

Ms. Bell introduced the current focus group and stated their task had been to determine service efficiency, to determine the service residents wanted, and to ensure fairness of all services.

Ms. Mildred Oglesby, a member of the current task force, presented the following recommendations for the current services being provided by the City:

A. Household Garbage

1. Continue current service level
2. Continue to sell carts (\$44)
3. Monitor private haulers and strengthen future contracts

B. Containerized Yard Debris

1. Continue current service level
2. Educate public on containerization
3. Continue to sell carts (\$44)
4. Review and strengthen ordinance
5. Enforce ordinance
6. Monitor private haulers and strengthen future contracts

C. Leaf Season

1. Continue to pick up according to schedules
2. Continue to review and revise schedule
3. Crews should collect within 7 days of scheduled date (weather permitting)
4. Review and strengthen ordinance (mandatory containerization between scheduled pick-up)
5. Educate public
6. Enforce containerization between scheduled collection dates

D. Limb Collection

1. Continue current service level
2. No fees for items within regulation size
3. Educate public

- E. White Goods and Bulky Items
  - 1. Continue current service level
  - 2. Do not change fees
  - 3. Review and strengthen ordinance
  - 4. Educate public
- F. Dead Animal Collection
  - 1. Increase fees for animal hospitals to \$15 per animal
  - 2. Effective July 1, 2000
- G. Back Door Service
  - 1. Eliminate paid back door service
  - 2. Effective January 1, 2001
  - 3. No charge for residents with disabilities who meet requirements
- H. Benchmarks
  - 1. Leaf season - within seven days of scheduled date
  - 2. White goods and furniture - two to ten days
  - 3. Limb collection - one to three days

All under normal working conditions.

Councilmember Worthy stated he did not think that back door services should be eliminated, and the fees should be raised to the break-even point. He said that the ordinance needed to be re-assessed regarding the limitation of white goods pickup to two items per trip because of the cost of gas in making the extra trips.

Mr. Worthy stated that the City should strive for better service to its citizens in all areas.

Councilmember Kendrick inquired as to the status of the private haulers being brought up to the City's standards.

Ms. Bell stated the contracts were being intensely monitored and progress had been made.

Councilmember Kendrick stated he felt flyers should be placed in the PWC bills to educate the public.

A discussion was held about education of the public with a consensus that public television, radio, and brochures placed on the trash containers were the best form of information. Ms. Bell stated a push would be made for public education beginning with the implementation of the upcoming budget.

Councilmember Talbot inquired about the animal hospitals that did not use the pickup service. He noted the fee needed to be progressive and a charge made for each animal and a set fee for one trip.

Councilmember Worthy stated he felt the fee should be \$15.00 per animal.

Further discussion was held regarding the time frame for placing and picking up trash cans on the street.

Councilmember Kendrick requested a stuffer be inserted in the PWC bills on a quarterly basis.

Councilmember Pitts inquired if the City was trying to get out of the trash business. Mr. Stancil stated that the City was trying to do better cost analysis and the goal was to get down to the core business and the lowest bidder should be the City.

Mr. Stancil, for clarification, recapped his understanding that the back door fee was not to be discontinued, a disabled person would not have to pay, and the fee would be raised for all other users.

B. Discussion of Chapter 14 Solid Waste, Section 14-17. Notice to abate unlawful conditions; abatement by city where conditions of matter admits of no delay of our City Code (both Solid Waste and Inspections use this ordinance). (Requested by Councilmember Haire)

Councilmember Haire requested that the ordinance be reviewed because a problem had been created for people who had property throughout the City. Mr. Haire stated it was impossible for these owners to stop illegal dumping on their properties without standing guard over their properties 24 hours a day.

Mr. Haire stated the ordinance needed to be revised and an appeal board consisting of citizens and staff needed to be set up.

Mayor Pro Tem McBryde stated he agreed that the issue needed to be reviewed.

City Manager Roger Stancil informed the Council that since the ordinance's implementation in 1998, there had not been any violations under this particular section of the ordinance from the Inspections Department and there had been a total of seven from Solid Waste. Mr. Stancil stated that the Code Enforcement Management Team had observed that most of the problems in this area were with repeat offenders.

Councilmembers Milligan, Shaw, and Kendrick stated they felt the ordinance was working and should be left as is.

MOTION: Councilmember Massey moved to revisit the ordinance issue and send it to the Policy Committee to, if necessary, build in a review board procedure.

SECOND: Mayor Pro Tem McBryde

Councilmember Pitts stated he had a problem with the fact there was nowhere to go to debate a violation. City Attorney Robert Cogswell reviewed the process used, noting the number of opportunities a violator has to discuss the issue with the City staff and the City Attorney's Office.

VOTE: Passed by a vote of 9 in favor (Councilmembers Shaw, Talbot, Worthy, McBryde, Pitts, Smith, Massey, Haire, and Robertson) to 3 in opposition (Councilmembers Fogleman, Milligan, and Kendrick)

4. Presentation of Downtown Parking Committee Study results and recommendations.

Mr. Ben Brown, Chief Development Officer, introduced Mr. Robert Shuller, Chairman for the Parking Study for Uptown Fayetteville.

Mr. Shuller stated the study goals were as follows:

1. Identify the immediate parking needs;
2. Identify future needs related to upcoming development;
3. Propose possible methods of increased utilization of existing parking; and
4. Project possible solutions to meet future parking needs.

Mr. Shuller reported the subject area was bounded on the north by Rowan/Grove Streets, bounded on the east by Cool Spring/Dick Streets, bounded on the south by Russell Street, and bounded on the west by Robeson Street/Bragg Blvd.

Mr. Shuller made the following recommendations:

- A. Administrative Recommendations
  1. Establish clearing house for information (not approval)
    - a. Create base maps as reference
    - b. Monitor maps every three months to coordinate changes in property status of overall impact
    - c. Review tax records
  2. Re-exam the parking ordinance (Grandfather Changes)
    - a. Parking required for new business (at least for employees)
    - b. Maintain parking in common base free parking for customers
    - c. Shared cost parking with City/Business (to assure availability of spaces for new businesses)
      3. Explore Merchants Association managing parking in common
      4. Security
        - a. Add parking officers
        - b. City police, foot patrol: highly visible
        - c. Merchants patrol (shared cost) for mornings and evenings to remote lots
        - d. Upgrade lighting
    5. Immediately begin focus groups to determine desired or acceptable density in uptown Fayetteville
  - B. Phase I - Physical Recommendations: In order to Provide Required Parking Within One Block of Businesses
    1. Add parking to Maiden Lane
    2. Add parking to Ray Avenue
    3. Review parking for Green Street with DOT
    4. Review parking for Gillespie Street with DOT
    5. Review diagonal parking on the first three blocks of Hay Street
    6. Review sidewalk improvements of Person Street
    7. Add City parking on lot at corner of Ray and Franklin
    8. Revise parking on lot at corner of Ray and Maiden for efficiency
    9. Provide required parking within one block of businesses
  - C. Phase II - Physical
    1. Add parking structure on Old Street
    2. Add parking structure on Franklin Street

Councilmember Kendrick inquired about the cost. Mr. Shuller stated that no dollar assessment had been done but he could say that surface parking ran from \$2,000.00 to \$2,500.00 a space and a parking deck would cost approximately \$8,000.00 per car.

Councilmember Shaw stated she felt that no parking plan could be finalized until the disposition or adaptation of the Robert Marvin Plan had taken place.

City Manager Roger Stancil stated that north of the creek had adequate parking at this time and that Phase I, particularly the first five recommendations, would be simple to implement and would address the current parking

problems north of the creek.

Mr. Robert Shuller stated that both the Parking Plan and the Marvin Plan needed to be integrated to determine the future parking needs but Phase I would have no impact on Zone C and no coordination was required with the Marvin Plan.

MOTION: Councilmember Massey moved to send this issue to the staff to go forward with the recommendations of the City Manager for Phase I of the recommendations.

SECOND: Mayor Pro Tem McBryde

VOTE: UNANIMOUS

5. Presentation by Fayetteville State University Foundation and University Developers on Bronco Square, University Village and Incubator.

This item was removed from the agenda.

6. Presentation on process for 2030 Comprehensive Plan.

Mr. Jimmy Teal, Chief Planning Officer, presented this item. Mr. Teal recommended the following guiding principles for the 2030 Comprehensive Plan:

1. Involvement by City Council: The City Council must provide the leadership and direction in the development of the plan. We propose a minimum of four quarterly reports (October, January, April and July) to City Council regarding the progress and content of the plan. The City Council must have a sense of ownership in the plan.

2. Comprehensive Plan is a working document: The City Council should use the 2030 Comprehensive Plan as a guide for decision-making. Currently, the 2010 Land Use Plan is the only element of the 2010 Comprehensive Plan that is utilized as a part of the Council's decision-making process.

3. Snapshot of our current status: The process should provide an analysis of our current status.

4. Community Involvement: The development of the 2030 Comprehensive Plan should involve the public and community organizations. We plan to tap the knowledge and experience of existing City boards and commissions, civic organizations, and interested citizens to frame a picture as to how this community wishes to develop and grow.

5. Beyond our City Limit Line: Although many aspects of the plan will be specifically tied to the confines of the City, our approach is to work with other governmental agencies. The plan should incorporate elements pertaining to our urban area, county, and region.

6. Build Upon Existing Plans: The City has invested over the years in many different plans. Many agencies use these plans to direct their ongoing work and future direction. We intend to identify, review, and report on these studies. This will serve as a good starting point for the plan.

7. Coordinated Plan: Some communities have developed plans that include a transportation element, a housing element, a land use element and so on. We feel for a plan to be useful it needs to integrate these elements rather than to address them separately.

MOTION: Councilmember Worthy moved to approve the seven principles to be used for the 2030 Comprehensive Plan.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

7. Discussion of proposed changes to privilege license ordinance.

City Manager Roger Stancil presented the revised privilege license proposal. Mr. Stancil stated the ordinance had been included in the agenda packet should the Council decide to approve the proposal.

Mr. Stancil stated he felt the ultimate goal should be to generate the same revenue as Durham, NC, but at this point the change would be phased in.

Mr. Stancil recommended approval of the following:

1. Amount of manufacturing licenses remain the same as the current schedule.

2. For other types of businesses - establish a minimum of \$50.00 and no cap on the amount a business pays.

3. A graduated scale of gross receipts and rates per \$1,000.00

Amount Rate

\$0 - 2,000,000 \$.10 per \$1,000

\$2 - 5,000,000 \$.20 per \$1,000

\$5,000,000+ \$.30 per \$1,000

4. Make new schedule effective with fiscal year beginning July 1, 2000.

5. Review results of the program in January 2001.

Mayor Pro Tem McBryde and Councilmember Robertson stated their preference was that a public hearing be held before any taxes were changed.

MOTION: Councilmember Robertson moved to hold a public hearing at the first meeting in April.

SECOND: Councilmember Talbot

A discussion was held regarding the phased in implementation of the new system and community inclusion in the process.

Councilmember Pitts stated he felt the \$0 to \$2 million bracket needed to be dropped to \$0 to \$1 million in order to help out the small businesses.

Councilmember Massey stated he felt that home-based businesses should not be involved in any part of this process and he would like that to be spelled out in the ordinance.

Councilmember Smith stated she agreed with Councilmember Pitts' recommendation to lower the first rung.

A discussion was held regarding the exclusion of home-based businesses and the necessity of holding a public hearing.

VOTE: Failed by a tie vote of 6 in favor (Councilmembers McBryde, Robertson, Talbot, Pitts, Massey, and Haire) to 6 in opposition (Councilmembers Kendrick, Worthy, Shaw, Fogleman, Milligan, and Smith)

MOTION: Councilmember Worthy moved to approve the City Manager's recommendations with the suggestions from the Council to lower the smallest bracket to \$0 dollars to \$1 million.

SECOND: Councilmember Milligan

ORDINANCE NO. S2000-005.

VOTE: Passed by a vote of 7 in favor (Councilmembers Kendrick, Worthy, Shaw, Fogleman, Milligan, Smith, and Massey) to 5 in opposition (Councilmembers Robertson, McBryde, Talbot, Haire, and Pitts)

8. Discussion of Chapter 14 Solid Waste, Section 14-17. Notice to abate unlawful conditions; abatement by city where conditions of matter admits of no delay of our City Code (both Solid Waste and Inspections use this ordinance). (Requested by Councilmember Haire)

This item was moved to Item 3.B.

9. ADMINISTRATIVE REPORTS:

A. Update on efforts to assist Douglas Byrd High School.

INFORMATION ITEMS:

1. Police Department - monthly report for the Office of Professional Standards for the month of February 2000.
2. Community Improvement Team - monthly report for February and March 2000.
3. FAEDC - Announcement of staff addition and February Activities Report.

MOTION: Councilmember Worthy moved to adjourn.

SECOND: Councilmember Milligan

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Kendrick)

REGULAR MEETING

APRIL 3, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

APRIL 3, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Mayor J. L. Dawkins

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Faith Thompson, Assistant to the City Manager for Customer Focus

Ben Brown, Chief Development Officer

Craig Hampton, Special Projects Manager

Scott Dorney, Chief Officer for Support Services

Kumar Neppalli, City Traffic Engineer

Victor Sharpe, Planning Services Manager

Theo McClammy, Assistant to the City Manager for Community Affairs

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Frank Simpson, Inspections Director  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
Lisa Smith, Chief Financial Officer  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Sylvia Keller, Fayetteville Freewill Holiness Church, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor Pro Tem McBryde announced the Character Education Concept for April 2000 was Citizenship.

#### RECOGNITION

Mayor Pro Tem McBryde presented a proclamation declaring April 8, 2000, as Fayetteville Tag Day to Leon A. Goldstein, Virginia M. Helwig, and C. N. Bostic, D.V.M., members of the Ad Hoc Dog Ordinance Committee. Dr. Bostic demonstrated the implementation of a microchip, which can be used in the identification of animals.

Mayor Pro Tem McBryde presented a proclamation declaring April 6, 2000, as Guardian Ad Litem Child Advocate Day to Judge Elizabeth Keever, Chief Justice; Brownie Smathers Cain, Director of Guardian Ad Litem Program; and Linda Loch, Guardian Ad Litem Ambassador.

Judge Keever gave an overview of the Guardian Ad Litem Program for Cumberland County, one of six pilot sites in the North Carolina Program.

#### 1. APPROVAL OF AGENDA

City Manager Roger Stancil requested to include a revised ordinance for Item 2.N.1, which would place parking on both sides of Maiden Lane rather than on one side.

Mr. Stancil stated that the Chamber of Commerce had requested this afternoon to add an item to the agenda requesting the use of City Council Chambers on April 18, 2000, from 6:00 p.m. to 8:30 p.m., for a forum for the proponents and opponents to the proposed change in the Council's number of members.

MOTION: Councilmember Robertson moved to add Item 7.B, an update on the mediation process in the civil rights cases involving the Police Department.

SECOND: Councilmember Pitts

Mayor Pro Tem McBryde stated a three-fourths vote would be required to add the items.

Councilmember Smith expressed her concern about placing an item on the agenda when a citizen had been turned away because they had missed the deadline by 15 minutes.

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Smith)

MOTION: Councilmember Shaw moved to add the Chamber's request.

SECOND: Councilmember Talbot

A discussion was held regarding the addition of this item. City Attorney Robert Cogswell stated that in order to comply with the ordinance, a councilmember would have to add it as an item at this time.

After discussion, Councilmember Shaw withdrew her motion.

MOTION: Councilmember Worthy moved to approve the agenda as stated by Mr. Stancil regarding the revised ordinance and by adding Item 7.B.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

#### 2. CONSENT:

MOTION: Councilmember Talbot moved to approve the consent agenda.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The following items were approved:

A. Approve minutes of regular meeting of March 6, 2000.

B. Approve minutes of regular meeting of March 20, 2000.

C. Approve the following actions related to surplus fire trucks:

1. Accept bids received to sell four surplus fire trucks as follows: Paul McLamb for a 1957 American LaFrance Pumper Ladder, Vin # 9462, for \$1,157.57; Jackie Lee for a 1965 American LaFrance Ladder Truck, Vin # 61-9997, for \$500.00; H.B.S. Enterprises for a 1962 American LaFrance Pumper, Vin # 618819, for \$635.00; H.B.S. Enterprises for a 1963 American LaFrance Pumper, Vin # 6-1-9197, for \$635.00.

2. Authorize City Manager or his designee to execute the documents necessary to process the sale in accordance

with the terms and conditions of the Request for Bids.

D. Approve award of Bond sidewalk construction project, Morganton Road Phase 4 (McPherson to Skibo - outbound) to Tri-State Construction (Greensboro, NC), low bid, in the amount of \$139,846.30.

Bids were received as follows:

Tri-State Consultants, Inc. \$139,846.30

Nortec Construction Services, Inc. \$148,871.00

Sandhills Contractors, Inc. \$150,969.00

Billy Bill Grading Co., Inc. \$163,601.00

E. Adopt Special Revenue Fund Project Ordinance Amendment 2000-2 (HOME Program - Housing Rehabilitation).

On March 8, 2000, the Fayetteville Redevelopment Commission approved staff recommendations to appropriate \$200,408.00 in unbudgeted program income for housing rehabilitation projects. The source of program income is HOME program loan payments. This amendment is necessary to appropriate those funds for this purpose.

F. Adopt Special Revenue Fund Project Ordinance Amendment 2000-3 (CDBG Program - Housing Rehabilitation and Water and Sewer Assessment Assistance).

At the same meeting as stated above, the Fayetteville Redevelopment Commission also approved staff recommendations to appropriate \$39,589.00 in unbudgeted program income for housing rehabilitation projects (\$33,089.00) and water and sewer assessment assistance (\$6,500.00). The source of program income is Community Development Block Grant loan payments. This amendment is necessary to appropriate those funds for this purpose.

G. Consideration of a Resolution Pursuant to N.C.G.S. 160A-31 Fixing a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Terry Bill Property - Located on the Western Side of Ramsey Street, adjacent to the Lowe's Site). (Suggested public hearing date: April 17, 2000)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE PURSUANT TO N.C.G.S. 160A-31 FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA. (TERRY BILL PROPERTY - LOCATED ON THE WESTERN SIDE OF RAMSEY STREET, ADJACENT TO THE LOWE'S SITE) RESOLUTION NO. R2000-037.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

H. Consideration of a Resolution Pursuant to N.C.G.S. 160A-31 Fixing a Date for a Public Hearing for Petition-Initiated Contiguous Annexation Areas (a portion of Redtip Road, Campground Road, and Glensford Drive - Located on the Western Side of Glensford Drive, and the Northern Side of Cliffdale Road). (Suggested public hearing date: April 17, 2000)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE PURSUANT TO N.C.G.S. 160A-31 FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA. PORTIONS OF REDTIP ROAD, CAMPGROUND ROAD, AND GLENSFORD DRIVE - (LOCATED ON THE WESTERN SIDE OF GLENSFORD DRIVE AND ON THE NORTHERN SIDE OF CLIFFDALE ROAD). RESOLUTION NO. R2000-038.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

I. Approve award of contract for purchase of an Interactive Voice Response Automated Attendant/Trouble Call Reporting System to Centurion, Inc. (Berlin, WI), low bidder, in the amount of \$159,485.00. (PWC)

Bids were received as follows:

Centurion, Inc. (New Berlin, WI) \$159,485.00

CCS TrexCom, Inc. (Norcross, GA) \$161,426.00

Sprint/Carolina Telephone & Tel. (Wake Forest, NC) \$371,400.57

J. Approve amendments to Bell South Carolina PCS License Agreements for Bedrock Drive Water Tower Site and Clinton Road Water Tower Site for replacement of existing three antennae with three pairs of antennae. (PWC)

K. Approve request for special permit for special event signs to advertise the Southeast North Carolina Jazz-N-Friends' two day Jazz Festival.

A condition was placed that no signs can be put within any street right-of-way.

L. Approve request for special permit for special event signs to advertise the American Lung Association of North Carolina, Southeast Area 5th Annual \$1,000,000.00 Hole-In-One Shootout.

A condition was placed that no signs can be put within any street right-of-way.

M. Approve request for special permit for special event signs to advertise Sunday-On-The-Square by the Arts Council of Fayetteville/Cumberland County.

A condition was placed that no signs can be put within any street right-of-way.

N. Approve the ordinances for parking in downtown as presented below (Phase I recommendations from the

Downtown Parking Committee):

1. On-street parking (two-hour limit) on Maiden Lane, Ray Avenue, and Williams Street.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-005.

2. Adding Franklin Common Parking Lot located at the corner of Franklin Street and Person Street to Traffic Schedule Number 3 to establish free parking for the first two hours.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-006.

Copies of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS2000.

O. Approve request from The Fayetteville Dogwood Festival for waiver of individual fees for fire permits for street vendors and cover all under one temporary permit.

This permit also covers Sunday on the Square.

3. PUBLIC HEARINGS:

A. Consideration of adoption of resolutions confirming assessment roll and levying assessments for the paving of the following streets:

1. Abraham Avenue [from Deep Creek Road to Jacob Street (North)]

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000039.

2. Elba Street/Rosebud Street (from Oxford Street to Griffin Street)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000040.

3. Griffin Street (from Troy Drive to Oxford Street)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000041.

4. Jacob Street (North) (from Abraham Avenue to Cade Hill Ave.)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000042.

5. Jacob Street (South) (from Cade Hill Ave. to Noah Avenue)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000043.

6. Oxford Street (from Little Avenue to Griffin Street)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000044.

City Manager Roger Stancil presented this item noting that the term of repayment was for 10 years with a 10-year treasury bond interest rate of 5.97 percent.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:35 p.m. Mr. Cam H. Easton, 425 Brightwood Drive, Fayetteville, NC, appeared in opposition to the assessment on Ostrich Street. There was no one else present to speak either in favor or opposition and the public hearing closed at 7:38 p.m.

A discussion was held regarding the notification process used to advise qualified low-income persons that financial aid was available.

MOTION: Councilmember Smith moved to approve.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

The Resolutions of Confirmation were approved at 7:42 p.m.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

B. P00-8F. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located at 1444 & 1450 Pamalee Drive and adjacent cemetery. Containing 1.38 acres more or less and being the property of David Allen & wife Anita; David A. Allen; and Mt. Olive Baptist Church, Trustees as evidenced by deeds recorded in Deed Book 715, Page 538; 4971, Page 737; and 2497, Page 201, respectively, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item. Mr. Sharpe reviewed the current zoning, the current land use, the 2010 Land Use Plan, and the rezoning history, noting that the staff recommended denial and the Zoning Commission recommended approval of the request.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:47 p.m. Mr. Willis

A. Britt, 1308 Everglade Drive, Fayetteville, NC; Bessie M. Magby, 1353 Essex Place, Fayetteville, NC; Shelly L. Magby, 1353 Essex Place, Fayetteville, NC, appeared in favor of the rezoning. There was no one present to speak in opposition and the public hearing closed at 7:58 p.m.

MOTION: Councilmember Robertson moved to follow the recommendations of the Zoning Commission to rezone to P2.

SECOND: Councilmember Smith

A discussion was held regarding the types of businesses that could go into a P2 district.

VOTE: UNANIMOUS

C. Consideration of exchange of property between Fayetteville State University Foundation and City/PWC.

Mr. Ben Brown, Chief Development Officer, presented this item. Mr. Brown recommended approval of the exchange.

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 8:03 p.m.

RESOLUTION APPROVING THE EXCHANGE OF PWC PROPERTY FOR FAYETTEVILLE STATE UNIVERSITY FOUNDATION PROPERTY. RESOLUTION NO. R2000-045.

MOTION: Councilmember Fogleman moved to approve the exchange.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

4. Report on Rose Lake Dam and spillway.

Mr. Jimmy Teal, Chief Planning Officer, presented this item. Mr. Teal stated that on February 7 the Council had requested the staff to obtain additional information regarding Rose Lake, and this presentation would be a summary of those findings and issues.

City Attorney Robert Cogswell stated the City had no current ownership interest in the lake and if the high water mark rose, the City would have no ripian rights in the lake either. Mr. Cogswell stated this condition had been set out in the City's deed.

Mr. Cogswell further explained that the Homeowner's Association had obtained the property through two deeds and the lower eastern portion of the lake had a reverter clause in the deed that could be triggered if the lake went public.

Mr. Cogswell stated the City had easements, but these were not fee ownership. He informed Council that he confirmed with the County's Tax Mapping Department that the City is not an abutting land owner.

Mr. Mick Noland, Chief Operations Officer of Water Resources, stated PWC needed to have the water run through the original concrete spillway and not through the emergency spillway into the stopped-up drain. Mr. Noland explained that it was hard to stabilize the spillway due to the amount of water coming through it.

Mr. Noland noted that PWC had to be careful because it did not want to expose the City or PWC to any liability, which might result from any action taken by them. He stated that as a temporary measure, he had been working with the state and the Homeowner's Association, trying to get indemnification before the repair work began.

Mr. Noland stated that in his opinion, the permanent solution was that the dam needed to be breached and repairs made to the dam by the homeowners.

A discussion was held regarding the easements around the lake and the status of North Carolina's involvement through the North Carolina Dam Safety Act.

City Manager Roger Stancil stated the immediate action that needed to be taken was to drain the water and to make the repairs to the sewer line, thereby protecting both the Homeowner's Association and the City.

Mr. Robert Barefoot, Chief Operating Officer - Engineering and Maintenance, discussed several long-range projects that might be done in the area, noting that no source of funding is available at this time.

Further discussion was held regarding the City's ownership of land around the lake. Mr. Cogswell stated that the City had not been put on notice by the state about the dam.

Councilmember Milligan inquired what would happen if the sewer outfall should break. Mr. Noland stated that hundreds of thousands of gallons of water would go into the creek and run downstream and go to the Cross Creek Plant, causing it to flood with serious consequences.

A discussion was held regarding the City's liability with other dams within the City.

Mr. Charles Matthews of the Homeowner's Association addressed the Council and requested (1) that PWC and the Storm Water Division clean and cut their easement on the east side of Rose Lake, to include sediment which is washed in from the street; (2) that PWC take care of the sewer line which encroaches on the Rose Lake property; and

(3) that the City Council review their 100 percent policy and drop it.

Mr. Matthews stated the Homeowner's Association was making plans and would have a proposal for the repair of the dam. After further discussion, Mr. Noland stated that PWC would look at the right-of-way and would work with the homeowners. He asked that the homeowners contact Mr. Rick Davis.

5. Report from Council Development Committee.

Councilmember Worthy, Chairman of the Development Committee, presented this item. Mr. Worthy stated that the Committee recommended removing Section 32-59.14(d)(7) from the ordinance in order that a person would have a right of appeal. He stated the Committee approved all of the other recommended revisions.

MOTION: Councilmember Robertson moved to approve the changes as unanimously voted on and approved by the Committee and to send the ordinance to the Planning Commission.

SECOND: Councilmember Pitts

VOTE: UNANIMOUS

6. BOARDS AND COMMISSIONS:

A. Historic Resources Commission - Category 5 Historic District Property Owner: Nominations are needed to fill one vacancy due to resignation

The following nominations were made to fill in the term, which expires in October of 2000:

Mayor Pro Tem McBryde nominated Ms. Ann Matlack and Councilmember Talbot nominated Mr. Bruce A. Arnold.

7. ADMINISTRATIVE REPORTS:

A. Update on status of river development consultant

Mr. Stancil stated the river development is a part of the Southeastern development plan and submissions were being received from consultants. Mr. Stancil noted he hoped to be back with the plan in the fall.

B. Update on the mediation process in the civil rights cases involving the Police Department.

City Attorney Robert Cogswell stated that Mr. Harkavy had three or four dates of availability for August 2000. Councilmembers Robertson, Worthy, and Pitts expressed their dissatisfaction with the way the scheduling process had been handled and asked that the Council be kept updated on a regular basis. A discussion ensued.

INFORMATION ITEMS:

1. Information on Jordan Lake Water Supply Allocation Process.

2. Parks & Recreation Advisory Commission - minutes of February 28, 2000.

3. FAEDC - minutes of February 15, 2000.

4. Rape Crisis Volunteers - minutes of October 21, 1999.

MOTION: Councilmember Kendrick moved to adjourn the meeting.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The meeting adjourned at 9:12 p.m.

REGULAR MEETING

APRIL 17, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

APRIL 17, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3) (arrived at 7:13 p.m.);

Darrell J. Haire (District 4); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8)

Absent: Mayor J. L. Dawkins; Nat Robertson (District 5); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Ben Brown, Chief Development Officer

Craig Hampton, Special Projects Manager

Jimmy Teal, Chief Planning Officer

Victor Sharpe, Planning Services Manager

Donna Davis, Purchasing Manager

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Lisa Smith, Chief Financial Officer  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Jesse F. Williams, First United Pentecostal Church, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor Pro Tem McBryde announced the Character Education Concept for April 2000 was Citizenship.

#### 1. APPROVAL OF AGENDA

MOTION: Councilmember Kendrick moved to excuse Mayor Dawkins and Councilmembers Robertson, Shaw, and Massey from the meeting.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

City Manager Roger Stancil requested to remove Item 5, consideration of request to address City Council from Ms. Audrey Ray, Publisher, RISE Newspaper, regarding exclusivity in advertising, from the agenda, noting it would be on the May 1, 2000, agenda. He also requested to add a resolution to Item 6.

MOTION: Councilmember Worthy moved to approve the agenda with the removal of Item 5.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmembers Robertson, Massey, and Shaw excused)

#### 2. CONSENT:

MOTION: Councilmember Fogleman moved to approve the consent agenda.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmembers Robertson, Massey, and Shaw excused)

The following items were approved:

A. Approve minutes of regular meeting of March 27, 2000.

B. Adopt resolution declaring various City owned personal property items surplus and authorizing disposal via public auction as allowed by NCGS 160A-266 & 160A-270(b). (Date of auction: June 3, 2000)

**A RESOLUTION DECLARING VARIOUS CITY-OWNED PERSONAL PROPERTY ITEMS SURPLUS AND AUTHORIZING DISPOSAL VIA PUBLIC AUCTION AS ALLOWED BY N.C.G.S. 160A-266 & 160A-270(b). RESOLUTION NO. R2000-046.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

C. Cancel City Council April 24, 2000, Information Meeting.

D. Approve Capital Project Ordinance Closeout 2000-1 (Completed Digital Traffic Signal System Project).

Capital Project Closeout 2000-1 is necessary to close the financial records associated with a completed digital traffic signal project that began in 1984. The project was most recently amended in June 1999. Total project costs were \$165,581.00. The source of funds for this project was as follows: revenue sharing (\$47,122.00), North Carolina Department of Transportation funds (\$97,040.00), and a General Fund transfer (\$21,419.00). All financial records associated with this project have been audited and are ready for closure.

E. Approve Capital Project Ordinance Closeout 2000-2 (Drainage Improvements Bragg Boulevard/Ames Street).

Capital Project Closeout 2000-2 is necessary to close the financial records associated with a completed drainage improvement project located at Bragg Boulevard and Ames Street. The project ordinance was adopted in October 1998 at a cost of \$25,000.00. The North Carolina Department of Transportation provided funds for this project. All financial records associated with this project have been audited and are ready for closure.

F. Approve the following items related to the Year 2000 Resurfacing Contract:

1. Approve award of Year 2000 Resurfacing Contract to APAC, Inc., Crowell Constructors Division (Fayetteville), low bidder, in the amount of \$1,612,608.90.

Bids were received as follows:

APAC Carolina, Inc., Crowell Constructors Division \$1,612,608.90

Barnhill Contracting Company \$1,906,005.45

2. Adopt Capital Project Ordinance 2000-4 (FY 2000 Street Resurfacing).

City Council approved \$1,657,000.00 for the annual street resurfacing program in the FY2000 annual budget. At the April 17, 2000, Council meeting, Administrative Services will recommend award of the street resurfacing contract to APAC Carolina and Crowell Constructors for \$1,612,608.90. In addition, City Council approved using a portion of transportation funds to fund the Hay Street Streetscape contract at the February 21, 2000, council meeting. The

remaining \$44,391.10 from this appropriation would be used for the Streetscape project. This ordinance is necessary to establish the capital project and appropriate \$1,657,000.00 for these purposes.

G. P00-7F. Approve the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification for an area located at 108-110/112,114, & 115 Kenleigh Street. Containing 2.05 acres more or less and being the property of W. Leighton Bunce, Jr. & wife Judith, W. Leighton Bunce; Mary B. Johnson & husband George; John O Bunce & wife Janet; W. Leighton Bunce, Jr. & wife Judith; as evidenced by deeds recorded in Deed Book 2954, Page 395; 340, Page 559; 2954, Page 400; 2954, Page 405; 2954, Page 395; and 2362, Page 791, respectively, Cumberland County Registry.

H. Approve request for special permit for special event sign to advertise Safety Fair for the Lafayette Village Fire Department.

I. Adopt ordinance amending Chapter 20, Motor Vehicles and Traffic, for 25 miles per hour speed limit on Maiden Lane from Green Street to its end (ordinance effective date: May 1, 2000).

**AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-007.**

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

J. Approve referral of traffic signal investigation at McPherson Church Road and Murray Hill Road to the Council Transportation Committee.

K. Approve purchase of LaGrange Water Works Corporation Cumberland Mills System for the amount of \$101,000.00 plus three well lots with total assessed values of \$19,700.00 (PWC)

**3. PUBLIC HEARINGS:**

A. P00-13F Consideration of revisions and amendments to the City of Fayetteville's 2010 Land Use Plan for an area located along Murchison Road between Rosewood Avenue and Normal Avenue. The proposed amendment would change the current long-range land use plan from Medium Density Residential to Office & Institutional uses in that area.

Mr. Victor Sharpe, Planning Services Manager, presented this item noting the current land use in the area and reviewing the 2010 Land Use Plan, which currently recommends low-density residential zoning.

Mr. Sharpe stated the Planning Commission recommended to keep the land use in this area as medium-density residential.

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 7:10 p.m.

Councilmember Haire stated the community had changed its mind in regards to the kind of growth they wanted in this area, and were going to ask for denial of this plan tonight in the next item.

Councilmember Massey arrived at 7:13 p.m.

Mayor Pro Tem McBryde advised Councilmember Haire that he could make a motion to accept the plan as recommended with the exception of the lot in the next item because adjustments could be made in the plan at this time.

City Attorney Robert Cogswell advised against approving the land use plan with the exception of one lot.

A discussion was held regarding the current zoning, and whether this would be considered spot zoning. City Attorney Cogswell stated this would not be spot zoning and it would be better to handle the rezoning of the lot separately because the basis for the rezoning would need to be included in the record at the time of the action.

**MOTION:** Councilmember Haire moved to approve the 2010 Land Use Plan and leave the zoning as it currently stands, medium-density residential.

**SECOND:** Councilmember Kendrick

City Attorney Robert Cogswell stated there was no need to take a vote to change the plan because it already was medium-density residential. Councilmember Haire withdrew his motion.

B. P00-9F. Consideration of the rezoning from P1 Professional District to C1 Local Business District or to a more restrictive zoning classification for an area located at 1818 Murchison Road. Containing .17 acres more or less and being the property of Thomas Council & wife Jeannette as evidenced by deed recorded in Deed Book 4664, Page 433, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item noting the current land uses, the 2010 Land Use Plan, the staff's recommendation to deny C1 and approve P2, and the Zoning Commission's recommendation to approve the C1 rezoning.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:20 p.m. Mr. David Pugh, 775 Rosewood Avenue, Fayetteville, NC, appeared in favor of the rezoning. There was no one further to address the Council and the public hearing closed at 7:21 p.m.

MOTION: Councilmember Worthy moved to approve the rezoning to C1.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

C. P00-10F. Consideration of the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located south of Mayview Street and west of Southern Avenue. Containing 1.8 acres more or less and being the property of Juanita Simmons as evidenced by deed recorded in Deed Book 5165, Page 389, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item noting the current surrounding land uses, the 2010 Land Use Plan, and the recommendations of denial by both the staff and the Zoning Commission.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:28 p.m. Mr. Jimmy Simmons, 3330 Clemson Drive, Fayetteville, NC; Mr. Tonnie M. Simmons, Jr., 1056 Southern Avenue, Fayetteville, NC; and Mr. Bill Tibbit, 105 Hunter Circle, Fayetteville, NC, appeared in favor of the rezoning. The public hearing closed at 7:38 p.m.

MOTION: Councilmember Kendrick moved to approve the C3 zoning because it was not detrimental to the neighborhood.

SECOND: Councilmember Worthy

An in-depth discussion was held regarding the possibility of adult entertainment establishments being placed on the property. Mr. Cogswell stated that no topless dancing establishment could be placed on the property due to the 500-foot requirement of the code, but he stated there could be non-topless dancing.

Councilmembers Milligan and Fogleman expressed their concern about the proximity of the property to the school and the possible effects it could have on the students.

Councilmember Worthy stated there was already C3 property in the neighborhood and all the Council was doing was creating fear.

Councilmember Kendrick pointed out that the abutting property owners are family.

VOTE: Passed by a vote of 8 in favor (Councilmembers McBryde, Kendrick, Talbot, Pitts, Smith, Massey, Haire, and Worthy) to 2 in opposition (Councilmembers Milligan and Fogleman) (Councilmembers Robertson and Shaw excused)

D. Consideration of adoption of ordinance extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation area, Terry Bill Property. (Located on the Western Side of Ramsey Street, adjacent to the Lowe's Site.)

City Manager Roger Stancil presented this item, noting there was compliance with statutory standards, there was no impact on minority voting percentages, and the City and PWC had the ability to provide the services at no cost.

Mr. Stancil recommended approval of the annexation to be effective April 17, 2000.

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 7:49 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [TERRY BILL PROPERTY (LOCATED ON THE WESTERN SIDE OF RAMSEY STREET, ADJACENT TO THE LOWE'S SITE)]. ANNEXATION ORDINANCE NO. 00-04-443.

MOTION: Councilmember Talbot moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

A copy of the foregoing annexation ordinance is on file in the City Clerk's office in Annexation Book 2000.

E. Consideration of adoption of ordinance extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation area, J.P. Riddle Family Limited Partnership, a portion of Redtip Road, Campground Road and Glensford Drive. (Located on the western side of Glensford Drive and the northern side of Cliffdale Road).

City Manager Roger Stancil presented this item noting there was compliance with statutory standards, there was no impact on minority voting percentages, and the City and PWC had the ability to provide the services at no cost.

Mr. Stancil recommended approval of the annexation to be effective April 17, 2000.

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 7:51 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [PORTIONS OF REDTIP ROAD, CAMPGROUND ROAD, AND GLENSFORD DRIVE (LOCATED ON THE WESTERN SIDE OF GLENSFORD DRIVE AND ON THE NORTHERN SIDE OF CLIFFDALE ROAD)]. ANNEXATION ORDINANCE NO. 00-04-444.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

Copies of the foregoing annexation ordinances are on file in Annexation Book 2000.

4. Consideration of adoption of a resolution accepting Redtip Road and Campground Road for ownership and maintenance.

City Manager Roger Stancil presented this item. Mr. Stancil recommended approval of the adoption of the resolution.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING REDTIP ROAD AND CAMPGROUND ROAD FOR MAINTENANCE FROM GLENSFORD DRIVE TO SKIBO ROAD. RESOLUTION NO. R2000-047.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

5. Consideration of request to address City Council from Ms. Audrey Ray, Publisher, RISE Newspaper, regarding exclusivity in advertising.

This item was removed from the agenda and rescheduled for May 1, 2000.

6. Consideration of the following actions related to the Cape Fear/Yadkin Valley Train Depot project:

A. Consideration of Municipal agreement with NCDOT for Phase I of the Depot renovation project.

B. Consideration of authorizing City Manager to negotiate and execute Lease Agreement with FACVB for Depot property.

The lease is authorized pursuant to the City Charter's Economic Development provisions, §8.23.

C. Consideration of adoption of Capital Project Ordinance 2000-5.

A capital project ordinance must be adopted to establish the budget for this project. Capital Project Ordinance 2000-5 establishes the budget for this project at \$1,709,363.00. The source of funds for this project is a \$1,367,490.00 grant from the NCDOT and the City's in-kind match of \$341,873.00. The source of the in-kind match is the real property located at the train depot site and support services.

City Manager Roger Stancil presented this item noting the following conditions for the agreement between the Fayetteville Area Convention and Visitors Bureau (FACVB) and the City of Fayetteville:

1. Mr. Craig Hampton, Project Manager, will assume responsibility for managing the project;

2. The County, PWC, and private sponsors will maintain their financial pledges to the project;

3. FACVB will be removed as a party to the NCDOT Grant Agreement;

4. FACVB will lease the first floor of the Depot for a Visitors Center for 25 years and will consider locating offices on the second floor at a later date with an appropriate adjustment to rent. The rent for the first floor (approximately 2,250 square feet) will be \$5.00 per square foot annually with FACVB paying all utilities, janitorial service, and maintenance of outside signage. The annual lease rate would be subject to an annual CPI adjustment. Such agreement will be subject to the process through which City must enter into such long-term leases;

5. FACVB will not be required to make a financial contribution to project;

6. Trolley component of the project will be held in abeyance until a later date; and

7. The FACVB will contract with City to compensate City for Phase II application preparation in an amount to be mutually agreed upon.

Mr. Stancil stated the City would contract with Mr. Doug Traub to prepare the Phase II grant application to complete the grounds of the project. Mr. Stancil noted that the grant proposal will be brought back to the Council for approval before submission.

Mr. Stancil recommended that the City Council take the following action:

1. Approve the Municipal Agreement with NCDOT for Phase I of the project; and

2. Authorize the City Manager to negotiate and execute a lease agreement with FACVB consistent with the conceptual agreement.

A discussion was held regarding the effect this will have on the retail section of the complex. Mr. Stancil stated the retail areas would not be affected for two to three years.

MOTION: Councilmember Worthy moved to accept the recommendations to include the added resolution.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH

CAROLINA. RESOLUTION NO. R2000-048.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

7. Consideration of adoption of the following transportation documents:

- A. 2025 Long Range Transportation Plan
- B. Pedestrian & Bicycle Plan
- C. Uniform Driveway Manual

MOTION: Councilmember Kendrick moved to refer the entire item to the Transportation Committee.

SECOND: Councilmember Talbot

Councilmember Smith stated she had talked with Mr. Stancil this afternoon regarding taking care of the East Side of Fayetteville, and she wanted him to comment for the record.

Mr. Stancil stated the following issues would be considered:

- 1. Recommendations to improve the roads will be coming back to the Council for consideration; and
- 2. The need for parks in the area was a priority and the issue would be addressed during the upcoming budget process.

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

8. Report on City Council's request on annexing Tiffany Pines and surrounding area.

City Manager Roger Stancil presented this item. Mr. Stancil noted that to begin planning for future annexations, Phase 4 had been divided into six areas which required extending sewer service to 600-1,000 parcels of land in each area. Mr. Stancil stated extending service to this number of parcels was within the financial capacity of PWC without overextending the debt capacity.

Mr. Stancil stated that all six areas needed the services, but he felt it was most feasible to begin Phase 4 annexation with the Tiffany Pines area.

Mr. Stancil recommended the Council authorize the staff to prepare a formal annexation report and plan for the Tiffany Pines, Warrenwood, and Rollingwood areas for reporting to the Council in the fall of 2000. Mr. Stancil stated the usual neighborhood meetings and public hearings would be held, and the ordinance could be passed in February 2001 to be effective June 30, 2001.

Mr. Stancil further recommended that the staff be authorized to develop a plan for annexing the other five areas included in Phase 4 in following years.

Mr. Stancil presented a chart on the demographics for the Phase 4 areas in PWC's proposed plan. He pointed out the importance of the City getting its share of the proposed one-cent sales tax.

MOTION: Councilmember Worthy moved to authorize the staff to proceed with Tiffany Pines and to go forward with the other areas.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

9. Consideration of items for referral to the City-County Liaison Committee:

MOTION: Councilmember Massey moved to refer this item to the City-County Liaison Committee.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

The following issues were referred to the City-County Liaison Committee:

- A. Community-Wide GIS project (Previously referred on February 21, 2000)
- B. Dog tagging project (Previously referred on April 3, 2000)
- C. Status of Veteran's Park (Requested by Councilmember Talbot)
- D. General City-County Animal Control issues to include specifically a discussion regarding an ordinance that limits the number of dogs allowed. (Requested by Councilmember Talbot)
- E. Investigation of the status of the City-County Human Relations Commission. (Requested by Councilmember Pitts)

10. Consideration of the following matters concerning a public forum on City Council restructuring:

- A. Consideration of request from Chamber of Commerce for use of City Council Chamber for public forum. (Requested by Councilmember Worthy)

MOTION: Councilmember Worthy moved to allow the Chamber of Commerce to use free of charge the Council Chambers for their public forum.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

- B. Consideration of appointment of councilmembers to serve as proponents and opponents for public forum.

A discussion was held regarding the appointment of councilmembers to serve as proponents and opponents for the public forum. The Council did not support this action and told Mr. Bill Davidson, Director of the Chamber of Commerce, that the Task Force should be used along with the citizens group, which had been formed by the private sector.

Mayor Pro Tem McBryde suggested former Councilmembers Suzan Cheek and Wick Smith be approached for the opponent's panel.

Councilmember Pitts stated that as a last resort if no one else could be found, he would volunteer.

Councilmember Worthy stated he would try to find some volunteers for the proponent's panel.

11. Consideration of adoption of City Council Goals for Year 2000.

City Manager Roger Stancil presented this item. Mr. Stancil requested the Council to confirm their goals in order that a Comprehensive Work Plan could be developed with quarterly reports and a six-month review of the goals.

A discussion ensued regarding the possible reduction of the number of goals. It was determined that goal seven, action nine, could be removed because it had been taken care of, and the other goals would remain as written.

MOTION: Councilmember Kendrick moved to approve the goals as presented.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmembers Robertson and Shaw excused)

12. APPOINTMENTS:

A. Historic Resources, Category 5 - Historic District property owner - nominations are needed to fill one vacancy.

Councilmember Fogleman nominated Mr. John Duvall.

INFORMATION ONLY:

B. Board of Appeals on Buildings and Dwellings: Nominations will be made on May 1

13. ADMINISTRATIVE REPORTS

A. City positions vacancy report for March 2000.

INFORMATION ITEMS:

1. Statement of taxes collected for the month of March 2000 from the Cumberland County Tax Administrator.

1999 Taxes	\$384,981.01
1999 Vehicle Taxes	242,292.50
1999 Revit	949.47
1999 Vehicle Revit	321.32
1999 FVT	28,290.95
1999 Storm Water	33,227.02
1998 Taxes	23,872.88
1998 Vehicle Taxes	18,430.89
1998 Revit	0.00
1998 Vehicle Revit	0.00
1998 FVT	2,820.00
1998 Storm Water	1,838.88
1997 Taxes	8,514.66
1997 Vehicle Taxes	1,105.59
1997 Revit	0.00
1997 Vehicle Revit	0.00
1997 FVT	160.00
1997 Storm Water	991.13
1996 Taxes	2,746.99
1996 Vehicle Taxes	515.74
1996 Revit	0.00
1996 Vehicle Revit	0.00
1996 FVT	101.92
1996 Storm Water	556.62
1995 & Prior Taxes	2,519.44
1995 & Prior Vehicle Taxes	218.42
1995 & Prior Revit	0.00
1995 & Prior Vehicle Revit	9.48
1995 & Prior FVT	40.00

1995 Storm Water 228.00  
Interest 24,361.63  
Interest (Revit) 34.17  
Interest (Storm Water) 1,828.19  
Fayetteville Discount (28.30)  
Revit. Discount 0.00  
Total Collections \$780,928.60

2. Notice of pre-hearing open house and a public hearing on the proposed widening/improvements of Black and Decker Road from I-95/US-301 Business to Cumberland Road.
3. Copy of letter to Chair of FAEDC regarding funding request.
4. Status of on-going annexation projects in Phase IIIA & IIIB areas.
5. Human Relations Commission - minutes of March 9, 2000.
6. FACVB - minutes of March 9, 2000.
7. Cape Fear Botanical Garden - minutes of February 17 and March 23, 2000.

MOTION: Councilmember Kendrick moved to adjourn.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS (Councilmember Robertson and Shaw excused)

The meeting adjourned at 8:50 p.m.

REGULAR MEETING

MAY 1, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

MAY 1, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Mayor J. L. Dawkins

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Craig Hampton, Special Projects Manager  
Jimmy Teal, Chief Planning Officer  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Scott Dorney, Chief Operating Officer - Support Services  
Joe Boyd, Information Systems Director  
Mike McNair, Interim Community Development Director  
Steve Blanchard, PWC, General Manager  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend David L. Weeks, Sr., Massey Hill Baptist Church, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

RECOGNITION

Mayor Pro Tem McBryde presented a proclamation to Mr. Toney Edwards, District 10 Coordinator and the First Vice President of Chapter 4204, in support of AARP Independent Living Week, May 1-7, 2000. Mr. Edwards extended his appreciation on behalf of his chapter and district.

A special proclamation was presented to Janet C. Jones, City Clerk for Fayetteville, North Carolina, in support of Municipal Clerk Week, May 1-7, 2000, by Mayor Pro Tem McBryde.

Mayor Pro Tem McBryde recognized Ms. Sara Franken, Chief of International Military Student Office, and Ms.

Joyce Yarborough, Assistant to Ms. Franken. Ms. Franken introduced the following military personnel who were attending the US Army John F. Kennedy Special Warfare Center and School at Fort Bragg, North Carolina: 1LT Taner Alikoc, Turkey; 1LT Yavuz Cilliler, Turkey; 2LT Zoran Ivanov, Macedonia; MAJ Panyawoot Kesuda, Thailand; 1LT Vincent Kiew, Singapore; 1LT Christos Spanidis, Greece; CPT Kenny Tay, Singapore; SGT Normunds Adamovics, Latvia; SGT Saso Stamatovski, Macedonia; SPC Wee Beng Lim, Singapore; SSG Patrick Tan, Singapore; and CPT Ahmed Garmal Gabr, Egypt. All of the visiting military personnel were presented with a City of Fayetteville pin by Mayor Pro Tem McBryde.

Mayor Pro Tem McBryde announced the Character Education Concept for May 2000 was Celebration.

1. APPROVAL OF AGENDA

City Manager Roger Stancil requested to add a resolution for Item 2.C, which had been inadvertently left out of the agenda packet, to move Item 5 to Item 3.E as a public hearing noting that all of the legal advertisement requirements had been met to present this as a public hearing, to pull Item 7 from the agenda, and to add a closed session for personnel matters as Item 14.

Councilmember Pitts requested that Item 11 be pulled from the agenda.

MOTION: Councilmember Fogleman moved to approve the agenda as amended.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

2. CONSENT:

Councilmember Milligan requested to abstain from Item 2.C.

MOTION: Councilmember Worthy moved to allow Councilmember Milligan to abstain from Item 2.C.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

Councilmember Robertson requested to pull Item 2.T for clarification and Item 2.U for discussion.

MOTION: Councilmember Robertson moved to approve the consent agenda with the exception of Items 2.T and 2.U.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

Councilmember Haire asked to make a comment on Items 2.J and 2.S. Mr. Haire stated the areas had been very poorly unkempt and some of the areas were extremely tall, especially from the Martin Luther King bridge going down to Murchison Road. He stated he had made a complaint a few weeks ago and it was his understanding that this project was still under contract or warranty and he wanted to see the City go forward in getting that improved or revamped.

The following consent items were approved:

A. Approve minutes of regular meeting of April 3, 2000.

B. Approve tax refunds greater than \$100.

Name	Year	Basis	City Refund
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Williams, Robert C.	1997 & 1998	Military Non-exempt	\$207.99
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James A. Dobbins Construction Co., Inc.	1998	Corrected Assessment	318.37
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Brock Cabinets, Inc.	1998 & 1999	Corrected Assessment	129.21
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Manley, Norman G. and Elaina	1995-1998	Military Non-resident	104.85
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Total			\$760.42
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C. Adopt resolution approving the advertisement to solicit sealed bids for purchase of excess City property at the intersection of Ramsey Street and Kinlaw Road.

Councilmember Milligan abstained from discussion and voting on this item.

RESOLUTION AUTHORIZING ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN CITY PROPERTY AND TO SOLICIT UPSET BIDS. RESOLUTION NO. R2000-049.

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmember Milligan abstaining)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

D. Approve award of contract for purchase of two switching cabinets with option to purchase additional quantities within a one-year period to Scott-Parish Electrical Supply (Wake Forest, NC) in the amount of \$59,122.00. (PWC)

Bids were received as follows:

Scott-Parish Electrical (Wake Forest, NC)	\$59,122.00
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Rigby Electric (Rocky Mount, NC)	\$60,270.00
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WESCO (Raleigh, NC)	\$61,064.00
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E. Approve award of contract for purchase of 50,000' of 1/0 ALCN, EPR, 25KV, 1/C Cable, with option to purchase additional quantities within a one-year period, to Scott-Parish (Wake Forest, NC), low-evaluated bid, in the amount of \$62,000.00. (PWC)

Bids were received as follows:

Scott-Parish (Wake Forest, NC) \$62,000.00  
Rigby Electric (Rocky Mount, NC) \$64,350.00  
Westinghouse Electric Supply (Raleigh, NC) \$67,450.00  
Utiliserve/Power Supply (Matthews, NC) \$69,350.00

F. Approve award of contract for purchase of two 2500 KV Padmounted Transformers, with option to purchase additional quantities within a one-year period, to Scott-Parish (Wake Forest, NC), low-evaluated bid, in the amount of \$55,094.56. (PWC)

Bids were received as follows:

Scott-Parish (Wake Forest, NC) \$55,094.56  
Pauwels Transformers (Washington, DC) \$55,162.00  
Howard Industries, Inc. (c/o Richardson Associates, Kenley, NC) \$60,410.00  
Rigby Electric (Rocky Mount, NC) \$68,796.00  
WESCO (Raleigh, NC) \$98,644.00

G. Approve award of contract for construction of water and sanitary sewer utilities to serve Fayetteville Annexation 1998 Phase III-B - Lafayette Village Phase I - to Billy Bill Grading Co., Inc. (Fayetteville, NC), low-evaluated bid, in the amount of \$860,402.50. (PWC)

Bids were received as follows:

Billy Bill Grading Co., Inc. (Fayetteville, NC) \$860,402.50  
Sanford Contractors, Inc. (Sanford, NC) \$948,826.00  
Sandhills Contractors, Inc. (Sanford, NC) \$986,647.00  
State Utility Contractors, Inc. (Monroe, NC) \$1,036,005.00  
R.H. Moore Co., Inc. (Murrells Inlet, SC) \$1,088,595.00  
McClam & Associates, Inc. (Little Mountain, SC) \$1,105,935.00  
Autry Grading (Fayetteville, NC) \$1,304,073.48

H. Adopt resolutions declaring cost and ordering preparation of preliminary assessment rolls and setting time and place for public hearing on May 15, 2000, for the following streets:

1. Brown's Lane (from Cool Spring Street to Alexander Street)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR BROWN'S LANE (FROM COOL SPRING STREET TO ALEXANDER STREET). RESOLUTION NO. R2000-050.

2. College Street (from Coley Drive westward to Deadend)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR COLLEGE STREET (FROM COLEY DRIVE WESTWARD TO DEAD END). RESOLUTION NO. R2000-051.

3. Distribution Drive (from Country Club Drive to northeast corner of the Healy Property)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR DISTRIBUTION DRIVE (FROM COUNTRY CLUB DRIVE TO NORTHEAST CORNER OF THE HEALY PROPERTY). RESOLUTION NO. R2000-052.

4. Lawrence Avenue (from Rosehill Road westward to Dead End)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR LAWRENCE AVENUE (FROM ROSEHILL ROAD WESTWARD TO DEAD END). RESOLUTION NO. R2000-053.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

I. Authorize the Chief Officer for Support Services to oversee the Anti-Drug and Alcohol Misuse Prevention Program and to annually certify compliance with Federal Transit Administration requirements.

J. Approve Capital Project Closeout 2000-3 (Storm Water Pumps at Ramsey Street).

Capital Project Closeout 2000-3 is necessary to close the financial records associated with the replacement of storm water pumps located on Ramsey Street. The project was completed in fiscal year 1999. The cost of the project was \$178,732.00. The North Carolina Department of Transportation (NCDOT) provided the funding for this project. All financial records for this project have been audited and are ready for closure.

K. Approve Capital Project Closeout 2000-4 (Landscaping on Murchison Road).

Capital Project Closeout 2000-4 is necessary to close the financial records associated with installation of landscape plantings on Murchison Road at the Martin Luther King Jr. Boulevard overpass. The project was completed at a total cost of \$20,202.00. The NCDOT provided funding for this project. All financial records for this project have been audited and are ready for closure.

L. Approve Capital Project closeout 2000-5 (Design Costs for Police Training Facility).

This project was established in 1997 to account for the design costs for the Police Training Facility. Federal Forfeiture and Controlled Substance Tax revenues were used to fund this project. Design costs for the project totaled \$72,799.00; leaving a balance of \$299.00 that was transferred to the Federal and State Financial Assistance Fund for future police projects. The financial records associated with this project have been audited and are ready for closure.

M. Approve Capital Project Closeout 2000-6 (1994 General Obligation Bond Projects).

This project was established in 1995 to account for construction of the Central Fire Station and various street, drainage and sidewalk projects associated with the 1994 bond referendum. Expenditures for these projects totaled \$8,501,291.00. Funding for the projects consisted of bond proceeds (\$6,900,473.00), general fund transfer for the fire station (\$900,000.00); sale proceeds from the old Central Fire Station (\$125,000.00) and investment income (\$575,818.00). The financial records associated with these projects have been audited and are ready for closure.

N. Approve Capital Project Closeout 2000-7 (1996 General Obligation Two-Thirds Bond Projects).

This project was established in 1997 to account for street improvements in the Phase II annexation area. Expenditures associated with this project ordinance totaled \$2,972,873.00. Funding for the project consisted of bond proceeds (\$2,770,137.00) and investment income (\$202,736.00). The financial records associated with these projects have been audited and are ready for closure.

O. Approve Capital Project Partial Closeout 2000-8 (Street Resurfacing, Sidewalk Construction and Various Improvements).

This project was established in 1997 to account for annual street resurfacing contracts, miscellaneous sidewalk construction and other improvements. Through June 30, 1999, these projects have been completed at a cost of \$3,407,322.00. Powell Bill monies transferred from the General Fund provided funding for these projects. The financial records have been audited and are ready for closure. An appropriation of \$292,678.00 will remain to fund ongoing projects.

P. Approve Capital Project Closeout 2000-9 (Intersection Improvement at US401 and Fairfield Road).

This project was established in 1998 to account for the intersection improvements at US401 and Fairfield Road. Expenditures for this project ordinance totaled \$40,000.00 with funding provided by the NCDOT. The financial records associated with this project have been audited and are ready for closure.

Q. Approve Capital Project Closeout 2000-10 (Sidewalk Construction on Purdue Drive).

This project was established in 1998 to account for sidewalk construction on the southwest side of Purdue Drive from US 401 Business to Gilmore Youth Center. The project was completed at a cost of \$28,118.00 with funding from the NCDOT (\$25,000.00) and a General Fund transfer (\$3,118.00). The financial records associated with this project have been audited and are ready for closure.

R. Approve Capital Project Ordinance 2000-6 (Traffic Signal at New Social Services Building).

On December 21, 1998, City Council approved the construction of a traffic signal on Hillsboro Street at Boundary Lane for the new Department of Social Services Building. The signal is projected to cost \$50,000.00. The source of funding for this project is \$25,000.00 in transportation funds and \$25,000.00 from the Department of Social Services. The ordinance is necessary to formally establish the budget for this project.

S. Approve Capital Project Ordinance Amendment 2000-4 (Urban Signal System).

On October 27, 1997, City Council approved the municipal agreement with the NCDOT for the traffic signal upgrade. The total cost of the project was approximately \$7,000,000.00, which will be paid by NCDOT (\$6,167,000.00) and the City (\$833,000.00). The Council has previously appropriated \$128,439.00 for this project. This project amendment is necessary to appropriate \$150,000.00 included in the FY2000 annual budget for the signal system. Including this amendment, City Council has appropriated \$278,439.00 for the project.

T. This item was pulled for discussion by Councilmember Robertson.

U. This item was pulled for discussion by Councilmember Robertson.

V. Approve Amendment to AIT Lease of the Maiden Lane Parking Lots No. 1 and No. 2.

T. Approve Referral of driveway permit fee schedule to the Council Transportation Committee.

Councilmember Robertson pulled this item for discussion. Mr. Robertson stated he wanted to clarify that Item 2.T was being referred to the Transportation Committee for better alignment of the City's charges as compared to other municipalities in the state.

MOTION: Councilmember Robertson moved to send Item T to the Transportation Committee.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

U. Authorize advertisement of City's intent to purchase, at the meeting on May 15, 2000, one (1) each Seeker 6000 Surveillance Platform with a Marantz PMD 221 Cassette Recorder, from Innovative Surveillance Technology, Coral Springs, FL, using the Purchase from Established Contracts ("piggybacking") clause as authorized per N.C.G.S. 143-129 amended on July 1, 1997.

Councilmember Robertson pulled this item for discussion. Mr. Robertson stated he had discussed this item with Mr. Hampton and Mr. Stancil requesting more information pertaining to where the local law enforcement block grant money comes from and what it is to be used for. Mr. Robertson requested this information be presented at the next meeting.

MOTION: Councilmember Robertson moved to postpone Item 2.U until the next meeting.

SECOND: Councilmember Massey

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Worthy)

### 3. PUBLIC HEARINGS:

A. Consideration of adoption of a resolution ordering the paving without petition of the following streets (Bond Projects): Progress Street (from Jumalon Street to W. Jenkins Street); Jumalon Street (from Progress Street to W. Jenkins Street); W. Jenkins Street (from Southern Avenue to Dallas Street); Diana Street (from Progress Street to Dallas Street); Teague Street (from Dallas Street to Progress Street); Eugene Street (from Southern Avenue to Camden Road); Garvin Street (from Southern Avenue to Powell Street); Hall Street (from Campbell Avenue to Butler Street); Butler Street (from Cool Spring Street to Dick Street); MacDougald Road (from Pennsylvania Avenue to University Avenue).

City Manager Roger Stancil presented this item noting this bond project had been approved in 1998 and would be completed with this project. Mr. Stancil stated if any changes were made, moneys left over would be moved forward to the next bond-paving project.

A discussion was held regarding the drainage problems on Powell Street, the residents' responses to the project, and the narrowing of MacDougald Road.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:23 p.m. Mr. Stephen Street, 1406 Powell Street, Fayetteville, NC, expressed his desire to have Powell Street paved in its entirety. Mrs. Carmen Johnson, 224 Pennsylvania Avenue, Fayetteville, NC, appeared in opposition to the paving of MacDougald Road. There was no one else present to speak and the public hearing closed at 7:27 p.m.

City Manager Roger Stancil stated it was the City's intent to pave MacDougald Road and leave it at its current width.

Councilmember Haire asked Mrs. Carmen Johnson if she wanted her street paved, and Mrs. Johnson said she was leery and would like to see more information.

Councilmember Pitts expressed his concern about paving these streets without petitions from the property owners and imposing a mandatory assessment fee that would have to be paid.

Councilmember Kendrick stated that drainage was a big problem on dirt streets and all of the streets done by the City had curbs and gutters to address this issue and the Council's intent had always been to pave all dirt streets in the City of Fayetteville.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF: PROGRESS STREET (FROM JUMALON STREET TO W. JENKINS STREET); JUMALON STREET (FROM PROGRESS STREET TO W. JENKINS STREET); W. JENKINS STREET (FROM SOUTHERN AVENUE TO DALLAS STREET); DIANA STREET (FROM PROGRESS STREET TO DALLAS STREET); TEAGUE STREET (FROM DALLAS STREET TO PROGRESS STREET); EUGENE STREET (FROM SOUTHERN AVENUE TO CAMDEN ROAD); GARVIN STREET (FROM SOUTHERN AVENUE TO POWELL STREET); HALL STREET (FROM CAMPBELL AVENUE TO BUTLER STREET); BUTLER STREET (FROM COOL SPRING STREET TO DICK STREET). RESOLUTION NO. R2000054.

MOTION: Councilmember Kendrick moved to approve the paving of Items 1 through 9 excluding Item 10,

MacDougald Road.

SECOND: Councilmember Talbot

Mr. Stancil stated that the 400 feet requested by Mr. Street to be paved was included already in the packet being approved.

Councilmember Massey requested the staff to get with the property owners on MacDougald Road and come back to the Council with a recommendation for a solution to the problem.

VOTE: UNANIMOUS

B. P00-12F. Consideration of an application by Sylvia Ray for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 32-24(3), to allow a Daycare in an R6 Residential District for an area located on Stein Street. Containing .62 acres more or less and being the property of the Women's Center of Fayetteville as evidenced by deed recorded in Deed Book 4956, Page 723, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. Ms. Kem stated the Zoning Commission had unanimously voted to approve the Special Use Permit, noting that the Planning staff makes no recommendations because the decisions must be based on the evidence presented. Ms. Kem recommended if approved the following Findings of Fact be made:

1. That such use shall fit in with the character of the area in which such use is to be located; and
2. That such use is not detrimental to the surrounding neighborhood.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:41 p.m. with Sylvia Ray, Women's Center, 230 Hay Street, Fayetteville, NC; Michael Yeager, Cumberland Community Action Project Head Start, 351 Wagoner Drive, Suite 130, Fayetteville, NC; and Denise Giles, Cumberland Interfaith Hospitality Network, PO Box 481, Fayetteville, NC, being sworn in and appearing in favor of the Special Use Permit. There was no one in opposition and the public hearing closed at 7:46 p.m.

MOTION: Councilmember Worthy moved to approve the Special Use Permit with the recommended Findings of Fact.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

C. P00-17F. Consideration of an application by Anne Evans for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 32-23 (1a), to allow off- street parking in an R5 Residential District for an area located at 114 and 116 Lamon Street. Containing .27 acres more or less and being the property of Peoples Bank & Trust Company; and Suraj Enterprises, Inc., as evidenced by deeds recorded in Deed Book 3028, Page 171; 4463, Page 255, respectively, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. Ms. Kem stated the Zoning Commission recommended approval of the Special Use Permit noting that the Planning staff makes no recommendations because the decision must be based on the evidence presented. Ms. Kem stated that Special Use Permits issued under Section 32-23(1a) were subject to the following findings of fact in order to preserve and protect the character of the district, in which the parking is located and otherwise protect the purpose of this chapter:

1. The proposed parking lot or area shall be graded, drained, and surfaced in a manner which shall assure its maintenance in a satisfactory condition; and
2. Screening, circulation pattern, points of access and egress, lighting and signs and other as may be stipulated by the City Council or zoning agency shall be so designed and so constructed as to protect the residential character of the neighborhood in which they are located.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:50 p.m. with Ms. Anne Evans, Attorney for the petitioners, 202 Fairway Drive, Fayetteville, NC, and Mr. Hooker Manning, CB Richard Ellis, Raleigh, NC, being sworn in and appearing in favor of the Special Use Permit. There was no one present to speak in opposition and the public hearing closed at 7:55 p.m.

MOTION: Councilmember Robertson moved to approve the Special Use Permit with the recommended Findings of Fact.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

D. Consideration of resolution to close Church Street.

Mr. Ben Brown, Chief Development Officer, presented this item. He recommended adoption of the resolution.

This is the advertised public hearing set for this date and time. There was no one present to speak either in favor or opposition and the public hearing opened and closed at 7:57 p.m.

RESOLUTION AND ORDER CLOSING A PORTION OF CHURCH STREET. RESOLUTION NO. R2000-055.

MOTION: Councilmember Robertson moved to approve.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

E. Consideration of exchange of property with FSU Foundation located at the northeast corner of Church and Council Streets.

This item was inadvertently listed as Item 5 in the agenda and was moved to the public hearing section with all legal advertising requirements having been met for a public hearing.

Mr. Ben Brown, Chief Development Officer, presented this item. Mr. Brown recommended adoption of the resolution.

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 7:59 p.m.

RESOLUTION APPROVING THE EXCHANGE OF CITY PROPERTY FOR FAYETTEVILLE STATE UNIVERSITY FOUNDATION PROPERTY. RESOLUTION NO. R2000-056.

MOTION: Councilmember Worthy moved to approve the exchange of property.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

4. Consideration of request to address City Council from Ms. Audrey Ray, Publisher, RISE Newspaper, regarding exclusivity in advertising.

Ms. Audrey Ray, owner of the RISE newspaper, requested the equitable distribution of contracted services to small and minority businesses to include advertisement in small newspapers such as RISE. Ms. Ray stated her newspaper targets areas where citizens do not buy newspapers.

Ms. Ray also made a formal request to the Council that she be provided with an itemized list of any advertising by the City of Fayetteville for the past three years to include print media, electronic media, and any other media source with whom the City of Fayetteville had contracted.

City Manager Roger Stancil stated he was in the process of revamping the marketing to meet the needs of the diverse communities. Mr. Stancil discussed the types of ads used by the City to include legal advertisement which was controlled by North Carolina General Statute, the advertising of City sponsored activities, and relationship marketing which was focused on reaching the different communities. He stated this issue would be addressed in the upcoming budget because advertising is a major expense of the City.

A discussion was held regarding the current process being used for advertising, and the length of time it has taken to address the issue. Mr. Stancil stated a better system needed to be developed and the staff was working on it.

Councilmember Kendrick stated he felt before an advertising budget was set, there should be an accounting of how much moneys had been spent for advertising, a verifiable customer accounting of entities that had requested advertising from the City, and information of the cost of advertising on a per inch basis.

Mr. Massey stated he would like to see percentages on advertising costs, types of advertising, and whether we were getting the best for the money being spent. Mr. Stancil stated that the numbers of advertising media were increasing on a daily basis and it was not just publications being used currently.

Ms. Ray inquired of Mayor Pro Tem McBryde whether she was going to get her requested information which was public information.

Mayor Pro Tem McBryde replied that if it could be made available, she would get it and the staff would be in touch with her regarding this issue.

5. This item was moved to become public hearing Item 3.E.

6. Presentation of HUD 5-Year Consolidated Plan, FY 2000-2005 and One Year Action Plan for FY 2000.

Mr. Ben Brown, Chief Development Officer, presented this item. A video presentation was done, followed by Mr. Brown's explanation of the National Objectives of the Community Development Block Grant, the home investment partnerships program, and findings from the Housing Assessment.

Mr. Brown presented the following budget summary:

Budget Summary - FY2000-01 Action Plan

Summary of Activities	Budget
Housing	\$1,621,207
Economic Development	1,095,000
Community Development	413,500
Homeless	10,000
Program Contingency	20,000

Administration 343,024

TOTAL \$3,502,731

FY 2000-1 - Projected Resources

Total Projected Resources = \$3,502,731

\$1,514,000 CDBG

\$670,000 HOME

\$75,375 City HOME Match

\$254,732 Program Income

\$988,624 ongoing activities rolled forward

Estimated total budget of \$3,502,731

MOTION: Councilmember Robertson moved to adopt the plan.

SECOND: Councilmember Haire

A discussion was held regarding the status of the Downtown Loan Pool, the distribution of information on the availability of CDBG funds, affordable apartments/condominiums for purchase and ownership, and the possibility of housing being built with common areas for recreation to conserve land.

VOTE: UNANIMOUS

7. Consideration of Agreements with Sprint

A. Utility easement on Fayetteville Regional Airport

B. Lease of City Hall space for Sprint equipment

The above items were removed from the agenda in their entirety.

8. Consideration of referring to the City Planning Commission the development of a definition for therapeutic homes and rules exempting therapeutic homes from the 800 feet separation requirement.

MOTION: Councilmember Robertson moved to refer this to the City Planning Commission.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

Councilmember Kendrick stated additional advertising needed to be done on the group home issue.

9. Consideration of re-establishment of the Board of Adjustment.

This item was requested by Councilmember Smith.

MOTION: Councilmember Smith moved to have the staff take the necessary steps to reactivate the Board of Adjustment to be effective July 1, 2000.

SECOND: Councilmember Massey

City Attorney Robert Cogswell stated the proper procedure would be to send it to the Planning Commission and then it would come back to the Council. In response to a question regarding the time frame, Mr. Cogswell and Mr. Teal stated they felt the public hearings could be done to meet the July 1, 2000, deadline.

A discussion was held regarding the background of the disbanding of the Board of Adjustment in 1999, the results of the reassignment of the duties to the Zoning Commission, the training required for the board members, and the pros and cons of reinstating this board.

MOTION: Councilmember Smith called for the question.

SECOND: Councilmember Robertson

VOTE: Passed by a vote of 9 in favor to 3 in opposition (Councilmembers Milligan, Kendrick, and McBryde).

ORIGINAL MOTION VOTE:

Passed by a vote of 7 in favor (Councilmembers Haire, Massey, Pitts, Smith, Talbot, Worthy, and Robertson) to 5 in opposition (Councilmembers Milligan, Fogleman, Kendrick, Shaw, and McBryde).

10. Discussion of strengthening restrictions for roadside vending and also the ordinance associated with this type of vending (Requested by Councilmember Robertson)

MOTION: Councilmember Robertson moved to refer this item to the Development Committee.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

11. Discussion of Character Education Concept (Requested by Councilmember Pitts)

This item was removed from the agenda by Councilmember Pitts.

12 APPOINTMENTS:

A. Historic Resources Commission: appointment of category 5, historic district property owner, 1 vacancy - 1 appointment

Mayor Pro Tem McBryde removed Ms. Anne Matlack from the nominations and Councilmember Fogleman

removed Mr. John Duvall from the nominations.

The Council unanimously appointed Mr. Bruce A. Arnold to the vacant position for Category 5.

B. Board of Appeals on Dwellings and Buildings: 3 vacancies - 3 nominations needed.

Councilmember Talbot nominated Mrs. Mattie C. Randolph. Councilmember Robertson nominated Ms. Ann Hooker. Councilmember Haire nominated Mr. Theodore Dubose.

13. Administrative Reports

A. NCLM Regional Meeting.

City Manager Roger Stancil reported that the key issues discussed were Internet tax moratorium, the Federal Takings Bill, and the one-cent sales tax where City and County get a fair share.

MOTION: Councilmember Shaw moved to do a resolution on the taking issue.

SECOND: Councilmember Fogleman

Councilmember Talbot stated he thought there ought to be a joint information meeting of the City Council, County Commissioners, AIT, and the Chamber of Commerce on the Internet tax moratorium issue.

Councilmember Massey stated he thought the City/County Liaison Committee would be a good place for discussion, but it should not take the place of a resolution from the City Council.

VOTE: UNANIMOUS

MOTION: Councilmember Shaw moved to make a resolution on the Internet tax moratorium issue.

SECOND: Councilmember Fogleman

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Talbot)

MOTION: Councilmember Massey moved to take these issues to the City/County Liaison Committee along with AIT and other key organizations.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

14. Closed session to discuss personnel matters.

MOTION: Councilmember Fogleman moved to go into closed session to discuss personnel.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

The Council went into closed session at 9:45 p.m.

The regular session resumed at 10:20 p.m.

INFORMATION ITEMS:

1. Tax refunds less than \$100.

Name Year Basis City Refund

Busunis, Thomas A. & Augusta W. 1997-1999 Military non-resident \$32.12

Tire Mart Inc. 1999 Corrected Assessment 26.94

Porter, Henry M. 1999 Corrected Assessment 29.07

Brunson, Christine Anne 1999 Corrected Assessment 67.24

Arnold, Shannon Merie 1998 Military non-resident 69.87

Total \$225.24

2. Planning Department - monthly report for April 2000.

3. Police Department - Report from the Office of Professional Standards for the month of March 2000.

4. PWC - minutes of February 9, February 23, March 8 and March 22, 2000.

5. Information on traffic studies on Karen Lake Drive and Kathy Street Area.

MOTION: Councilmember Fogleman moved to adjourn.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

The meeting adjourned at 10:21 p.m.

REGULAR MEETING

MAY 15, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

MAY 15, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large);

Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6) (arrived at 7:20 p.m.); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Mayor J. L. Dawkins

Others Present: Roger L. Stancil, City Manager  
Richard M. Lewis, Attorney for Robert C. Cogswell, Jr.  
Ben Brown, Chief Development Officer  
Craig Hampton, Special Projects Manager  
Jimmy Teal, Chief Planning Officer  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Scott Dorney, Chief Operating Officer - Support Services  
Mike McNair, Interim Community Development Director  
Lisa Smith, Chief Financial Officer  
Steve Blanchard, PWC, General Manager  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Ian Rankine, Interim Pastor, First Presbyterian Church, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

#### RECOGNITION

Mayor Pro Tem McBryde acknowledged Boy Scout Troop #6 and Mr. Mike Baker and Mr. Roger Vogle, Assistant Scout Masters for the Saint Andrews United Methodist Church. Mayor Pro Tem McBryde stated Councilmember Kendrick would be arriving late.

MOTION: Councilmember Worthy moved to excuse Councilmember Kendrick until he arrived.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (With the exception of Councilmember Kendrick)

Mayor Pro Tem McBryde announced the Character Education Concept for May 2000 was Celebration.

#### 1. APPROVAL OF AGENDA

City Manager Roger Stancil made a correction to Item 6.C on the April 17, 2000, minutes at page 6. He stated that this item should read Capital Project Ordinance instead of Budget Ordinance Amendment. He also requested to add Administrative Reports to the end of the agenda for discussion of parking and trees on Hay Street and a schedule for reestablishing a Board of Adjustment.

MOTION: Councilmember Worthy moved to approve the agenda as corrected.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmember Kendrick excused)

#### 2. CONSENT:

MOTION: Councilmember Shaw moved to approve the consent agenda.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Kendrick excused)

The following items were approved:

- A. Approve minutes of regular meeting of April 17, 2000, as corrected.
- B. Approve renewal of Option to Purchase City-owned land (Old Wilmington Road area) for Shiloh Development for Community Home Care, Inc.
- C. Approve conveyance of lot in the Old Wilmington Road area to Kingdom Community Development Corporation for construction of affordable housing.
- D. Approve conveyance of Lots 7 and 15 in Habitat Village to Habitat for Humanity.
- E. Approve lease of City Hall space for Sprint equipment.
- F. P00-11F. Approve the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located on the west side of Cain Road, north of Bragg Boulevard. Containing 2.97 acres more or less and being the property of Larry and Brenda Tinney as evidenced by deed recorded in Deed Book 4847, Page 17, Cumberland County Registry.

G. P00-15F. Approve the rezoning from R5, R5A and R6 Residential Districts to P2 Professional District or to a more restrictive zoning classification for an area located at 2917, 2919 and 2923 Breezewood Avenue and adjacent railroad. Containing 1.99 acres more or less and being the property of Snider Face Veneer Company and the Aberdeen & Rockfish Railroad as evidenced by deeds recorded in Deed Book 2685, Page 878; 171, Page 67, respectively, Cumberland County Registry.

H. Approve Municipal Agreement for the installation of an upgraded railroad signal at the intersection of Hay Street and Ray Avenue.

**COPY OF A RESOLUTION PASSED BY THE TOWN COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2000-057.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

I. Approve amending Chapter 20, Motor Vehicles and Traffic, for stop control on private streets intersecting with public streets.

**AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES - TRAFFIC SCHEDULE NO. 6 - STOP INTERSECTIONS. ORDINANCE NO. NS2000-008.**

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

J. Accept the Abstract of Votes of the Special Election held on May 2, 2000, from the Cumberland County Board of Elections.

**ABSTRACT OF VOTES, CAST AT THE SPECIAL ELECTION HELD ON TUESDAY, MAY 2, 2000, IN THE COUNTY OF CUMBERLAND, STATE OF NORTH CAROLINA, FOR THE CITY OF FAYETTEVILLE SPECIAL ELECTION ON SIZE OF CITY COUNCIL.**

Special Election on size of City Council

Yes Received 8,311 votes

No Received 7,021 votes

**STATE OF NORTH CAROLINA,  
CUMBERLAND COUNTY**

The Cumberland County Board of Elections, having opened, canvassed, and judicially determined the original returns of the Special Election in the precincts in this county, held as above stated, do hereby certify that the above is a true abstract thereof, and contains the number of legal ballots cast in each precinct.

This the 5th day of May, 2000.

Chairman Claire V. Hill

K. Adopt resolution opposing US Senate Bill 1028, The Citizens Access to Justice Act of 1999. (Takings Bill)  
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE OPPOSING UNITED STATES SENATE BILL 1028, THE CITIZENS ACCESS TO JUSTICE ACT OF 1999. RESOLUTION NO. R2000-058.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

L. Adopt resolution opposing extension or expansion of the Internet Tax Moratorium.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE OPPOSING EXTENSION OR EXPANSION OF THE INTERNET TAX MORATORIUM. RESOLUTION NO. R2000-059.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

M. Approve bid award for construction of utilities to serve LaFayette Village, Section III of Fayetteville Annexation 1998, Phase III-B, to Sanford Contractors (Sanford, NC), low bidder, in the amount of \$871,154.00. (PWC)

Bids were received as follows:

Sanford Contractors (Sanford, NC) \$871,154.00

R. H. Moore Company (Murrells Inlet, SC) \$885,923.00

State Utility Contractors (Monroe, NC) \$889,435.00

Colt Contracting (Clinton, NC) \$971,286.25

T.A. Loving (Goldsboro, NC) \$1,027,390.00

McClam & Associates (Little Mountain, SC) \$1,034,249.00

Autry Grading (Fayetteville, NC) \$1,108,845.40

N. Approve bid award for construction of utilities to serve Gallup Acres Area of Fayetteville Annexation 1998, Phase III-B, to State Utility Contractors (Monroe, NC), low bidder, in the amount of \$1,635,981.00. (PWC)

Bids were received as follows:

State Utility Contractors (Monroe, NC) \$1,635,981.00

Autry Grading (Fayetteville, NC) \$1,754,111.00

McClam & Associates (Little Mountain, SC) \$1,789,090.40  
R.H. Moore (Murrells Inlet, SC) \$1,817,584.00  
Sanford Contractors (Sanford, NC) \$2,046,559.00  
T.A. Loving (Goldsboro, NC) \$2,203,280.00

O. Approve bid award for construction of utilities to serve LaFayette Village Section V of Fayetteville Annexation 1998, Phase III-B, to R.H. Moore (Murrells Inlet, SC), low bidder, in the amount of \$876,938.00. (PWC)

Bids were received as follows:

R.H. Moore (Murrells Inlet, SC) \$876,938.00  
Sanford Contractors (Sanford, NC) \$899,297.00  
McClam & Associates (Little Mountain, SC) \$904,961.00  
Ralph Hodge Construction (Wilson, NC) \$940,318.00  
State Utility Contractors (Monroe, NC) \$945,992.00  
Colt Contracting (Clinton, NC) \$966,283.70  
T.A. Loving (Goldsboro, NC) \$1,097,955.00  
Autry Grading (Fayetteville, NC) \$1,186,562.00

P. Approve bid award for Site Improvements for the Robert C. Williams Business Center (includes demolition, grading, paving, lighting, and drainage for two parking lots) to Barnhill Contracting Co., in the amount of \$589,583.55, and King Electric of Fayetteville, in the amount of \$47,825.00, low bidders. (PWC)

Part 1: Site Work with Alternates

Barnhill Contracting Co. \$589,583.55  
Autry Grading, Inc. \$768,983.23

Part 2: Electrical

King Electric of Fayetteville \$47,825.00  
Watson Electric Co. \$69,700.00  
Bobby Townsend Electric \$79,490.00

Q. Approve the following PWC financial matters:

1. Administration Building Capital Project Fund, Amendment #1.
2. PWC FY 1999-2000 Budget Amendment #1.
3. PUBLIC HEARINGS:

A. Consideration of adoption of resolutions confirming assessment roll and levying assessments for the paving of the following streets:

City Manager Roger Stancil presented this item. Mr. Stancil stated that the assessments would be set at a rate of \$10.00 per linear foot and the interest rate would be 6.44 percent for 10 years. Mr. Stancil stated that Community Development Block Grant Funds would be available for qualified low- to moderate-income families.

1. Brown's Lane (from Cool Spring Street to Alexander Street)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-060.

2. College Street (from Coley Drive westward to Dead End)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-061.

3. Distribution Drive (from Country Club Drive to northeast corner of the Healy Property)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-062.

4. Lawrence Avenue (from Rosehill Road westward to Dead End)

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2000-063.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:11 p.m. with Mr. C. M. Turlington, 608 Argyll Road, Fayetteville, NC, requesting to be relieved of his assessment because his property had decreased in value as a result of paving. There was no one else signed up to speak and the public hearing closed at 7:15 p.m.

Mayor Pro Tem McBryde stated that if Mr. Turlington could get an appraisal that showed that his property had not appreciated in value, he could possibly be relieved of the assessment.

MOTION: Councilmember Robertson moved to approve the assessment rolls with the exception of Mr. C. M. Turlington's property for a period of 90 days, so that it could come back for consideration.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Kendrick excused)

The resolutions were approved and assessments were levied at 7:16 p.m.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

B. P00-14F. To consider revisions and amendments to the Fayetteville Code of Ordinances, Chapter 32, Zoning, Articles II, IV, V, and VIII, establishing a neighborhood professional district.

Mr. Victor Sharpe, Planning Services Manager, presented this item. Mr. Sharpe explained that the purpose of a neighborhood professional district was to provide for the development of low-intensity professional activities in and around residential neighborhoods. Mr. Sharpe stated that structures within this type of district should maintain a residential design and be compatible with surrounding areas, noting that one of the key elements of this district was that there would be a review by the Planning Commission for a site plan that would be submitted to the Planning Department. Mr. Sharpe recommended approval.

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 7:17 p.m.

Councilmembers Talbot and Pitts inquired about public input. Mr. Sharpe stated there had been comments but he was not aware of any negative input.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 32, ZONING, ARTICLES II, IV, V, AND VIII, ESTABLISHING A NEIGHBORHOOD PROFESSIONAL DISTRICT. ORDINANCE NO. S2000-006.

MOTION: Councilmember Robertson moved to accept the ordinance.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Kendrick excused)

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

C. P00-16F. The rezoning from R5 Residential District to P1 Professional District or to a more restrictive zoning classification for an area located at 1422 Murchison Road. Containing .29 acres more or less and being the property of Sophia B. Pierce & Associates, Inc., as evidenced by deed recorded in Deed Book 5026, Page 237, Cumberland County Registry.

Councilmember Kendrick arrived at 7:20 p.m.

Kathy Kem, Planner II, presented this item. Ms. Kem reviewed the current Land Use Plan and the 2010 Land Use Plan. Ms. Kem stated that the Zoning Commission recommended approval of the rezoning from R5 to P1.

Councilmember Kendrick voiced his concern about spot zoning. Ms. Kem stated that spot zoning should not be a concern and there was a P2 zoning located across the street.

Councilmember Robertson inquired whether the Planning staff recommended denial only because it did not follow the 2010 Land Use Plan. Ms. Kem stated that was primarily the reason, but also because the adjacent uses were residential.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:23 p.m. Ms. Sophia B. Pierce, 725 Topeka Street, Fayetteville, NC, appeared in favor of the rezoning to P1. There was no one else present to speak and the public hearing closed at 7:25 p.m.

Councilmember Fogleman stated she thought P1 was medical. Ms. Kem explained that P1 is medical, and upon speaking with the Inspections Department, the conclusion had been reached that the purposes of the location met the criteria for medical.

MOTION: Councilmember Talbot moved to approve the rezoning to P1.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

4. Consideration of advertisement of City's intent to purchase at the meeting on May 15, 2000, one (1) each Seeker 6000 Surveillance Platform with a Marantz PMD 221 Cassette Recorder, from Innovative Surveillance Technology, Coral Springs, FL, using the Purchase from Established Contracts ("piggybacking") clause as authorized per N.C.G.S. 143-129 amended on July 1, 1997.

City Manager Roger Stancil presented this item, who stated that this item had been pulled at a previous meeting for additional information, which had been included in this agenda packet.

Councilmember Worthy asked if the City currently owned such a vehicle, device or system. Interim Police Chief Phil Cannady responded in the negative. Councilmember Worthy inquired about the intended uses for this type of vehicle. Chief Cannady stated the City did have other equipment to do surveillance work but this equipment was more improved and would give the street officers more of an advantage in terms of doing their jobs. He also stated the

equipment had been built with officer safety in mind.

Councilmember Worthy voiced his concern regarding the constitutional rights of citizens being violated by using such a vehicle. Chief Cannady stated that no rights would be violated and he explained the various uses for the equipment.

Councilmember Pitts inquired about the actual cost of the van versus the amount of the block grant available. Major Sessoms stated \$63,695.00 was the total price of everything with the exception of transporting it to the vendor's site and three-to-four-day training sessions.

Councilmember Pitts inquired about the kind of equipment inside the van. Major Sessoms stated there was audio and video recording equipment. Councilmember Pitts asked where the City stood in up-to-date equipment. Major Sessoms stated the City was catching up.

Councilmember Robertson inquired about some of the capabilities of the equipment, such as night vision and infrared lighting, noting he would vote in approval, but was very hesitant.

MOTION: Councilmember Talbot moved to approve the request.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

5. Consideration of Right-of-Way Encroachment Agreement with BTI (Business Telecom Inc.).

City Manager Roger Stancil presented this item.

MOTION: Councilmember Shaw moved to approve the agreement.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

6. Consideration of proposed agreement with the North Carolina Department of Transportation for the study of potentially closing selected railroad crossings.

Mr. Jimmy Teal, Chief Planning Officer, presented this item. He stated the Planning staff recommended to send this to the Transportation Committee.

MOTION: Councilmember Robertson moved to refer this item to the Transportation Committee.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

7. Consideration of the following matters related to park lands:

A. Approve actions on land acquisition to allow the establishment of parks.

B. Adopt Budget Ordinance Amendment Change 2000-2 to allow for funding appropriation for park land acquisition.

City Manager Roger Stancil presented this item. He recommended that Council appropriate \$250,000.00 for park land acquisition, noting the priorities in this acquisition would be consistent with those recommended by the Parks and Recreation Advisory Commission.

Mr. Barefoot made the following recommendation for park land acquisition based on a \$250,000.00 appropriation.

1. Negotiate to acquire 2 to 5 acres in the vicinity of Cedar Creek Road, Deep Creek Road, and Troy Drive for a small neighborhood type park with an estimated land cost of \$15,000.00 to \$30,000.00.

2. Attempt to acquire 10 to 30 acres in the Johnson St./Blanton Road area. This site would be proposed to be used as a regional type park that could support active and passive type facilities. Acquisition costs could range between \$200,000 to \$400,000. There is potential to develop a partnership with a nearby church and also land could be acquired in phases.

MOTION: Councilmember Worthy moved to accept the recommendation.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

8. Consideration of the following actions regarding PWC employee retirement programs:

Mr. Steve Blanchard, PWC General Manager, presented this item.

Councilmember Talbot inquired about the amount of the employer's contribution. Mr. Blanchard stated that PWC would match the 5.5 percent employee contribution.

A. Consideration of adoption of an ordinance amending and restating the Employees' Retirement Plan of the Public Works Commission of the City of Fayetteville.

AN ORDINANCE AMENDING AND RESTATING THE EMPLOYEES' RETIREMENT PLAN OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. NS2000-009.

B. Consideration of adoption of an ordinance establishing and adopting the Public Works Commission of the City of Fayetteville Defined Contribution Plan and Trust.

AN ORDINANCE ESTABLISHING AND ADOPTING THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE DEFINED CONTRIBUTION PLAN AND TRUST. ORDINANCE NO. NS2000-010.

MOTION: Councilmember Fogleman moved to adopt the ordinances.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

Copies of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS2000.

9. Report from City-County Liaison Committee.

Councilmember Massey, Chairman of the City-County Liaison Committee, presented this item.

MOTION: Councilmember Robertson moved to accept the report.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

10. APPOINTMENTS:

A. Board of Appeals for Dwellings and Buildings - 3 vacancies; nominations to be finalized.

Councilmember Robertson removed Ms. Ann Hooker from the nominations.

11. ADMINISTRATIVE REPORTS:

A. Discussion on Streetscape

This item was added and presented by City Manager Roger Stancil. Mr. Stancil stated he was not going to start chopping down trees in the Hay Street area and that there is a process that has begun, which will be inclusive of those affected. He noted it would ultimately be up to City Council to decide what to do.

Councilmember Worthy stated he did not know that his previous vote regarding this issue counted toward moving or destroying trees, but he thought his vote was for ways to find additional parking. Mr. Worthy stated that he did not believe in cutting the trees down.

Councilmember Shaw commented on the beauty of the streetscape of the 400 and 500 blocks of Hay Street. Councilmember Talbot stated he hoped the business owners were paramount and that if a tree has to be removed to create tax dollars and revenue for the business owners, it should be removed.

B. Report on schedule to establish separate Board of Adjustment to allow consistency with the action taken at the May 1, 2000, meeting.

City Manager Roger Stancil reported that at the May 1 meeting, the Council had been told the Board of Adjustment could be reinstated to be effective July 1, 2000, and he was sorry to report that according to the statutes and laws that had to be followed, it would not be possible to meet that deadline because the issue had to go to the Planning Commission on June 6 to set a public hearing in July.

Mr. Stancil suggested that if the Council decided to speed up the process to ensure that the Board of Adjustment is in place as quickly as possible, the nomination process for the members of the Board could be done concurrently with the Council's decision to create a separate Board of Adjustment.

Mr. Stancil explained that the Council's nomination process took four meetings. He stated that the appointment process could start at the next Council meeting with the Board's duties and responsibilities being placed on the agenda. He noted that nominations could be made at the two regular meetings in June with the final appointments being made when the final action was taken on reestablishing the Board of Adjustment.

Councilmember Smith requested that it be made a part of the record that the original motion to reestablish the Board of Adjustment was based on the information that the process be completed by July 1. She stated she would accept the change in information presented by Mr. Stancil.

MOTION: Councilmember Smith moved to accept the City Manager's report and his proposal to speed up the process and that the record show that information received on the prior motion indicated that the process could be finalized by July 1.

SECOND: Councilmember Worthy

A discussion was held regarding the proposed process. City Manager Roger Stancil stated that the change would be that the first reading and public hearing would be held on July 3, and the second reading on July 17. If the ordinance was adopted at the first reading with a two-thirds vote of 8, there would not have to be a second reading, noting the appointment process would be finalized on July 17.

VOTE: Passed by a vote of 8 in favor (Councilmembers Worthy, Haire, Massey, Pitts, Smith, Robertson, Talbot, and Shaw) to 4 in opposition (Councilmembers Kendrick, McBryde, Fogleman, and Milligan)

MOTION: Councilmember Kendrick moved to send the attendance policy of the boards and commissions to the Policy Committee.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

Mr. Stancil stated that he did not think any action could be taken on this item because it was not on the agenda.  
Councilmember Kendrick requested it be placed on the next agenda.

INFORMATION ITEMS:

1. Information on proposed hearing schedule for Board of Adjustment.
2. Status of ongoing annexation projects in Phase IIIA & IIIB areas.
3. Time Warner Cable Social Contract Report for 1999.
4. Parks and Recreation Advisory Commission - minutes of March 27, 2000.
5. PWC - minutes of April 12, 2000.

MOTION: Councilmember Fogleman moved to adjourn.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

The meeting adjourned at 8:12 p.m.

INFORMATION MEETING

MAY 22, 2000

FAYETTEVILLE CITY COUNCIL

INFORMATION MEETING

CITY HALL COUNCIL CHAMBER

MAY 22, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Mayor J. L. Dawkins

Councilmember Darrell J. Haire (District 4)

Others Present: Roger L. Stancil, City Manager

John B. (Ben) Brown, Jr., Chief Development Officer

Robert C. Cogswell, Jr., City Attorney

Kai Nelson, Director of Business Services

Scott Dorney, Chief Officer for Support Services

Frank Simpson, Inspections Director

Lisa Smith, Chief Financial Officer

Pete Piner, Chief Operating Officer - Fire

Vera Bell, Chief Operating Officer - Solid Waste

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Janet Jones, City Clerk

Jason Brady, Public Information Officer

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Pitts, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

CHARACTER EDUCATION CONCEPT FOR MAY: CELEBRATION

Councilmember Talbot announced that this is All American Week and the citizens of Fayetteville should join in the celebration.

Councilmember Talbot introduced Mr. Charles L. Talbot, his brother, and Mr. Al B. Talbot, his father.

Mr. Charles L. Talbot, a retired U.S. Army Command Sergeant Major, has served his community as Fire Chief, City Marshall, City Manager, Municipal Judge, and was elected this past April as a City Alderman of Edgecliff, Texas.

Mr. Al B. Talbot, visiting from Midland, Texas, will be enjoying his 90th birthday on June 1, 2000. He retired from Enron Corporation having served as their district electrical engineer which covered west Texas and southeastern New Mexico.

City Attorney Robert Cogswell introduced Ms. Amanda Little, the Assistant City Attorney, noting that Ms. Little was a native of the Seventy-First area of Fayetteville and a graduate of Campbell University Law School.

MOTION: Councilmember Worthy moved to excuse Councilmember Haire.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

1. APPROVAL OF AGENDA

MOTION: Councilmember Robertson moved to approve the agenda.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Haire excused)

2. CONSENT:

MOTION: Councilmember Kendrick moved to approve the consent agenda.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Haire excused)

The following items were approved:

A. Approve tax refunds in excess of \$100.

Name	Year	Basis	City Refund
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Yarborough Motor Co., Inc.	1999	Corrected Assessment	\$6,767.86
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Mitchell, Vincent Jerome	1997-1998	Military Non-Resident	131.06
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TOTAL			\$6,989.92
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B. Refer to Council Policy Committee the discussion of Council Policy No. 110.1 regarding membership on boards and commissions.

C. Refer to Council Policy Committee the assigning of a councilmember to each board and commission to act as liaison (Requested by Councilmember Shaw).

3. Consideration of request to address City Council from Minister Eronomy Muhammed concerning neighborhood resource centers and the beautification of our City.

Minister Eronomy Muhammed addressed the Council and expressed his concerns about the family resource centers, noting there should be a police resource officer at each center and more citizens should be using the facilities.

Minister Muhammed requested that more decorations, colorful flowers, and trees be placed in the downtown area and the areas of entrances into the City.

Minister Muhammed stated the City and community needed to work toward more unity and diversity.

4. Presentation of Recommended Budget for Fiscal Year 2000-2001.

City Manager Roger Stancil presented the Recommendation Budget for Fiscal Year 2000-2001. Mr. Stancil presented an overview of the pay plan, budget cuts to fund the pay program, the fiscal year 2000 financial plan, the five-year financial forecast, and the threats to the City's resources.

The following major highlights were presented by Mr. Stancil:

1. Recommends tax rate of 53 cents.

a. Reflects 2 cent tax increase.

b. Needed to restore operating budget due to debt service requirements for voter-approved bonds.

c. Low combined property tax burden for Fayetteville ranks 17th of 22 cities with populations greater than 25,000 in 1998 (per John Locke Foundation).

2. Addresses Council's #1 goal to improve recruitment and retention of employees.

3. Does not include funding for Tiffany Pines annexation.

4. \$100,000.00 budgeted in revenues and expenditures for the 2000 NCLM Convention.

5. Maintains current level of funding for nonprofit organizations (\$603,000.00).

6. Does not include funds for park land acquisition.

7. Includes limited funding for capital projects (\$756,000.00).

8. Includes vehicle replacement:

a. Ladder truck and a HazMat vehicle (\$710,000.00)

b. Biennial police vehicle program (\$900,000.00)

c. Annual general vehicle program (\$500,000.00)

9. No new initiatives in the General Fund.

10. General Fund budget increase of 8.9 percent over FY 2000 original budget primarily due to funding for the market-based pay adjustment.

11. Storm Water Fund includes:

a. Four additional positions for basin cleaning (\$140,300.00)

b. Expansion of beaver management program (\$16,000.00).

c. Dam repairs (\$50,000.00).

Mr. Stancil then reviewed the pay issues, the five-year pay range market lag, the employee retention and turnover

problems, and the pay initiatives that had been completed in FY 1999-2000.

Mr. Stancil's pay review objectives were as follows:

1. Re-establish pay philosophy.
  - a. Market-based pay ranges, all jobs
  - b. Move employees to market average
2. Set market-based pay ranges (July 2000).
3. Implement market increases (July 2000).
4. Revise pay practices (July 2001-2002).
5. Move employees closer to market rates.
6. Avoid significant re-compression.
7. Higher increases at lower levels.
  - a. First-level employees, 13%
  - b. Mid-level employees, 10%
  - c. Senior-level employees, 5%
  - d. Maximum increase, \$5,000

A. Set public hearing for the FY 2000-2001 Budget (Suggested date: June 5, 2000).

MOTION: Councilmember Kendrick moved to set the public hearing for June 5, 2000.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Haire excused)

B. Set budget workshops

A discussion was held regarding the dates for the budget workshops. Councilmember Robertson stated his preference for public input prior to the workshops.

MOTION: Councilmember Kendrick moved to set a budget workshop for May 30 in the Lafayette Room at 6:00 p.m. with the agenda to be (1) PWC presentation, (2) outside agencies presentations with a limitation of three minutes, and (3) other discussion.

SECOND: Councilmember Worthy

Councilmember Pitts stated he felt having the outside agencies address the Council twice was redundant.

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Pitts) (Councilmember Haire excused)

INFORMATION ITEMS:

1. Information only: Board and Commission vacancies in June:

- A. Airport Commission
- B. Human Relations Commission
- C. Joint Storm Water Advisory Board
- D. Public Works Commission
- E. Fayetteville Redevelopment Commission
- F. Proposed Board of Adjustment

2. Report of tax refunds less than \$100.

Name	Year	Basis	City Refund
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Little, Claude	1999	Corrected Assessment	\$35.70
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Sears Roebuck & Company	1998	Corrected Assessment	39.22
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TOTAL			\$74.92
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3. Information on Fayetteville Police Department Re-accreditation.

4. Police Department - Report from the Office of Professional Standards for the month of April 2000.

5. Executive Summary of monthly progress report on Annexation Phase III-A Projects from Construction Dynamics Group, Inc.

6. PWC - minutes of April 26, 2000.

7. FACVB - minutes of April 12, 2000.

8. Cape Fear Botanical Garden - minutes of April 20, 2000.

MOTION: Councilmember Fogleman moved to adjourn the meeting.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS (Councilmember Haire excused)

The meeting adjourned at 8:30 p.m.

REGULAR MEETING

JUNE 5, 2000

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING  
CITY HALL COUNCIL CHAMBER  
JUNE 5, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6) (arrived at 7:20 p.m.); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Amanda Little, Assistant City Attorney  
Ben Brown, Chief Development Officer  
Craig Hampton, Special Projects Manager  
Jimmy Teal, Chief Planning Officer  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Scott Dorney, Chief Operating Officer - Support Services  
Lisa Smith, Chief Financial Officer  
Steve Blanchard, PWC, General Manager  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

Mayor Pro Tem McBryde requested that everyone take a moment of silence to honor the memory of Mayor J. L. Dawkins.

The invocation was offered by Reverend George Keels, Mt. Carmel Missionary Baptist Church, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

RECOGNITION

County Commissioner Lee Warren, offered condolences for the death of Mayor Dawkins, on behalf of Cumberland County and its Board of Commissioners. Mr. Warren presented the following resolution:

County of Cumberland North Carolina

RESOLUTION HONORING MAYOR J. L. DAWKINS, JR.

WHEREAS, the Honorable J.L. Dawkins, Jr., Mayor of the City of Fayetteville, departed from our midst on May 30, 2000; and

WHEREAS, J.L. Dawkins, Jr., was born in the Vander community of Cumberland County on November 25, 1935; and

WHEREAS, J.L. Dawkins, Jr., devoted his life to the service of his community; and

WHEREAS, J.L. Dawkins, Jr., served on the Fayetteville City Council for 25 years including six consecutive terms as a Councilman and seven consecutive terms as Mayor; and

WHEREAS, J.L. Dawkins, Jr., was the longest serving Mayor in the City's history; and

WHEREAS, J.L. Dawkins, Jr., served on the Board of Directors of several prominent civic organizations including the Methodist College Foundation, Southeastern Speech and Hearing Service, Inc., and the Fayetteville Urban Ministry; and

WHEREAS, J.L. Dawkins, Jr., was an Ambassador of Good Will, always extolling the virtues of his beloved community and its citizens.

NOW THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners honors J.L. Dawkins, Jr., for his public and civic service, his leadership, his kindness and wisdom, and his tireless devotion to our community.

BE IT FURTHER RESOLVED that the Cumberland County Board of Commissioners extends its heartfelt condolences to the family of J.L. Dawkins, Jr., on their loss.

Adopted this 5th day of June, 2000.

Edward G. Melvin, Jr., Chairman  
Board of Commissioners

Mr. Ellis Hankins, President of the North Carolina League of Municipalities, presented a resolution of appreciation from the North Carolina League of Municipalities Board of Directors to the City of Fayetteville for their assistance with the North Carolina League of Municipalities 2000 Annual Conference.

Mr. Scott Dorney, Chief Operating Officer - Support Services and the winner of the annual George C. Franklin award for the most distinguished record in the municipal administration course at the Institute of Government, was presented with a \$150.00 check by Mr. Hankins.

1. APPROVAL OF AGENDA

MOTION: Councilmember Massey moved to approve the agenda.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

Councilmember Pitts requested to remove Item 8 from the agenda and have it placed on the June 26 agenda.

Mayor Pro Tem McBryde stated if there were no objections, he would allow the request to remove Item 8 without a vote. There were no objections.

2. CONSENT:

Councilmember Kendrick requested to pull Items 2.G and 2.Q for discussion.

Councilmember Smith requested to add Deep Creek Road to Item 7.B of the May 15, 2000, minutes.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the correction and the exception of Items 2.G and 2.Q.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

The following items were approved:

- A. Approve minutes of regular meeting of May 1, 2000.
- B. Approve corrected minutes of regular meeting of May 15, 2000.
- C. Approve minutes of information meeting of May 22, 2000.
- D. Refer to Council Development Committee the discussion of a framework for economic development activities in our community and the City's role in that framework.
- E. Award of Construction Contract to Advantage Sports Services, Inc., Morehead City, NC, for the resurfacing of six tennis courts at Tokay Park using Premier Court Service in the amount of \$109,560.00.  
Bids were received as follows:  
Advantage Sports Services \$109,560.00  
American Tennis Courts \$114,680.00  
Court One \$117,850.00  
Court Makers \$118,450.00
- F. Approve award of contract to McDonald Enterprises, Inc. (Columbia, SC), for the purchase and installation of five (5) Roll-Up Type Gym Dividers for the following recreation centers: Myers Park Recreation Center, Kiwanis Recreation Center, Smith Recreation Center, Cliffdale Recreation Center, and College Lakes Recreation Center in the amount of \$30,867.39.  
Bids were received as follows:  
McDonald Enterprises \$30,867.39  
Casto & Harris, Inc. \$37,546.20  
M. Michael Elkins Co. \$45,515.54
- G. Approve award of Construction Contract to Barnhill Contracting Co., Fayetteville, NC, for adding of right-turn lanes at the intersections of: (1) Ramsey Street and Law Road and (2) Owen Drive and Raeford Road in the amount of \$401,953.65. This project also includes grading, paving, concrete curb & gutter, storm drainage, and concrete sidewalks at these intersections.  
This item was pulled for discussion.
- H. Award of Purchase Contract to Innovative Surveillance Technology, Coral Springs, Florida, for one each Seeker 6000 Surveillance Platform with a Marantz PMD 221 Cassette Recorder in the amount of \$44,565.00 using the Purchase from Established Contracts clause as authorized per G.S. 143-129 amended on July 1, 1997.
- I. Award of Purchase Contract to Bill Smith Ford Inc., Southern Pines, NC, for the purchase of one (1) each Year 2000 Ford F450 4x4 XLT Utility Truck, Model Type W47 in the amount of \$35,727.00. Waive Performance Bond requirement due to payment schedule. Payment is due upon acceptance of vehicle.

This item had a sole bidder who met specifications and delivery requirements.

J. Request authorization to advertise the City's intent to purchase, at the meeting on June 19, 2000, one (1) each Johnston Model 605 Vacuum Street Sweeper using the Purchase from Established Contracts clause as authorized per G.S. 143-129 amended on July 1, 1997.

K. Approve the following matters related to the Cumberland Road Widening project:

1. Approve conveyance of right-of-way to NCDOT along the south margin of Cumberland Road.
2. Approve conveyance of right-of-way to NCDOT along the north margin of Cumberland Road and the west margin of Carbine Street.

L. P00-18F. Approve the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification for an area including the Right-of-Way off Ramsey Street and being a portion of a private street south of Lowe's. Containing .755 acres more or less and being the property of Bill Properties as evidenced by map and legal description furnished by the City of Fayetteville, being all of Annexation Ordinance Number 00-04-443 and being annexed by the City of Fayetteville, effective April 17, 2000.

M. P00-19F. Approve the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification for an area including the Rights-of-Way for portions of Redtip Drive and Glensford Drive. Containing 5.62 acres more or less and being the property of JP Riddle Limited Partnership and NCDOT as evidenced by map and legal description furnished by the City of Fayetteville, being a portion of Annexation Ordinance Number 00-04-444, and being annexed by the City of Fayetteville, effective April 17, 2000.

N. P00-23F. Approve the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification for an area located at 4625 Yadkin Road. Containing 1.0 acres more or less and being the property of Tai Sho Restaurants, Inc., as evidenced by deed recorded in Deed Book 4352, Page 113, Cumberland County Registry.

O. P00-24F. Approve the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification for an area including the Right-of-Way for a portion of Campground Road. Containing 1.23 acres more or less and being the property of J.P. Riddle Limited Partnership as evidenced by map and legal description furnished by the City of Fayetteville, being a portion of Annexation Ordinance Number 00-04-444, and being annexed by the City of Fayetteville, effective April 17, 2000.

P. Approve request for special permit for special event signs to advertise the 2000 REMAX World Long Drive Championship.

Q. Approve the following financial matters:

This item was pulled for discussion.

R. Award contract for construction of utilities in LaFayette Village Section II of Fayetteville Annexation 1998, Phase III-B, to Site Group, Inc. (Florence, SC), low evaluated bid, in the amount of \$682,208.68. (PWC)

Bids were received as follows:

Site Group, Inc. (Florence, SC)	\$682,208.68
Billy Bill Grading Co., Inc. (Fayetteville, NC)	\$726,384.00
Sanford Contractors (Sanford, NC)	\$786,508.00
State Utility Contractors, Inc. (Monroe, NC)	\$846,572.00
R.H. Moore Company, Inc. (Murrells Inlet, SC)	\$923,723.00
McClam & Associates, Inc. (Little Mountain, SC)	\$934,839.00
Autry Grading (Fayetteville, NC)	\$981,682.66
Temple Grading (Lillington, NC)	\$1,012,450.00
T.A. Loving Company (Goldsboro, NC)	\$1,073,820.00
Colt Contracting Company (Clinton, NC)	\$1,619,613.09

S. Award contract for construction of utilities in South Hills South Area of Fayetteville Annexation 1998, Phase III-B, to Autry Grading (Fayetteville), low evaluated bid, in the amount of \$1,609,406.50. (PWC)

Bids were received as follows:

Autry Grading (Fayetteville, NC)	\$1,609,406.50
Sanford Contractors (Sanford, NC)	\$1,752,096.00
State Utility Contractors, Inc. (Monroe, NC)	\$1,881,694.00
T.A. Loving Company (Goldsboro, NC)	\$2,088,730.00

T. Award contract for construction of Baywood Road Water Main to Autry Grading (Fayetteville), low evaluated bid, in the amount of \$203,381.50. (PWC)

Bids were received as follows:

Autry Grading (Fayetteville, NC) \$203,381.50  
Colt Construction (Clinton, NC) \$219,308.80  
Wellons Construction Co. (Dunn, NC) \$246,526.20  
T.A. Loving (Goldsboro, NC) \$264,093.00  
State Utility Contractors (Monroe, NC) \$267,818.00

U. Award contract for construction of utilities in South Hills North Area of Fayetteville Annexation 1998, Phase III-B, to ES&J Enterprises, Inc. (Autryville, NC), low evaluated bid, in the amount of \$1,134,587.00 (PWC)

Bids were received as follows:

ES&J Enterprises, Inc. (Autryville, NC) \$1,134,587.00  
McClam & Associates, Inc. (Little Mountain, SC) \$1,141,247.70  
Site Group, Inc. (Florence, SC) \$1,263,468.86  
State Utility Contractors, Inc. (Monroe, NC) \$1,271,561.00  
Sanford Contractors, Inc. (Sanford, NC) \$1,286,858.00  
Billy Bill Grading Co., Inc. (Fayetteville, NC) \$1,300,814.00  
T.A. Loving (Goldsboro, NC) \$1,376,976.00  
Autry Grading, Inc. (Fayetteville, NC) \$1,644,332.00

V. Set public hearing for June 19, 2000, to consider the elimination of Fixed Route Transit Service to Hope Mills and the Cumberland County Industrial Park.

G. Approve award of Construction Contract to Barnhill Contracting Co., Fayetteville, NC for adding of right-turn lanes at the intersections of: (1) Ramsey Street and Law Road and (2) Owen Drive and Raeford Road in the amount of \$401,953.65. This project also includes grading, paving, concrete curb & gutter, storm drainage, and concrete sidewalks at these intersections.

Councilmember Kendrick stated that several years ago a right-turn lane had been discussed for the Raeford Road and McPherson Church Road intersection and he inquired about its status.

City Manager Roger Stancil stated there had been a problem with the railroad refusing to do this for safety reasons.

Councilmember Kendrick requested that this issue be sent to the Transportation Committee.

MOTION: Councilmember Kendrick moved to approve Items G.(1) and G.(2) and send the Raeford Road/McPherson Road right-turn lane to the Transportation Committee.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

Bids were received as follows:

Barnhill Contracting Co., Inc. \$401,953.65  
APAC Carolina, Crowell Constructors Division \$444,143.43

Q. Approve the following financial matters:

1. Adopt resolution authorizing the City of Fayetteville to enter into an agreement with NCDOT for the FY2000 Capital and Planning Grant.

Councilmember Kendrick stated that a regional transportation authority had been discussed and he did not know what the future of transportation was going to be in Cumberland County. He inquired if this item should be approved prior to the approval of the budget.

City Manager Roger Stancil recommended that unless the Council was considering terminating transit services by June 30, 2000, the resolution authorizing the grants needed to be approved.

RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R2000-064.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

2. Capital Project Ordinance Amendment 2000-5 (Replacement Vans, Fare Box Collection Equipment and Various Capital items).

On November 1, 1999, City Council approved Capital Project Ordinance 2000-3 for the replacement of Transit vans, fare box collection equipment and various capital items. The ordinance reflected a state grant of \$41,500.00 for this project; however, the funding approved by the state is \$77,862.00 for the capital portion of the grant. The attached ordinance amendment increases the state funding to \$77,862.00 to match the grant agreement and reduces the General

Fund contribution to \$44,863.00.

3. Capital Project Ordinance Closeout 2000-11 (Mobile Data Terminals and 800MHz Radio System).

Capital Project Closeout 2000-11 is necessary to close the financial records associated with the mobile data terminals and 800 MHz radio system project. The project has been completed at a cost of \$4,198,517.00. Transfers from the General Fund and the Public Works Commission, sale of assets and minor investment income funded the project. All financial records for this project have been audited and are ready for closure.

4. Capital Project Ordinance 2000-7 (General Park Improvements including Phase One Bunce Road Park Development).

The FY2000 Recreation and Community Facilities (RCF) budget includes \$150,000.00 for the Bunce Road park development project. This amount represents the original \$125,000.00 approved by City Council and an additional \$25,000.00 available in the RCF budget due to savings achieved during the fiscal year. The land for this park was acquired by the City in FY1999 out of the park acquisition fund. This ordinance will establish a \$150,000.00 multi-year capital budget for the Bunce Road Park project as well as general park improvements.

5. Special Revenue Project Closeout 2000-1 (HOME Investment Partnerships Program for FY 1993/94).

This project was established on October 4, 1993, to provide funds for the HOME Investment Partnerships Program. A \$447,000.00 grant from the U.S. Department of Housing and Urban Development and a local match from the General Fund (\$47,494.00) funded the project. The final expenditures for this project occurred in FY1999. All financial records for this project have been audited and are ready for closure.

6. Special Revenue Project Ordinance Amendment 2000-4 (Federal Forfeiture Funds and NC Controlled Substance Tax Revenue-Police Training Facility and Equipment).

On May 4, 1998, City Council approved a loan from the Law Enforcement Officers' Special Separation Allowance Trust Fund (LEOSSA Fund) to complete the Police Training Facility. The \$149,458.00 loan was to be repaid with interest when additional Federal Forfeiture funds became available. The City has received sufficient Federal Forfeiture and Controlled Substance Tax revenue this year to repay the loan. Based on the average investment rate earned by the City (4.89%) during the period the loan was outstanding, the interest for the loan is \$11,763.00. This ordinance amendment will establish the budget to transfer \$161,221.00 (principal and interest) to the LEOSSA Fund to repay the loan.

Also, the Police Department has requested an additional \$7,084.00 appropriation from Controlled Substance Tax revenue (\$445.00) and investment earnings (\$6,639.00) for three night-vision scopes. The scopes permit officers to see at night without a flashlight and can be weapon mounted, helmet mounted or hand held. The scopes would be used to improve officer safety during high-risk entries into structures during hostage rescues, capture of barricaded suspects, and execution of search warrants.

7. Special Revenue Project Ordinance Amendment 2000-5 (FY2000 Juvenile Restitution Grant).

The ordinance amendment is necessary to appropriate an additional \$926.00 from the State Division of Youth Services and \$185.00 local match from Cumberland County for the FY2000 Juvenile Restitution Program. The funds will be used to effectively instruct youth in job/life-skills that will help build self-confidence and improve communication skills. Other purposes include locating job sites for juveniles who must perform community service work.

3. PUBLIC HEARINGS:

A. P00-20F. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located at 3533 Village Drive. Containing .34 acres more or less and being the property of James and Mary Ann Strickland as evidenced by deed recorded in Deed Book 3510, Page 561, Cumberland County Registry.

Kathy Kem, Planner II, presented this item. Ms. Kem reviewed the current land use, the 2010 Land Use Plan, and a photo of the site. Ms. Kem stated the staff and Zoning Commission recommended denial of the rezoning request. She stated the Planning Department was currently conducting a study of the Bordeaux area that will recommend that the south side of Village Drive remain low-density residential.

City Attorney Robert Cogswell reviewed the definition of spot-zoning and stated that the property in question does meet that definition and after the facts were presented, a decision had to be made whether it was legal or illegal spot-zoning.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:27 p.m.

Mr. Zane G. Futrell, 1819 Stockton Drive, Fayetteville, NC, appeared in opposition. Mr. Futrell was appointed the representative for the surrounding neighborhood. There being no one further to speak, the public hearing closed at 7:31 p.m.

MOTION: Councilmember Kendrick moved to follow staff's recommendation and deny the rezoning request.

SECOND: Councilmember Pitts

VOTE: UNANIMOUS

B. P00-21F. Consideration of the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located at 2621, 2635 and 2645 Owen Drive. Containing 1.12 acres more or less and being the property of Edmon and Kathryn Monsour; Kenneth and Deborah Brady; and Mary Averitt, respectively, as evidenced by deeds recorded in Deed Books 5129, Page 35; 3476, Page 482; and 5199, page 648, respectively, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. Ms. Kem reviewed the current zoning, the current land uses, the 2010 Land Use Plan, and the zoning history. She stated the Zoning Commission recommended approval of the rezoning of 2621 Owen Drive and denial of 2635 and 2645 Owen Drive. Ms. Kem stated the staff recommended approval of the rezoning of all three lots.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:36 p.m.

Ms. Mary S. Averitt, 6010 Farmington Street, Fayetteville, NC, and Ms. Tina M. Odom, 4379 Cameron Road, Hope Mills, NC, appeared in favor of the rezoning request. There was no one further present to speak and the public hearing closed at 7:38 p.m.

MOTION: Councilmember Worthy moved to approve the rezoning of all three lots.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

C. P00-22F. Consideration of the rezoning from R15 Residential District to C1P Shopping Center District or to a more restrictive zoning classification for an area located at 6926 Fillyaw Road. Containing 2.7 acres more or less and being the property of Baxter and Estalene Morrison as evidenced by deed recorded in Deed Book 5053, Page 386, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. Ms. Kem reviewed the current zoning, the current land use, and the 2010 Land Use Plan. She stated the Zoning Commission recommended denial of the rezoning from R15 to C1P and the staff recommended approval of approximately 130 feet to C1P from the western edge of the current C1 to line up with the western edge of the Bromley Drive right-of-way across the street.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:42 p.m. Mr. Robert Bell, 429 Hallmark Road, Fayetteville, NC, and Mr. Baxter F. Morrison, P.O. Box 48151, Fayetteville, NC, appeared in favor of the rezoning.

Mr. James Rowlett, 6446 Freeport Road, Fayetteville, NC, and Mr. Chris North, 902 Pennall Court, Fayetteville, NC, appeared in opposition. The public hearing closed at 8:05 p.m.

MOTION: Councilmember Pitts moved that the request for rezoning be denied.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

D. P00-27F. Consideration of revisions and amendments to the Fayetteville Code of Ordinances, Chapter 32, Zoning, Article VIII, Advertising and Sign Regulations for the purpose of simplifying the sign ordinance.

Mr. Victor Sharpe, Planning Services Manager, presented this item. Mr. Sharpe stated the purpose of this public hearing was to amend the sign ordinance. He noted that the staff, the Planning Commission, and the City Council Development Committee had worked together to make the recommended changes.

Mr. Sharpe stated the Planning Commission recommended that Section 32-59.14(d)(7) remain a part of the ordinance and no variance would be allowed. He stated the Development Committee recommended that the section be removed to allow for a variance/appeal process.

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 8:11 p.m.

Councilmembers Talbot, Smith, Worthy, Massey, Pitts and McBryde expressed their opinion that an appeal process should be allowed for all citizens and this section eliminated any appeals process.

Councilmembers Shaw and Fogleman expressed their concern that there would be a proliferation of signs throughout the City if the ordinance was changed.

MOTION: Councilmember Shaw moved to approve the Planning Commission's recommended action.

SECOND: Councilmember Milligan

Mr. Cogswell inquired if Councilmember Shaw was aware that the document in the packet eliminated the section in question. Ms. Shaw stated that was why her motion was to follow the Planning Commission's recommendation.

Further discussion was held with Councilmember Pitts stating that he thought enforcement of this ordinance was

the key to the proliferation of signs.

VOTE: Failed by a vote of 9 in opposition (Councilmembers Talbot Worthy, Kendrick, McBryde, Pitts, Smith, Massey, Robertson, and Haire) to 3 in favor (Councilmembers Shaw, Milligan and Fogleman)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 32, ZONING, ARTICLE VIII, ADVERTISING AND SIGN REGULATIONS. ORDINANCE NO. S2000-007.

MOTION: Councilmember Talbot moved to change the ordinance with Section 32.59(d)(7) being removed.

SECOND: Councilmember Haire

VOTE: Passed by a vote of 10 in favor to 2 in opposition (Councilmembers Milligan and Fogleman)

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

E. P00-28F. Consideration of revisions and amendments to the Fayetteville Code of Ordinances, Chapter 32, Zoning, Article III, Section 32-5, Definitions, by changing 32-5(26.2) to define therapeutic homes, and Article IV, Section 32-22(8.1) for the purpose of exempting therapeutic Homes from the 800 foot distance separation.

Mr. Victor Sharpe, Planning Services Manager, presented this item. Mr. Sharpe explained that last year, the City's Zoning Ordinance had been amended to provide an 800-foot buffer between family care and group homes. When City staff developed the 800-foot separation amendment, therapeutic homes were not considered in the definition of family care or group homes. However, in having to administer the amended ordinance, therapeutic homes have been placed in the same category and this is due to how family care and group homes are defined.

Mr. Sharpe stated the basis for the exemption of the 800-foot separation for therapeutic homes was as follows:

1. Definition - A therapeutic home is a 24-hour residential facility located in a private residence which provides professionally trained parent-substitutes who work intensively with children and adolescents who are emotionally disturbed or have a substance problem, or both.
2. Each facility shall serve no more than two clients.
3. The homes used as a therapeutic home would be the residence of the parent-substitute.

A discussion was held regarding the definitions of the terms "parent/substitute" and "residence". It was determined that a parent/substitute was a person trained and qualified by the state to use his/her residence either owned or rented, to provide a home for no more than two children who have a mental health diagnosis.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:36 p.m. Mr. Leonard Brown, 1865 Geiberger Drive, Fayetteville, NC, requested the Council waive the 800-foot requirement so that he could operate a therapeutic home in his residence. There was no one further to speak and the public hearing closed at 8:38 p.m.

MOTION: Councilmember Haire moved to approve the Planning Commission's recommendation to exempt the 800-foot requirement on this home ordinance.

SECOND: Councilmember Worthy

A discussion was held regarding the pros and cons of continuing the 800-foot separation requirement, the difference between a therapeutic home, a foster home, and a family group home, and the fact that residents of these homes are not limited to Cumberland County.

Mr. Sharpe stated for the record that there were 100 therapeutic homes throughout the City of Fayetteville.

After a lengthy discussion regarding the 800-foot separation requirement, Mayor Pro Tem McBryde called for the vote on the motion.

VOTE: Failed by a vote of 7 in opposition (Councilmembers Robertson, McBryde, Kendrick, Talbot, Shaw, Fogleman, and Milligan) to 5 in favor (Councilmembers Worthy, Pitts, Smith, Massey, and Haire)

F. Consideration of Fiscal Year 2000-01 Annual Budget.

City Manager Roger Stancil presented this item. This is the advertised public hearing set for this date and time. The public hearing opened at 9:14 p.m.

The following outside agencies appeared and requested funding:

Agency Representative Requested FY2001

The Market Beverly Babigan \$9,500

514 Bloomfield Drive

Women's Center of Fayetteville Sylvia G. Ray \$37,500

204 Hillside Avenue

Arts Council of Fayetteville/ Dave Brumble \$325,000

Cumberland County

Seniors Call to Action Team Bob White \$18,000

Downtown Development Jonathan Charleston \$150,000

Corporation of Fayetteville Doug Traub  
 Fayetteville Area Economic Harry C. Whalen \$56,748  
 Development Corporation  
 MetroVisions Rev. Ernie Johnson \$19,000  
 405 Vista Drive  
 Harrison & Associates, Breast Tyniesse Harrison \$106,530  
 Cancer Awareness Resource 680 Seaford Drive  
 Center  
 Airborne/Special Operations Sandy Klotz \$50,000  
 Museum 18363 Cerdonix Drive  
 Southeastern NC Radio Betsy Stuart \$3,000  
 Reading Service 4914 Cottonwood Drive  
 Contact of Fayetteville, NC Mary K. Davenport \$5,000  
 2567 Vestal Avenue  
 Fayetteville Dogwood Festival Joe Alley \$15,000  
 Rape Crisis Volunteers Renee Brent \$13,513  
 1333 Morganton Road  
 Kids Voting, NC, Cumberland Pat Talty \$10,000  
 County 300 Wedge Court  
 Hope Mills  
 RSVP Blanche Hodul \$10,000  
 2636 Westchester Drive

Mr. Frank G. Lund, 5124 Lake Valley Drive, Fayetteville, NC, Mr. Bobby Hill, 5311 Brookfield Road, Fayetteville, NC; Mr. Willie J. Miller, Foxfire Concerned Citizens Association, 5239 Foxfire Road, Fayetteville, NC, requested that the Westover Park and Recreation Center project be placed first on the list of priorities. They stated they felt it was fair to be the first on the list because they were the first annexed into the City.

Mr. Brian Irving, 1713 Veanna Drive, Fayetteville, NC, requested that the City privatize as many services as possible and that no tax dollars be used to fund non-profit agencies.

Mr. Iman Eronomy Mohammed, 1120 Eldridge Street, Fayetteville, NC, requested that no tax dollars be used for amenities like the walking track around the PWC property. He requested the preservation of historic sites be given priority, and the golf course on Murchison Road be completed/maintained. The public hearing closed at 10:13 p.m.

**MOTION:** Councilmember Fogleman moved to adopt the budget.

**SECOND:** Councilmember Milligan

A discussion was held regarding the need to have workshops on the budget prior to approval by the Council. It was decided that this meeting would be continued until June 8, 2000, at 6 p.m., in the Lafayette Room.

Councilmember Fogleman withdrew her motion.

4. Consideration of request to address City Council from Culous M. Hayes, Jr., Appearance Commission Chairman, regarding the Commission's efforts to publicize and promote the City's Adopt-A-Street and Adopt-A-Site programs.

Mr. Culous M. Hayes, Jr., Chairman of the Appearance Commission, played a three-minute video publicizing and promoting the City's Adopt-A-Street and Adopt-A-Site programs. He stated the video would be used at various civic functions and he requested that it be played during the breaks of the televised City Council meetings.

5. Consideration of adoption of Resolution in support of Phase 2 of Depot project application.

Craig Hampton, Special Projects Manager, presented this item.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ENDORSING THE REHABILITATION OF THE CAPE FEAR AND YADKIN VALLEY RAILWAY PASSENGER DEPOT. RESOLUTION NO. R2000-065.**

**MOTION:** Councilmember Fogleman moved to approve and adopt the resolution.

**SECOND:** Councilmember Pitts

**VOTE:** UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

6. Consideration of adoption of Resolution in support of the Cape Fear River Trail.

**RESOLUTION ENDORSING THE CAPE FEAR RIVER TRAIL PROJECT. RESOLUTION NO. R2000-066.**

**MOTION:** Councilmember Kendrick moved to approve.

**SECOND:** Councilmember Robertson

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

7. Consideration of joint human relations program with Cumberland County.

City Manager Roger Stancil presented this item. Mr. Stancil reviewed the first proposal, which had been made at the December 20, 1999, meeting, noting the proposal would add a clerical position and the County would pay one half of all costs of the staff and operation expenses with the City paying for the salary of the Director.

Mr. Stancil stated the County Manager did not feel comfortable in recommending a formula in which the County would pay more than 50 percent of the cost of City department and he was recommending that the Council reconsider the original proposal on a two-year basis.

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Worthy

A discussion was held with Councilmembers Kendrick and Milligan expressing their support for the concept and their non-support of 50-50 percent split. Both Councilmembers Kendrick and Milligan stated they felt the City residents were having to pay an inordinate amount of the costs because they pay both City and County taxes.

Councilmember Pitts stated he felt that not to approve this item would set a bad precedent and the City and County should be working together.

Mayor Pro Tem McBryde stated it could be funded for a year and if adjustments needed to be made, they could be done during the next year's budget process.

Councilmember Worthy stated the County residents had nowhere to go for help on a human relations issue.

VOTE: Passed by a vote of 10 in favor (Councilmembers Shaw, Talbot, Worthy, Robertson, McBryde, Pitts, Fogleman, Haire, Smith, and Massey) to 2 in opposition (Councilmembers Milligan and Kendrick)

8. Discussion of Community Forum. (Requested by Councilmember Marshall Pitts, Jr.)

This item was pulled from the agenda by Councilmember Pitts to be rescheduled for the June 26, 2000, meeting.

9. APPOINTMENTS:

A. Board of Appeals on Dwellings and Buildings - 3 vacancies; 2 nominations made; 1 nomination needed. Two appointments may be made.

Councilmember Smith nominated Mrs. Lorine McLeod.

The following appointments were made: Ms. Mattie Randolph, Theodore Debose, and Mrs. Lorine McLeod.

B. Airport Commission: 4 vacancies, 1 eligible for reappointment

Mr. Robert Wilson was nominated for reappointment by Mayor Pro Tem McBryde.

Ms. Patricia Smith was nominated for the travel vacancy by Councilmember Fogleman.

Mr. Gary T. Smith was nominated by Councilmember Kendrick.

Mr. Frank Kelly was nominated by Councilmember Talbot.

Mr. John W. Wyatt, III, was nominated by Councilmember Shaw.

C. Human Relations Commission- 7 vacancies - 6 eligible for reappoint

Councilmember Pitts nominated Ms. Flora C. Santor, Mr. Allan Taziri, and Ms. Soehie Weatherall.

Councilmember Fogleman nominated Mr. Charles Yates for reappointment and Mr. Bob Matlack.

Councilmember Milligan nominated Ms. Mildred Oglesby for reappointment.

Councilmember Smith nominated Mr. James "Pete" McEachern.

Councilmember Massey nominated Ms. Janis Holden-Toruno for reappointment.

Councilmember Haire nominated Mr. Adam Beyah and Dr. Walter Haire for reappointment.

Councilmember Worthy nominated Ms. Hyon K. Jackson.

D. Joint Storm Water Advisory Board- 2 vacancies - joint appointee has been reappointed by County Commission- 1 vacancy for nomination

Councilmember Kendrick nominated Mr. Lawrence J. Ashton for the at-large vacancy.

Ms. Alicia S. Chisolm was the joint appointee nominee and has been approved by the Cumberland County Board of Commissioners.

E. Public Works Commission-1 vacancy - eligible for reappointment

Mayor Pro Tem McBryde nominated Mr. Vance Neal for reappointment.

Councilmember Massey nominated Mr. Chris Dempster.

F. Fayetteville Redevelopment Commission- 1 resignation- 1 fill-in needed

Councilmember Haire nominated Mr. Delvin McAllister.

G. Proposed Board of Adjustment- 7 vacancies 5 regular members and 2 alternate members

Councilmember Worthy nominated Mr. David Courie.

Councilmember Smith nominated Mr. Henry Clark.  
Councilmember Haire nominated Mr. Otis Currie.  
Councilmember Robertson nominated Ms. Melanie Soloman.

10. ADMINISTRATIVE REPORTS

- A. Update on Park Master Plans.
- B. Update on McDougal Street.
- C. Update on Morgan Lane Drainage Project.

INFORMATION ITEMS:

1. Statement of taxes collected for the month of April, 2000, from the Cumberland County Tax Administrator.

1999 Taxes	\$259,432.18
1999 Vehicle Taxes	227,845.64
1999 Revit	1,724.15
1999 Vehicle Revit	439.71
1999 FVT	24,810.07
1999 Storm Water	25,825.76
1998 Taxes	14,857.06
1998 Vehicle Taxes	7,080.98
1998 Revit	60.26
1998 Vehicle Revit	0.00
1998 FVT	1,080.00
1998 Storm Water	1,570.51
1997 Taxes	6,669.99
1997 Vehicle Taxes	635.23
1997 Revit	42.54
1997 Vehicle Revit	0.00
1997 FVT	110.00
1997 Storm Water	725.36
1996 Taxes	3,754.65
1996 Vehicle Taxes	345.84
1996 Revit	3.94
1996 Vehicle Revit	0.00
1996 FVT	93.08
1996 Storm Water	400.50
1995 & Prior Taxes	2,203.90
1995 & Prior Vehicle Taxes	379.83
1995 & Prior Revit	0.00
1995 & Prior Vehicle Revit	6.57
1995 & Prior FVT	55.67
1995 Storm Water	189.02
Interest	21,062.38
Interest (Revit)	93.64
Interest (Storm Water)	1,683.94
Fayetteville Discount	3.02
Revit. Discount	0.00
Total Collections	\$603,185.42
2. Update on intersection improvements at Robeson Street and Levy Drive.
3. Copy of letter regarding proposed transfer of former NC Highway 87 Right-of-Way to the City of Fayetteville.
4. Copy of letter regarding trees on Hay Street.
5. Letter of thanks from the Cape Fear Studios.
6. Letter of thanks from Chairman, Arts Council of Fayetteville/Cumberland County.
7. Letter from Cape Fear Botanical Garden Board of Trustees regarding downtown trees.
8. Parks & Recreation Advisory Commission - minutes of April 24, 2000.
9. PWC - minutes of May 10, 2000.
10. Planning Department - monthly report for April, 2000.

MOTION: Councilmember Worthy moved to recess and reconvene at 6 p.m. Thursday, June 8, 2000, in the Lafayette Room of City Hall.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

The meeting was recessed at 10:50 p.m. and continued to June 8, 2000 at 6 p.m.

REGULAR MEETING

CONTINUATION FROM JUNE 5, 2000

JUNE 8, 2000

FAYETTEVILLE CITY COUNCIL

CONTINUATION OF JUNE 5, 2000

REGULAR MEETING

CITY HALL LAFAYETTE ROOM

JUNE 8, 2000

6:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6) (arrived at 7:20 p.m.); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Amanda Little, Assistant City Attorney  
Ben Brown, Chief Development Officer  
Scott Dorney, Chief Operating Officer - Support Services  
Lisa Smith, Chief Financial Officer  
Steve Blanchard, PWC, General Manager  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

This is the continuation of the June 5, 2000, regular City Council meeting.

MOTION: Councilmember Worthy moved to reconsider Item 3.F, consideration of Fiscal Year 2000-01 Annual Budget.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

Councilmember Smith requested to be excused at 7 p.m.

MOTION: Councilmember Robertson moved to excuse Councilmember Smith at 7 p.m.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

PWC PRESENTATION

Mr. Steve Blanchard, General Manager, PWC, presented the Public Works Commission Annual Budget for the Fiscal Year 2000-2001. He reviewed personnel issues pertaining to a 5 percent pay allocation for performance raises; the annexation plan for Phases III.A, III.B; and IV.B: bonds; and other funding for economic development, Cumberland County retrofit, and Fort Bragg.

Mr. Blanchard stated the City's allocation would be \$6,437,536.00. He noted this was a 7 percent increase over last year's allocation. The following fiscal year 2000-2001 budget was presented:

REVENUE

Electric Revenue	\$145,572,720.00
Water/Sewer Revenue	57,316,980.00
Total Revenue	\$202,889,700.00

EXPENSES

Electric Expenses	\$145,572,720.00
Water/Sewer Expenses	57,316,980.00
Total Expenses	\$202,889,700.00

A discussion was held regarding the street lighting in the annexed areas. Mr. Blanchard stated the budget allocated

\$572,000.00 for new lighting and out-of-service areas had to be contracted out to the utility companies serving that area.

City Manager Roger Stancil stated budgeting needed to be done for street lighting during the planning stage of a proposed annexation.

#### OUTSIDE AGENCIES ALLOCATION

A discussion was held on the funding of the outside agencies to include a reduction in the allocations, an across-the-board cut ranging from 10 to 20 percent, and the effect on our community should outside agencies be reduced or eliminated.

MOTION: Councilmember Talbot moved to have a straight across-the-board reduction of 20 percent in this year's allocations.

SECOND: Councilmember Worthy

Further discussion was held with councilmembers expressing their preference as to how the allocations should be handled.

MOTION: Councilmember Haire called for the question.

SECOND: Undeterminable

VOTE: Passed by a vote of 10 in favor to 2 in opposition (Councilmembers Massey and Talbot)

ORIGINAL MOTION VOTE:

Failed by a vote of 2 in favor (Councilmembers Robertson and Talbot) to 10 in opposition.

Mr. Stancil requested to add the following requests to the outside agencies list:

1. A request from The Market for an allocation of \$9,500.00.
2. A request from the Fayetteville Downtown Development Corporation for an allocation of \$150,000.00
3. A request from the Breast Cancer Awareness for an allocation of \$106,530.00.

Mayor Pro Tem McBryde noted the Downtown Development Corporation was the same as the Urban Area Economic Development shown in the outside funding list and their request was actually for \$10,000.00 less.

A discussion was held regarding the commitments that had been made to the US Airborne Museum in the amount of \$50,000.00 and for the matching grant for the Women's Center in the amount of \$37,500.00.

Councilmember Worthy proposed to take the downtown tax district revenue in the amount of \$93,366.00 and add \$45,000.00, which would be the same amount contributed by the County and let the total be the amount used for the Fayetteville Downtown Development Corporation.

Councilmember Pitts offered a motion to address each outside agency on a one-by-one basis. Mayor Pro Tem McBryde stated a motion was not needed, and it would be done by going down the list in the budget.

MOTION: Councilmember Fogleman moved to approve the recommended amount.

SECOND: Councilmember Worthy

VOTE: Passed by a show of hands with no opposition stated.

The following allocations were made:

1. AIRBORNE/SPECIAL OPERATIONS MUSEUM

MOTION: Councilmember Fogleman moved to allocate funding in the amount of \$50,000.00.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

2. ARTS COUNCIL OF FAYETTEVILLE/CUMBERLAND COUNTY

MOTION: Councilmember Shaw moved to allocate funding in the amount of \$250,000.00.

SECOND: Councilmember Fogleman

VOTE: Passed by a vote of 10 in favor to 2 in opposition (Councilmembers Massey and Talbot)

Councilmember Talbot stated that some agencies had gotten funded twice through the Arts Council and the City, and he felt there should be a reduction in the amount.

3. BIG BROTHERS, BIG SISTERS

MOTION: Councilmember Haire moved to allocate \$2,000.00.

SECOND: Councilmember Shaw

VOTE: Passed by a vote of 9 in favor to 3 in opposition (Councilmembers Talbot, Milligan, and Kendrick)

4. CAPE FEAR BOTANICAL GARDENS

MOTION: Councilmember Fogleman moved to allocate \$10,000.00.

SECOND: Councilmember Shaw

VOTE: Passed by a vote of 8 in favor to 4 in opposition (Councilmembers Talbot, Robertson, Worthy, and Massey)

5. CONTACT OF FAYETTEVILLE, NC

MOTION: Councilmember Worthy moved to fund the allocation of \$5,000.00.

SECOND: Councilmember Massey

VOTE: Passed by a vote of 10 in favor to 2 in opposition (Councilmembers Robertson and Talbot)

#### 6. DOGWOOD FESTIVAL

MOTION: Councilmember Robertson moved to allocate \$8,000.00 in funding.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

#### 7. FAYETTEVILLE AREA ECONOMIC DEVELOPMENT CORPORATION

City Manager Roger Stancil recommended that FAEDC be funded the full amount of \$56,748.00, provided they move into the Robert Williams Business Center and sign a contract with measurable goals.

MOTION: Councilmember Worthy moved to fund FAEDC \$30,000.00.

SECOND: Councilmember Haire

A discussion was held with Mayor Pro Tem McBryde noting that to date, a decision had not been made by FAEDC and the board had some doubt about moving into the building. Mayor Pro Tem McBryde stated that he thought the Council could only go with the current information and if a move was made into the building, the Council could come back and address further funding from the contingency fund.

Councilmember Pitts stated he felt the funding should be at \$40,000.00, because they had done a good job.

MOTION: Councilmember Pitts moved to amend the amount to \$40,000.00 with the condition.

A discussion was held and Councilmember Pitts withdrew his motion.

RESTATED MOTION:

Councilmember Worthy restated his motion to fund the amount of \$30,000.00 without the condition and if they choose to move in the building, additional funding could be revisited bringing the amount to Mr. Stancil's recommendation.

VOTE: UNANIMOUS

#### 8. KIDS VOTING NC/CUMBERLAND COUNTY

MOTION: Councilmember Smith moved to allocate funding of \$5,000.00.

SECOND: Councilmember Massey

VOTE: Passed by a vote of 9 in favor to 3 in opposition (Councilmembers Kendrick, Milligan, and Talbot)

Councilmember Smith left the meeting at this time.

#### 9. METROVISIONS

MOTION: Councilmember Worthy moved to not fund this organization.

SECOND: Councilmember Milligan

A discussion was held regarding the funding of this organization by the Chamber of Commerce and other agencies, the City's reimbursements of expenses of Metrovisions, the benefits received by the City and the concept of the term (Metro).

AMENDED MOTION:

Councilmember Worthy amended his motion to allocate \$5,000.00.

SECOND: Councilmember Milligan accepted the amendment.

VOTE: Passed by a vote of 8 in favor to 3 in opposition (Councilmembers Talbot, Kendrick, and Haire)  
(Councilmember Smith excused)

#### 10. RAPE CRISIS VOLUNTEERS

MOTION: Councilmember Haire moved to allocate funding of \$7,000.00.

SECOND: Councilmember Shaw

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Talbot) (Councilmember Smith excused)

#### 11. RETIRED SENIOR VOLUNTEER PROGRAM

MOTION: Councilmember Worthy moved to allocate funding in the amount of \$5,000.00.

SECOND: Councilmember Shaw

VOTE: Passed by a vote of 8 in favor to 3 in opposition (Councilmembers Talbot, Kendrick, and Robertson)  
(Councilmember Smith excused)

#### 12. SALVATION ARMY

MOTION: Councilmember Shaw moved to allocate funding in the amount of \$12,000.00.

SECOND: Councilmember Fogleman

MOTION TO AMEND THE MOTION:

Councilmember Worthy moved to amend the amount of allocation to \$9,000.00.

SECOND: Councilmember Haire

**AMENDED MOTION VOTE:**

Passed by a vote of 9 in favor to 2 in opposition (Councilmembers Talbot and Pitts) (Councilmember Smith excused)

**13. SENIORS CALL TO ACTION TEAM**

**MOTION:** Councilmember Shaw moved to allocate funding in the amount of \$10,000.00.

**SECOND:** Councilmember Worthy

A discussion was held regarding the funding with Councilmember Pitts requesting that more money be funded to this organization.

Councilmember Shaw did not accept the proposed amendment.

**VOTE:** Passed by a vote of 8 in favor to 3 in opposition (Councilmembers Pitts, Haire, and Talbot) (Councilmember Smith excused)

**14. SOUTHEASTERN NC RADIO READING SERVICE**

**MOTION:** Councilmember Haire moved to allocate funding in the amount of \$3,000.00.

**SECOND:** Councilmember Fogleman

**VOTE:** Passed by a vote of 6 in favor (Councilmembers Shaw, Massey, Haire, Fogleman, Worthy, and McBryde) to 5 in opposition (Councilmembers Pitts, Kendrick, Milligan, Robertson, and Talbot) (Councilmember Smith excused)

**15. WOMEN'S CENTER OF FAYETTEVILLE**

**MOTION:** Councilmember Shaw moved to fund the matching allocation of \$37,500.00.

**SECOND:** Councilmember Fogleman

Councilmember Robertson inquired if the Women's Center of Fayetteville needed the current space they occupied. Ms. Sylvia Ray replied that the space was needed and would be shared with other non-profits for the next year.

Councilmember Robertson stated that he wanted it understood that because of the economic development occurring downtown, this building may not be available next year to the Women's Center.

**VOTE:** UNANIMOUS (Councilmember Smith excused)

**16. THE FAYETTEVILLE DOWNTOWN DEVELOPMENT CORPORATION**

Councilmember Worthy restated his recommendation the special downtown tax revenue be used in conjunction with a \$45,000.00 contribution that matched the County's contribution for a total amount of \$138,366.00.

Councilmember Milligan stated she disagreed with Councilmember Worthy and the Council needed to support economic development.

**MOTION:** Councilmember Milligan moved to fund the Fayetteville Downtown Development Corporation in the amount of \$150,000.00.

**SECOND:** Councilmember Kendrick

Councilmember Talbot inquired as to the status of the private sector memberships and the monies that had been raised by the development corporation.

Mr. Doug Traub, Interim Director, and Mr. Jonathan Charleston addressed this issue. To date, no memberships had been obtained.

Councilmember Pitts stated he understood when a new organization was being started, there was a need for investment, but he needed to have his confidence reinstated and to know that the organization was up and running.

Councilmember Massey stated that the organization needed to be checked within the year to identify their specific goals, their results, how the goals were being manifested, and how the funds were being used.

Mayor Pro Tem McBryde stated he was sure those items would be included.

Councilmember Robertson stated he wanted to see a plan where the organization was going to be less dependent on the City for funding.

Councilmember Worthy stated this should be a joint venture and the private sector should put their dollars up like the public sector. Mr. Worthy stated he would vote for one half of the funds and the list of paid members should be brought back to the Council in January of 2001, to show good faith.

**MOTION:** Councilmember Haire moved to fund an allocation of \$75,000.00 and have the organization come back in six months to see if they had met the objectives set by the Council and then a determination could be made about the remaining funds.

Mayor Pro Tem McBryde ruled the motion was the opposite of the original motion and called for the vote on the original motion.

**ORIGINAL MOTION VOTE:**

Passed by a vote of 9 in favor to 2 in opposition (Councilmembers Haire and Worthy) (Councilmember Smith excused)

**17. THE MARKET**

Councilmember Milligan inquired if The Market would be sharing space with the Women's Center. Ms. Sylvia Ray stated they would be separate entities but they would share some of the same space.

Councilmember Robertson stated he supported what they were doing but he did not think the City should fund private, non-profit enterprises that compete with other businesses that would have to pay for the same rental space.

Councilmember Fogleman stated this sounded like a retail business to her.

MOTION: Councilmember Worthy moved to allocate funding in the amount of \$3,000.00.

SECOND: Councilmember Kendrick

VOTE: Failed by a vote of 2 in favor (Councilmembers Kendrick and Worthy) to 9 in opposition (Councilmember Smith excused)

#### 18. BREAST CANCER AWARENESS

A discussion was held regarding the amount that had been requested by this organization.

Councilmember Shaw recommended the agency go to the County for public health funding. The consensus of Council was this was not a City function.

MOTION: Councilmember Haire moved to fund \$15,000.00.

SECOND: Councilmember Worthy

VOTE: Failed by a vote of 3 in favor (Councilmembers Haire, Worthy, and Kendrick) to 8 in opposition (Councilmember Smith excused)

#### TRANSIT SYSTEM DISCUSSION

Councilmember Talbot inquired about the FAST bus systems routes that did not have sufficient patronage.

City Manager Roger Stancil stated the routes were periodically adjusted to increase revenue but none of the fixed routes made money. Mr. Stancil stated the community needed to address the Transit bus system and a Transit Authority needed to be created and the fixed routes needed to cover the urban area.

Mr. Stancil stated the Human Services van service paid for itself.

MOTION: Councilmember Talbot moved to refer this item to the Transportation Committee for study and recommendation.

SECOND: Councilmember Fogleman

Councilmembers Worthy and Massey stated the Transit system was a system needed by a certain class of citizens and should be made cost effective.

Councilmember Kendrick stated the Transit system was the way of the future.

VOTE: UNANIMOUS

Councilmember Massey asked Mr. Stancil if there was any way the budget could be reduced to change the tax increase from two cents to one cent.

Mr. Stancil stated it was his opinion that it could not be cut any further without taking away services and changing the way the City did business. Mr. Stancil stated this was a very basic budget.

Councilmember Massey inquired about the need to set aside funds for the next annexation. Mr. Stancil replied that these funds had been included in the fund balance and in September, the cost figures would be available for the determination of the exact amount needed.

Councilmember Talbot stated he felt combining the two 911 systems of the City and County would save millions of dollars and at the same time would enhance joint ventures between the City and County.

Mayor Pro Tem McBryde stated he felt this should be referred to the City/County Liaison Committee for discussion. Councilmember Talbot agreed.

Councilmember Kendrick inquired about the advertising budget for Solid Waste. Mr. Stancil stated the Public Information Group would be addressing this issue in their study.

A discussion was held on the effectiveness of using private haulers. Mr. Stancil stated the City had to contract in an annexation area for two years and these contracts were being monitored in order to get the best services for the citizens.

MOTION: Councilmember Fogleman moved to adopt the budget with a general tax rate of 53 cents and a business tax district tax rate of 10 cents.

SECOND: Councilmember Shaw

Councilmember Worthy inquired about the impact of military car owners who did not pay taxes. Mr. Stancil stated it impacted the City in an amount of around \$325,000.00 annually but there was a federal law that protected the military.

Mr. Stancil stated he was working with the state to find a way to mitigate this issue.

Councilmember Shaw recommended that a resolution of support be sent to Representative Warner regarding this

issue.

Councilmember Talbot inquired how much the two-cent increase would generate. Mr. Stancil replied it would be approximately \$1.1 million. Councilmember Talbot suggested that these funds be taken out of the General Fund Balance. Councilmember Robertson suggested putting \$2 million into the Fund Balance rather than the \$3 million.

Mayor Pro Tem McBryde stated reducing the fund balance would be dangerous and could cause problems in the future. He also reminded the Council that the payroll needed to be continuously funded.

Councilmember Talbot stated he would vote against the tax increase, but he would support taking the \$1 million from the savings.

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Robertson)(Councilmember Smith excused)

MOTION: Councilmember Talbot moved to adjourn.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Smith excused)

The meeting adjourned at 9:00 p.m.

REGULAR MEETING

JUNE 19, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

JUNE 19, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Amanda Little, Assistant City Attorney  
Ben Brown, Chief Development Officer  
Jerome Brown, Transit Director  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by the Reverend James P. Swinson, of Highway Holiness Church of Deliverance, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

RECOGNITION:

Mayor Pro Tem McBryde presented Mrs. Jane Smith with the key to the City and a resolution acknowledging her unselfish gift of a kidney to her student, Michael Carter. Mayor Pro Tem McBryde urged all citizens of Fayetteville to give the gift of life through organ donation.

1. APPROVAL OF AGENDA

City Manager Roger Stancil requested to add Item 2.Q, Capital Project Ordinances that need to be acted upon prior to July 1, 2000.

City Attorney Robert Cogswell requested to add Item 4.A, a closed session for the purpose of discussion of litigation. Councilmember Pitts requested to remove Item 9, consideration of the appointment of a mayor for the remaining term in accordance with N.C.G.S. 160A-63, from the agenda.

MOTION: Councilmember Pitts moved to approve the agenda except for Item 9 and with the addition of Consent Agenda Item 2.Q. and Item 4.A.

SECOND: Councilmember Worthy

Councilmember Shaw requested to add Item 12, discussion of Amtrak Station Proposal, to the agenda.

Councilmembers Pitts and Worthy accepted the addition of Item 12.

VOTE: UNANIMOUS

Mayor Pro Tem McBryde read and presented a resolution from the Town of Hope Mills honoring Mayor Dawkins. Mr. McBryde stated he would see that Mrs. Dawkins received this resolution.

2. CONSENT:

MOTION: Councilmember Kendrick moved to approve the consent agenda with Item 2.Q added.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

The following items were approved:

A. Adopt resolution pursuant to N.C.G.S. 160A-31 fixing a date for a public hearing for a petition-initiated contiguous annexation area (Riddle Property/East Coast Oil Company - located on the northwest corner of Cliffdale Road and Glensford Drive).

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE PURSUANT TO N.C.G.S. 160A-31 FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGIOUS ANNEXATION AREA. J.P. RIDDLE FAMILY PROPERTY/EASY COAST OIL COMPANY - LOCATED AT THE NORTHWEST CORNER OF CLIFFDALE ROAD AND GLENSFORD DRIVE. RESOLUTION NO. R2000-067.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

B. Accept various recently annexed streets for City maintenance.

C. Award contract for one (1) each Cab and Chassis with 12 cubic yard dump body to Smith International Truck Center (Fayetteville, NC), low bidder, in the amount of \$64,920.00.

The sole bidder met or exceeded all technical and delivery requirements.

D. Award contract to South Carolina Tractor & Equipment Company (Columbia, SC) for one each Johnston Model 605 Vacuum Street Sweeper using the Purchase from Established Contracts clause as authorized per G.S. 143-129 amended on July 1, 1997, in the amount of \$123,001.00.

E. Award contract to Multisystems, Inc. (Cambridge, MA) for a Demand Responsive Transit Scheduling and Routing Software System, installed, evaluated low bid, in the amount of \$60,793.00.

Bids were received as follows:

Teleride, Inc. (Toronto, Ontario, Canada) \$57,420.00

Multisystems, Inc. (Cambridge, MA) \$60,793.00

Stratagen Systems (Woodinville, WA) \$63,441.00

VMC Group/TripSoft Software (Niagara Falls, NY) \$67,365.81

F. Approve Municipal Agreement with NCDOT for utility relocation for Outer Loop project. (From River Road to Ramsey Street)

G. Approve the following actions related to the traffic safety improvement project on Ramsey Street as specified below (requested by NCDOT):

1. Adopt resolution in support of "Revising Pavement markings to include a center turn lane, 3 southbound thru lanes and 2 northbound thru lanes from Wall Street to McArthur Road; Re-align Rosehill Road at Ramsey Street and request traffic signal investigation at the intersection of Ramsey Street and Eastwood Avenue".

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SUPPORTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO MAKE TRAFFIC IMPROVEMENTS ON RAMSEY STREET BETWEEN WALL STREET AND MCARTHUR ROAD. RESOLUTION NO. R2000-068.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO INSTALL A TRAFFIC SIGNAL AT THE INTERSECTION OF RAMSEY STREET AND EASTWOOD AVENUE. RESOLUTION NO. R2000-069.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

2. Adopt Capital Project Ordinance 2000-8.

This ordinance establishes a \$50,000.00 budget for the Ramsey Street and Rosehill Road Intersection Improvements Project. The project consists of the realignment of Rosehill Road to Ramsey Street as a "T" intersection. This project was included in the FY2001-2005 Capital Improvement Priorities document provided to City Council. Also, the project is associated with a pending municipal agreement with the North Carolina Department of Transportation for intersection improvements at this location. Resources (funds previously transferred from the General Fund) have been identified in the Transportation Fund for this project.

H. Amend Chapter 20, Motor Vehicles and Traffic, to establish one-way traffic pattern on Sherwood Drive (Traffic Schedule 7, One Way Streets).

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-011.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

I. Renew lease agreement with Sprint for space in the McGilvary Street Building.

J. Amend lease agreement with Sprint (formerly Carolina Telephone and Telegraph Co.) for ground lease at the Fayetteville Regional Airport.

K. Renew lease agreement with the Juvenile Assessment Center for facility located at 121 Lamon Street.

L. Authorize City Manager to execute lease agreement with Ellinwood Design Associates, Ltd., for property located at 323 Ray Avenue.

#### A RESOLUTION AUTHORIZING EXECUTION OF LEASE OF CITY OF FAYETTEVILLE PROPERTY.

#### RESOLUTION NO. R2000-070.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

M. Approve the following financial matters:

1. Capital Project Ordinance Closeout 2000-12 (Airport Terminal Loading Bridges)

Capital Project Closeout 2000-12 is necessary to close the financial records associated with the installation of terminal loading bridges. The project was funded by a grant from the Federal Aviation Administration (FAA), a grant from the North Carolina Department of Transportation (NCDOT), and a local match from the Airport Fund. The project was completed at a cost of \$179,808.00. All financial records for this project have been audited and are ready for closure.

2. Capital Project Ordinance Closeout 2000-13 (General Aviation Area Development)

Capital Project Closeout 2000-13 is necessary to close the financial records associated with the construction and development of the new general aviation area. The project was funded by a grant from the FAA, NCDOT, and a local match from the Airport Fund. The project was completed at a cost of \$2,362,380.00. All financial records for this project have been audited and are ready for closure.

3. Capital Project Ordinance Closeout 2000-14 (Terminal Renovations and Interior Access Road)

Capital Project Closeout 2000-14 is necessary to close the financial records associated with the terminal renovation and interior access road construction project. The project was funded by FAA and NCDOT grants and a local match from the Airport Fund. The project has been completed at a cost of \$1,856,158.00. All financial records for this project have been audited and are ready for closure.

4. Capital Project Ordinance Closeout 2000-15 (Aircraft Rescue and Firefighting Vehicle)

Capital Project Closeout 2000-15 is necessary to close the financial records associated with the acquisition of an aircraft rescue and firefighting vehicle. The purchase was funded by FAA and NCDOT grants and a local match from the Airport Fund. The project has been completed at a cost of \$319,769.00. All financial records for this project have been audited and are ready for closure.

5. Capital Project Ordinance Closeout 2000-16 (Taxiway K and Roadways)

Capital Project Closeout 2000-16 is necessary to close the financial records associated with the Taxiway K and non-licensed vehicle roadways project. The project was funded by FAA and NCDOT grants and a local match from the Airport Fund. The project has been completed at a cost of \$123,471.00. All financial records for this project have been audited and are ready for closure.

6. Special Revenue Project Ordinance Closeout 2000-2 (FY97 Juvenile Restitution) and Special Revenue Project Ordinance Closeout 2000-3 (FY98 Juvenile Restitution)

Special Revenue Project Ordinance Closeouts 2000-2 and 2000-3 are necessary to close the FY97 and FY98 financial records associated with the Juvenile Restitution Program. The program provides instruction for youth in job/life skills to help build self-confidence and improve communication skills. Other purposes of the program include locating community job sites for juveniles required to perform court-ordered community service. The FY97 and FY98 project budget was funded by grants awarded to Cumberland County by the State Division of Youth Services for the program. The County provided the local match. The financial records have been audited and are ready for closure.

7. Special Revenue Project Ordinance 2000-7 (1999 Local Law Enforcement Block Grant)

The City of Fayetteville has been awarded a 1999 Law Enforcement Block Grant by the United States Department of Justice (USDOJ). The grant is for the Mobile Data Computer Project. The total project budget is \$384,723.00 with 90 percent provided by the USDOJ (\$346,251.00) and a 10 percent local match provided by the City (\$38,472.00). The USDOJ has provided notice to the City that funds for the project have been released.

8. 1999-2000 Final Amended Budget Ordinance.

The 2000-2001 Recommended Budget document contained revenue and expenditure estimates for the current fiscal year (1999-2000). The attached 1999-2000 Final Amended Budget Ordinance restates the current amended budget to more accurately reflect current year-end estimates of revenues and expenditures contained in the 2000-2001 Recommended Budget document.

N. Adopt PWC Uptown Revitalization Fund - Amendment #2. (Public Works Commission recommends approval)

O. Adopt resolution in support of the Base Impact Study Committee efforts.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SUPPORTING THE EFFORTS OF THE NORTH CAROLINA GENERAL ASSEMBLY'S BASE IMPACT STUDY COMMITTEE TO DETERMINE THE EFFECT OF MILITARY BASES/INSTALLATIONS ON LOCAL GOVERNMENT SERVICES.  
RESOLUTION NO. R2000-071.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

P. Refer to Transportation Committee review of FAST and alternatives for urban area service (Requested by Councilmember Don Talbot at Budget Workshop).

Q. Capital Project Ordinances that need to be acted upon prior to July 1, 2000.

1. Capital Project Ordinance 2000-10 (Phase 3B Annexation Infrastructure Improvements)

Capital Project Ordinance 2000-10 will establish \$1,400,000.00 project budget for the City's share of the Phase 3B annexation infrastructure improvements. An ordinance for this amount will formally appropriate the budget for various contracts that City Council has approved at recent meetings. Ultimately, the City estimates its share of the project will exceed \$3,600,000.00.

2. Capital Project Ordinance 2000-11 (Dam Restoration Project)

Capital Project Ordinance 2000-11 is necessary to establish a \$65,000.00 project budget for the design work associated with the restoration of three dams in the vicinity of Mirror Lake and Devonwood. The source of funds for this project is a General Fund transfer that is included in the FY2000 Administrative Services budget.

3. Capital Project Ordinance Amendments 2000-7 and 2000-8 (Phase 3A Annexation Infrastructure Improvements)

Capital Project Ordinance Amendment 2000-7 is necessary to formally appropriate an additional \$212,018.00 for the Phase 3A annexation improvements project. The source of funds for this amendment is included in the FY2000 budget as a General Fund transfer. Capital Project Ordinance Amendment 2000-8 is necessary to formally appropriate investment income (\$38,629.00) earned on the Phase 3A annexation general obligation bond proceeds. The investment income will be used to provide additional funding for the project.

4. Special Revenue Project Ordinance Amendment 2000-6 (1997 Local Law Enforcement Block Grant Information Technology Systems)

The City's 1997 Local Law Enforcement Block Grant (\$383,180.00) was awarded for the acquisition of a public safety information technology system. The U.S. Department of Justice permits grant recipients to earn interest on the block grant funds, however, grantees are required to use the interest earnings for the same purpose that the grant funds were authorized. The City earned \$23,362.00 in interest on the 1997 block grant funds and this amendment will formally authorize the City to use the funds for the public safety information technology system.

3. PUBLIC HEARINGS:

A. Consideration of the elimination of public transportation service to Hope Mills and the Cumberland County Industrial Park.

City Manager Roger Stancil presented this item. Mr. Stancil stated the fixed route public service to Hope Mills, Cumberland County Industrial Park, Cape Fear Valley Medical Center, and portions of the City and County began service in 1998. He stated it was a joint effort with Cumberland County and was basically started with grant funds from the North Carolina Department of Transportation. There was an understanding that in order for it to continue when the grant funds ran out, the units of government that were interested in this route would need to find a way to fund it. Mr. Stancil stated the City of Fayetteville taxpayers could not bear the burden for a service outside the City. Mr. Stancil also informed the Council that to date he had received no commitment from either Cumberland County or Hope Mills for the continuance of this route.

Mr. Jerome Brown, Transit Director, stated the annual cost of this route was \$181,727.00 with the farebox revenue anticipated at \$10,000.00. The net funding for this route would be approximately \$171,727.00. Mr. Brown noted the funds for this project had been used up.

A discussion ensued. Councilmember Pitts stated he felt there should be an effort to foster a cooperative arrangement between the City, the Town of Hope Mills, and Cumberland County.

Councilmember Worthy stated he was opposed to shutting down the route immediately but he did not advocate deficient funding. He recommended keeping the route open long enough to work with the town of Hope Mills, Cumberland County, and the industries that might have an interest in the issue.

Councilmember Smith stated she had a problem with the route being canceled immediately, and she felt it should have gone before the Commissioners and Town Board of Hope Mills. Ms. Smith requested the City to go back to the other entities for their input.

Councilmember Shaw stated it was clear to the County from the onset that this was a pilot route and if the slack

were not picked up, that would be the end of it. She stated however she was unsure as to whether the riders understood the same thing.

Councilmember Shaw suggested that a serious effort be made by the City, the County, the Town of Hope Mills, and the industries where the riders were headed to come up with a solution. She recommended that a core of the City Council and the City staff look at doing something.

Councilmember Robertson inquired if there was funding available through the end of June. Mr. Jerome Brown, Transit Director, stated the funds had been used up and the project was not in next year's budget.

Councilmember Pitts inquired as to how quick a proposal could be submitted to the County and Hope Mills. Mr. Stancil replied he could meet with the Town Manager and the County Manager the next day.

Mr. Stancil reminded the Council that the City had previously formed a joint Action Committee with the County to address the public transportation issues. A report had been given by the Committee and so far no action had been taken.

Councilmember Massey stated the key question was whether the City of Fayetteville could afford to keep the route open in a cost-effective manner.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:36 p.m.

The following persons appeared in opposition to the discontinuance of Route 20: George A. Cunard, 1550 Halsey Loop, Hope Mills, NC; Clinton Harris, 4713 Watauga Road, Fayetteville, NC; John Malzone, 3305 Hutton Place, Fayetteville, NC; Imam Eronomy Mohammed, 1207 Murchison Road, Fayetteville, NC; Professor Albert Bryant, 2309 Slater Avenue, Fayetteville, NC; Bill Zimmerman, 1410 Raeford Road, Fayetteville, NC; Cynthia Helmick, 3615 Golfview, Hope Mills, NC; Robert Helmick, 3615 Golfview, Hope Mills, NC; Rosa Ritchey, 2602 Dumfries Drive, Hope Mills, NC; Robert L. Stebbins, 220 Thunder Road, Hope Mills, NC; and Robert McMillian, 3001 Chicken Foot Road, Hope Mills, NC.

Mr. Malzone stated he was appearing on behalf of the Cape Fear Valley Hospital Board of Directors who had expressed their desire to keep the route open and who had also expressed an interest in possibly assisting in a monetary way.

There was no one further to speak and the public hearing closed at 7:55 p.m.

Discussion was held regarding the participation of the Town of Hope Mills, the County of Cumberland, and the private industries; the discontinuance of the ADA vans (a result of closing the route); the federal and state subsidies received by the City for mass transit; the funding of \$40,000.00 from the General Tax Fund to fund the route for 60 additional days; and the fairness to the citizens of Fayetteville having to fund bus service outside of the City of Fayetteville for an extended period of time.

MOTION: Councilmember Shaw moved to extend the service for one month in the amount of \$20,000.00 contingent on having Cumberland County, the Town of Hope Mills, Cape Fear Valley Hospital, and the other industries come together as a group to determine other sources for funding.

SECOND: Councilmember Worthy

AMENDED MOTION:

Councilmember Talbot moved to terminate the services immediately.

Mayor Pro Tem McBryde ruled the motion was the opposite of the original motion and would not be allowed.

Councilmembers advised the citizens in the audience to appear before their own political bodies and encourage them to buy into the partnership.

Councilmember Robertson stated that this issue should have been addressed by the Council in April or May and then something might have been done. He requested the staff to bring this issue back in a timely manner.

Councilmember Pitts stated he felt the people should have been given more notice than two weeks.

Councilmembers Talbot and Shaw requested that notices be placed on the bus regarding the 30-day extension.

VOTE: Passed by a vote of 9 in favor to 3 in opposition (Councilmembers Kendrick, Talbot, and Milligan)

Councilmember Worthy requested to be excused from the meeting after the closed session.

MOTION: Councilmember Robertson moved to excuse Councilmember Worthy after the closed session.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

4.A. Closed session to discuss litigation.

MOTION: Councilmember Kendrick moved to go into closed session to discuss litigation of two lawsuits, Reaves vs. the City of Fayetteville and Williams vs. the City of Fayetteville.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

The closed session began at 8:22 p.m. with the regular session resuming at 9:07 p.m.

4.B. Consideration of canceling June 26 Information and July 3, 2000 Regular City Council meetings.

MOTION: Councilmember Robertson moved to approve.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmember Worthy excused)

5. Consideration of request from the Downtown Alliance and the Women's Center to rent 222 Hay Street for classroom space and a volunteer center.

City Manager Roger Stancil presented this item. Mr. Stancil recommended the City enter into these agreements for one year noting this would allow the Women's Center Program to continue, the Alliance to establish a presence in anticipation of the Museum opening, and the City to evaluate the prospective uses of the building and the business climate in the center City.

A discussion was held regarding the use of the Market House for this purpose. Mr. Stancil stated he had not offered the Market House to the Alliance because it was being planned for use as an update center where all of the plans pertaining to downtown development and planning would be in a central location.

RESOLUTION AUTHORIZING LEASE OF CITY OF FAYETTEVILLE PROPERTY TO DOWNTOWN ALLIANCE. RESOLUTION NO. R2000-072.

RESOLUTION AUTHORIZING AMENDMENT OF LEASE OF CITY OF FAYETTEVILLE PROPERTY TO THE WOMEN'S CENTER OF FAYETTEVILLE. RESOLUTION NO. R2000-073.

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Talbot

Councilmember Robertson expressed his concern about the City giving away space. He stated there would be a point in time when it was going to be considered competition with other landowners in the downtown area and he did not think this was fair.

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Robertson) (Councilmember Worthy excused)

6. Consideration of adoption of resolution to approve the Cumberland County Solid Waste Plan.

This item was presented by Mr. Charles Whittington, of the Cumberland County Solid Waste Department. Mr. Whittington stated this was an update of the plan, which had been done in 1997, with the major change being the removal of the defunct BCH project.

RESOLUTION TO APPROVE THE CUMBERLAND COUNTY SOLID WASTE PLAN. RESOLUTION NO. R2000-074.

MOTION: Councilmember Pitts moved to approve.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Worthy excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

7. Consideration of the following actions related to Fayetteville Regional Airport:

A. Approve the following matters associated with FAA Grant No. 22:

1. Approve FAA Grant No. 22 for the following:

- a. Replacement Proximity Suits for City Firefighters
- b. Design Runway Safety Area Improvements
- c. Design General Aviation Ramp Rehabilitation

2. Adopt Capital Project Ordinance 2000-9 (Design Costs for runway Safety Area Improvements and General Aviation Ramp Rehabilitation and acquisition of Proximity Suits)

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Worthy excused)

B. Approve the following matters associated with FAA Grant 21:

1. Approve amendment to FAA Grant 21 for Airport Security System Upgrade
2. Adopt Capital Project Ordinance Amendment 2000-6 (Airport Security System Upgrade)

MOTION: Councilmember Robertson moved to approve B.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Worthy excused)

C. Approve related HNTB Engineering Task Orders:

1. Approve amendment to HNTB Task Order #7 to design runway safety area improvements.

2. Approve amendment to HNTB Task Order #9 for security system design and inspection services.
3. Approve amendment to HNTB Task Order #10 to design general aviation ramp rehabilitation.

MOTION: Councilmember Milligan moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Worthy excused)

8. Consideration of adoption of an ordinance to levy a Gross Receipts Tax on the short-term lease or rental of vehicles.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE LEVYING A TAX ON GROSS RECEIPTS DERIVED FROM RETAIL SHORT-TERM LEASE OR RENTAL OF VEHICLES. ORDINANCE NO. S2000-008.

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS (Councilmember Worthy excused)

Councilmember Robertson inquired if this tax would be passed on to the rental or lessee. Ms. Lisa Smith, Chief Financial Officer, replied in the affirmative.

It was stated that this tax would apply to the military if they rented/leased in the City of Fayetteville but would not apply when they rented/leased on Fort Bragg.

9. Consideration of the appointment of a mayor for the remaining term in accordance with N.C.G.S. 160A-63. (Requested by Councilmember Don Talbot)

This item was removed from the agenda by Councilmember Pitts.

10. Consideration of asking City Manager to report to Council on advantages and disadvantages of 9-1-1 System as currently operated. (Requested by Councilmember Don Talbot)

MOTION: Councilmember Talbot moved to pass this to the City Manager.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmember Worthy excused)

#### 11. APPOINTMENTS:

- A. Airport Commission: 4 vacancies - 1 eligible for reappointment

Dr. Perry Massey was nominated by Councilmember Haire.

- B. Human Relations Commission - 7 vacancies - 6 eligible for reappointment

Councilmember Pitts withdrew Ms. Hyon T. Jackson from the nominations for Mr. Worthy who had been excused.

Councilmember Massey nominated Mr. Michael C. Hines, Sr.

Councilmember Haire nominated Ms. Chanelle Green.

- C. Joint Storm Water Advisory Board - 2 vacancies - joint appointee has been reappointed by County Commission - 1 vacancy for nomination

- D. Public Works Commission - 1 vacancy - eligible for reappointment

- E. Fayetteville Redevelopment Commission - 1 resignation - 1 fill-in needed

- F. Proposed Board of Adjustment - 7 vacancies - 5 regular members and 2 alternate members

Mr. George Turner was nominated by Councilmember Milligan.

Ms. Hyon Jackson was nominated by Councilmember Pitts.

Mr. Walter Moorman, Jr. was nominated by Councilmember Shaw.

Mr. James N. Smith was nominated by Councilmember Massey.

- G. Fayetteville City Planning Commission - 5 vacancies.

This item was included for information only.

- H. Fayetteville City Zoning Commission - 3 vacancies.

This item was included for information only.

12. Discussion of Amtrak proposal.

Councilmember Shaw requested that the staff contact Mr. McArthur with Amtrak in Raleigh for discussion. Ms. Shaw noted that Mr. Lyndo Tippett had worked with the North Carolina Department of Transportation and Amtrak about Fayetteville becoming a transfer point between Raleigh and Wilmington. She stated she did not feel the City should tie its hands in a long-term action at this time.

Councilmember Shaw requested that the City form a short-term committee to evaluate the use of the Amtrak station space and how the station worked into the long-range plans for downtown development.

INFORMATION ITEMS:

1. Statement of taxes collected for the month of May 2000, from the Cumberland County Tax Administrator.

1999 Taxes	\$119,987.31
1999 Vehicle Taxes	248,435.27
1999 Revit	60.26
1999 Vehicle Revit	464.19
1999 FVT	29,409.16
1999 Storm Water	9,339.16
1998 Taxes	13,344.96
1998 Vehicle Taxes	4,740.75
1998 Revit	0.00
1998 Vehicle Revit	0.00
1998 FVT	745.00
1998 Storm Water	1,729.76
1997 Taxes	4,617.27
1997 Vehicle Taxes	639.72
1997 Revit	0.00
1997 Vehicle Revit	0.00
1997 FVT	163.11
1997 Storm Water	2,762.32
1996 Taxes	1,602.83
1996 Vehicle Taxes	527.47
1996 Revit	0.00
1996 Vehicle Revit	0.00
1996 FVT	85.00
1996 Storm Water	344.85
1995 & Prior Taxes	2,948.94
1995 & Prior Vehicle Taxes	472.40
1995 & Prior Revit	0.00
1995 & Prior Vehicle Revit	0.00
1995 & Prior FVT	180.45
1995 Storm Water	158.25
Interest	15,437.40
Interest (Revit)	8.56
Interest (Storm Water)	1,495.61
Fayetteville Discount	0.00
Revit. Discount	0.00
Total Collections	\$459,700.00

2. Letter of condolence on the death of J. L. Dawkins from the Town of Hope Mills.

3. Letter of thanks from the parent of a child involved in the Educational Sports Program sponsored by Fayetteville Police Department.

4. Letter of thanks from citizen for efforts of Traffic Services Department employees.

5. Information on history of Pledge of Allegiance to the Flag of the United States.

6. Update on Disaster Relief Initiative.

7. Copy of letter from PWC Manager regarding Corrective Action Plan submission.

8. Status of on-going annexation projects in Phase IIIA & IIIB areas.

9. Copy of letter from NCDOT regarding feasibility study for improvements to Boone Trail from Owen Drive to Cumberland Road.

10. Information from PWC regarding Jordan Lake Water Supply Allocation Process.

11. FAEDC - minutes of April 18 and May 16, 2000

12. FACVB - minutes of May 11, 2000.

13. Cape Fear Botanical Garden - minutes of May 18, 2000.

MOTION: Councilmember Pitts moved to adjourn.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Worthy excused)

The meeting adjourned at 9:40 p.m.  
REGULAR MEETING  
JULY 17, 2000  
FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING  
CITY HALL COUNCIL CHAMBER  
JULY 17, 2000  
7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Amanda Little, Assistant City Attorney  
Ben Brown, Chief Development Officer  
Jerome Brown, Transit Director  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Frank Simpson, Inspections Director  
Jimmy Teal, Chief Planning Officer  
Janet Jones, City Clerk  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Sgt. Randy Podobinski, Fayetteville Police Department Lay Ministry Council, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

#### RECOGNITION:

Councilmember Massey introduced this item. Mr. Massey recommended the Council adopt a resolution of appreciation in honor of the late Thomas B. "Tom" Bacote.

RESOLUTION OF APPRECIATION IN HONOR OF THE LATE THOMAS B. "TOM" BACOTE. RESOLUTION NO. R2000-075.

MOTION: Councilmember Massey moved to adopt the resolution.

SECOND: Councilmember Haire

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

MOTION: Councilmember Massey moved to excuse Councilmember Pitts until he arrived.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

#### 1. APPROVAL OF AGENDA

City Manager Roger Stancil requested to remove Item 2.Z.2, Adopt ordinance ordering the demolition of 208 Preston Avenue, PIN 0428-07-58-6220, owner - Eric Dunson, from the agenda. Mr. Stancil stated a 30-day extension had been granted to the property owner.

Mr. Stancil corrected Item 13.D, and stated that the agenda listed the driveway permit fee as \$175.00 and it was actually \$125.00. Mr. Stancil also stated to the Council that all the bond documents were in front of them for Item 9.

MOTION: Councilmember Kendrick moved to approve the agenda.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Pitts excused)

#### 2. CONSENT:

Councilmember Kendrick requested to pull item 2.H.

MOTION: Councilmember Fogleman moved to approve the consent agenda with the exception of Item 2.H.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS (Councilmember Pitts excused)

The following items were unanimously approved:

A. Approve minutes of regular meeting of June 5, 2000.

- B. Approve minutes of regular meeting of June 8, 2000.
- C. Approve minutes of regular meeting of June 19, 2000.
- D. Approve tax refunds in excess of \$100.

Name	Year	Basis	City Refund
Peter Stewart Enterprises, Inc.	1995-1998	Corrected Assessment	\$1,101.10
Rosemyr Corporation	1998-1999	Corrected Assessment	619.66
Nathaniel, Dennis & Wife	1997-1998	Corrected Assessment	374.08
Total			\$2,094.84

- E. Approve the following financial matters:
  1. Special Revenue Project Ordinance Closeout 2001-1 (Domestic Violence Team Program Grant)
 

This project was established for the Domestic Violence Team Program. The program was a collaborative effort between the Fayetteville Police Department, Cumberland County District Attorney's Office, Chief District Court Judge's Office and the Care Center for Domestic Violence to provide general and legal assistance to victims. The project was funded by a grant from the North Carolina Governor's Crime Commission. The City provided an in-kind local match of equipment and services. The project has been completed at a cost of \$100,559.00. The financial records have been audited and this action is necessary to close the project.
  2. Special Revenue Project Ordinance 2001-1 (Mobile Data Computer Project Grant)
 

The North Carolina Department of Crime Control and Public Safety has awarded a Drug Control and System Improvement grant to the City for the Mobile Data Computer Project. The total project budget is \$170,484.00 with 75 percent provided by the State (\$127,863.00) and a 25 percent required local match provided by the City (\$42,621.00). The grant period is from July 1, 2000, through June 30, 2001. The local match for this grant is included in the FY2001 budget.
  3. Special Revenue Project Ordinance 2001-2 (FY2001 HOME Investment Partnerships Program)
 

This ordinance appropriates the proceeds of the FY2001 HOME Grant from the US Department of Housing and Urban Development (\$671,000.00), a local match from the General Fund (\$75,488.00) and projected program income (\$130,249.00). The funds will be used to provide single- and multi-family housing loans and other projects as stated in the FY2001 One-Year Action Plan.
  4. Special Revenue Project Ordinance Amendment 2001-1 (FY2001 Community Development Block Grant Program)
 

This amendment appropriates the proceeds of the FY2001 Community Development Block Grant from the US Department of Housing and Urban Development (\$1,514,000.00) and projected program income (\$124,483.00). The funds will be used to provide housing and business loans, operation of the neighborhood resource centers, water, sewer and paving assessment assistance and other projects as stated in the FY2001 One-Year Action Plan.

F. Adopt resolution approving an installment financing contract with Branch Banking and Trust Company (BB&T) for two Fire Pumps

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT PURSUANT TO N.C.G.S. §160A-20. RESOLUTION NO. R2000-076.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- G. Refer to Council Transportation Committee, for discussion, the possibility of assisting Fayetteville State University with their crosswalk concept and construction at Murchison Road and Filter Plant Drive (Bronco Square). (Requested by Councilmember Haire)
- H. This item was pulled by Councilmember Kendrick.
- I. Refer to Council Transportation Committee the traffic study for the Bi-Lo on All-American Expressway for review and study. (Requested by Councilmember Kendrick)
- J. Approve Water and/or Sanitary Sewer Annexation Agreement with Loyd A. Landry and wife, Deborah B. Landry, for utility service to Sunnyside Apartments located on Sapona Road, identified as Cumberland County PIN #0466-05-1533 and PIN #0466-050-3611. (PWC)
- K. Approve Water and/or Sanitary Sewer Annexation Agreement with Thomas W. Nelson, Jr., and wife Penny Parker Nelson, Nancy E. Nelson, and Tammy A. Nelson for utility service to Cape Fear Estates Mobile Home Park located within the Fayetteville Municipal Influence Area, identified as Cumberland County PIN #0466-88-5429.
- L. Award contract for purchase of two 1500 KV Padmounted Transformers, with option to purchase additional quantities within a one-year period, to Pauwels Transformers, Inc., c/o National Transformer Sales, Inc., low evaluated bid in the amount of \$36,974.00. (PWC)

Bids were received as follows:

Pauwels Transformers, Inc. c/o National Transformer Sales, Inc. (Raleigh, NC) \$36,974.00  
Scott-Parrish/Utiliserve (Wake Forest, NC) \$40,492.00  
Howard Industries, Inc. c/o Richardson Associates (Kenly, NC) \$45,880.00  
WESCO (Raleigh, NC) \$85,770.00

M. Award contract for construction of utilities in Lafayette Village Section IV of Fayetteville Annexation 1998, Phase III-B, to Site Group, Inc. (Florence, SC), low bid in the amount of \$886,932.00. (PWC)

Bids were received as follows:

Site Group, Inc. (Florence, SC) \$886,932.00  
Billy Bill Grading Co., Inc. (Fayetteville, NC) \$887,851.00  
R.H. Moore Company, Inc. (Murrells Inlet, SC) \$918,005.00  
Wellons Construction (Dunn, NC) \$954,382.75  
Sanford Contractors (Sanford, NC) \$972,797.00  
Colt Contracting Company (Clinton, NC) \$977,795.35  
McClam & Associates (Little Mountain, SC) \$978,817.50  
State Utility Contractors (Monroe, NC) \$1,014,593.40  
T.A. Loving Company (Goldsboro, NC) \$1,047,675.00  
ES&J Enterprises (Autryville, NC) \$1,225,892.00

N. Award contract for purchase of Corrosion Inhibitor (approximately 180 tons to be used over a twelve-month period) to Carus Chemical Co. (Peru, IL), low bid in the amount of \$71,460.00. (PWC)

Bids were received as follows:

Carus Chemical Co. (Peru, IL) \$71,460.00  
Water Guard (Wilson, NC) \$73,440.00  
Prillaman Chemical (Suffolk, VA) \$104,400.00

O. Award contract for purchase of Caustic Soda to GFI Chemicals L.P. (Trevose, PA), low bid in the amount of \$99,850.00. (PWC)

Bids were received as follows:

GFI Chemicals L.P. (Trevose, PA) \$99,850.00  
Prillaman Chemical (Suffolk, VA) \$101,750.00  
JCI Jones Chemicals (Charlotte, NC) \$106,250.00  
Worth Chemical (Greensboro, NC) \$219,325.00

P. Award contract for purchase of Sodium Hypochlorite to JCI Jones Chemicals (Charlotte, NC), low bid in the amount of \$217,925.00 (PWC)

Bids were received as follows:

JCI Jones Chemicals (Charlotte, NC) \$217,925.00  
Prillaman Chemical (Suffolk, VA) \$281,750.00  
DPC Enterprises (Mt. Mourne, NC) \$296,412.50

Q. Award contract for purchase of Liquid Aluminum Sulfate to General Chemical (Parsippany, NJ), low bid in the amount of \$217,750.00. (PWC)

Bids were received as follows:

General Chemical (Parsippany, NJ) \$217,750.00  
Koch Sulfur (Wilmington, NC) \$227,337.50  
GEO Speciality Chemicals (Little Rock, AK) \$240,175.00  
Prillaman Chemical (Suffolk, VA) \$298,350.00

R. Award contract for purchase of Powdered Activated Carbon to Prillaman Chemical (Suffolk, VA), low bid in the amount of \$31,016.00. (PWC)

Bids were received as follows:

Prillaman Chemical (Suffolk, VA) \$31,016.00  
Nichem (Irvington, NJ) \$33,600.00  
Southchem (Durham, NC) \$34,176.00

S. Award contract for purchase of Hydrated Lime to Greer Lime Company (Morgantown, WV), low bid in the amount of \$48,822.00. (PWC)

Bids were received as follows:

Greer Lime Company (Morganton, WV) \$48,822.00

Global Stone Chemstone (Strasburg, VA) \$50,670.00  
Prillaman Chemical (Suffolk, VA) \$55,080.00  
Chemical Lime (Ripplemead, VA) \$60,486.00

T. Award contract for purchase of 70, 50 KVA Padmounted Transformers, with option to purchase additional quantities within a one-year period, to Ermco c/o National Transformer Sales, Inc. (Raleigh, NC), low bid in the amount of \$82,600.00. (PWC)

Bids were received as follows:

Ermco, c/o National Transformer Sales (Raleigh, NC) \$82,600.00

WESCO (Raleigh, NC) \$92,260.00

Howard Industries, Inc. c/o Richardson Associates (Kenly, NC) \$103,670.00

U. Award contract for planting, irrigation, and landscape management for the Robert C. Williams Business Center to Watson Nursery & Landscaping (Fayetteville, NC), low bid in the amount of \$107,165.00. (PWC)

Bids were received as follows:

Watson Nursery & Landscaping (Fayetteville, NC) \$107,165.00

Cardinal Landscaping (Fayetteville, NC) \$108,340.00

Greenscape (Fayetteville, NC) \$130,295.72

V. Award contract for Electrical Installation and Testing of a Distributed Control System at the Butler-Warner Generation Facility to Triad Electric & Controls, Inc. (Baton Rouge, LA), low bid in the amount of \$344,574.00. (PWC)

Bids were received as follows:

Triad Electric & Controls, Inc. (Baton Rouge, LA) \$344,574.00

MMR Construction, Inc. (Baton Rouge, LA) \$491,553.00

W. Award contract for Resurfacing Projects in 1998 Fayetteville Annexation, Phase III-A areas, including Cottonade Subdivision and a portion of Bonnie Doone to APAC Carolina, Inc./Crowell Constructors Division, low bid in the amount of \$1,286,757.70. (PWC)

Bids were received as follows:

APAC Carolina Inc./Crowell Constructors Division \$1,286,757.70

Barnhill Contracting Co. \$1,335,521.25

X. Award contract for resurfacing projects in 1998 Fayetteville Annexation, Phase III-A areas, including New Ponderosa, Summerhill, Four Seasons, Horseshoe Road, and a portion of Bonnie Doone to Barnhill Contracting Co., low bid in the amount of \$1,049,153.75. (PWC)

Bids were received as follows:

Barnhill Contracting Co. \$1,049,153.75

Crowell Constructors \$1,075,890.75

Y. Approval of a Water and/or Sanitary Sewer Annexation Agreement with Floyd Construction for utility service to property located on Reilly Road, identified as Cumberland County PIN #9498-68-9201.

Z. Adopt ordinance ordering the demolition of the following structures:

1. 202 Preston Avenue, PIN 0428-07-58-7313, Owner: Mr. & Mrs. Edward L. Johnson

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. NS2000-012.

2. 208 Preston Avenue, PIN 0428-07-58-6220, Owner: Eric Dunson

The time was extended on this item for 30 days.

3. 116 Joyce Street, PIN 0428-77-8067, Owner: Dominic Anthony Curry

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. NS2000-013.

AA. Adopt resolution approving supplemental utility agreement with NCDOT for use of underground duct system. (PWC)

RESOLUTION OF SUPPLEMENTAL UTILITY AGREEMENT. RESOLUTION NO. R2000-077.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

BB. Approve request from WKML and WKFT-TV for special event signs to advertise Health Fair on July 22, 2000.

H. Refer to Council Transportation Committee, for discussion, the moving of the 18-wheeler truck route off Murchison Road to an alternate route (Bragg Boulevard or Ramsey Street) and then sending item to the NC Department of Transportation as a recommendation. (Requested by Councilmember Haire)

MOTION: Councilmember Kendrick moved to refer this item to the Transportation Committee for a recommendation to be referred back to the City Council for a decision whether to refer it to the North Carolina Department of Transportation.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Pitts excused)

### 3. PUBLIC HEARINGS:

A. P00-26F. Consideration of the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located at 4926 Yadkin Road. Containing 1.0 acre more or less and being the property of James William and Margaret Powers as evidenced by deed recorded in Deed Book 795, Page 252, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. Ms. Kem reviewed the current zoning, the 2010 Land Use Plan, and the zoning history. Ms. Kem noted the Zoning Commission had recommended denial of C3 and approval of C1 local business district.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:12 p.m. Mr. J. B. Rouse, III, appeared in favor of the rezoning. There was no opposition and the public hearing closed at 7:14 p.m.

MOTION: Councilmember Kendrick moved to rezone to C1.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Pitts excused)

B. P99-67F. Consideration of revisions and amendments to the Fayetteville Code of Ordinances, Chapter 32, Zoning, Article IV, Section 32-30 to add first floor residential uses on secondary streets as a permitted use in the C2 Central Business District.

Mr. Victor Sharpe, Planning Services Manager, presented this item noting that the Planning Commission recommended approval of the ordinance amendment and that Hay Street, Person Street, Gillespie Street, and Green Street would be excluded from the amendment.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:20 p.m. Dr. J. Wayne Riggins, a member of the Historic Resources Commission, spoke in favor of the amendment. There was no one present to speak in opposition and the public hearing closed at 7:22 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 32, ZONING, ARTICLE IV, SECTION 32-30(12). ORDINANCE NO. NS2000-009.

MOTION: Councilmember Robertson moved to approve.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmember Pitts excused)

C. P00-31F. Consideration of revisions and amendments to the Fayetteville Code of Ordinances, Chapter 32, Zoning, Article X, Sections 32-67 and 32-68; and Chapter 33, Zoning and Planning Agencies, Sections 33-3 and 33-4, to create a Board of Adjustment.

Mr. Victor Sharpe, Planning Services Manager, presented this item. Mr. Sharpe stated the Planning Commission held a public hearing on this item and recommended denial of the re-creation of the Board of Adjustment. Mr. Sharpe requested that if this item were approved, the effective date be September 1, 2000.

Councilmember Worthy inquired what were the reasons for the recommendation of denial. Mr. Sharpe stated the Planning Commission felt the new process was working well and it had not been given enough time.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:23 p.m. There was no one appearing in favor. Dr. J. Wayne Riggins, a member of the Historic Resources Commission, appeared in opposition to the re-establishment of the Board of Adjustment. Dr. Riggins presented the following comparison:

- 1) The previous Board of Adjustment approved 94 percent of requests for variances (45 out of 48 cases).
- 2) The current board had a 50 percent drop in the number of cases heard, and of the cases heard, 6 cases had been denied, 13 approved and 1 withdrawn.
- 3) The approval rate dropped from 94 percent to 68 percent.
- 4) There has been a 300 percent drop in the rate of approval.

Dr. Riggins stated he felt it was mandatory that the citizens be guaranteed a right of appeal to an official board that had experience and global perspective. The following recommendations were made by Dr. Riggins should the Council decide to go back to the previously failed system:

- 1) Prior experience on the Zoning, Planning, Appearance, or Historic Resources Commissions should be required.
- 2) The chairperson should be held accountable to ensure the proper process and procedure has been followed and the chairperson's training should be done by a City staff person to ensure a thorough understanding of the process to be used.
- 3) Training for all members should be specific to that board and a training manual should be drawn to make all members' training uniform.

The public hearing closed at 7:32 p.m.

A discussion was held regarding the issue of nonconforming uses in buildings that have been damaged more than 50 percent, and the training of the previous Board of Adjustment by Mr. David Owens, Zoning Expert from the Institute of Government.

**MOTION:** Councilmember Worthy moved to reinstate the Board of Adjustment with the conditions of proper training, of having as many members as possible from the Zoning and Planning Commissions, and with an effective date of September 1, 2000.

**SECOND:** Councilmember Robertson

A discussion was held regarding the procedures and decisions of the previous Adjustment Board and the staff participation with both the previous and proposed boards.

**SUBSTITUTE MOTION:**

Councilmember Shaw moved to add the conditions: 1) required prior experience on the Zoning, Planning, Historic Resources or Appearance Commissions; 2) specifically designed and published training plan to which every member must agree to attend; 3) proper procedure is set out and monitored with a staff member being assigned to the board.

Councilmember Worthy stated he would accept the conditions except for the word "required". Mr. Worthy stated he would accept highly likely or wording to that effect.

Councilmember Pitts arrived at the meeting.

A discussion was held regarding the conditions as set forth by Councilmember Shaw, to include the consensus that training and experience equal education, that the experienced board members come from the Zoning Commission, and the fact that persons who have zoning experience but have not been a member of the Zoning Commission would be excluded from service from the City.

**SUBSTITUTE MOTION VOTE:**

Failed by a vote of 5 in favor (Councilmembers Fogleman, Kendrick, McBryde, Shaw and Milligan) to 7 in opposition (Councilmembers Haire, Massey, Smith, Pitts, Robertson, Worthy, and Talbot)

A discussion was held regarding the membership of the board with the consensus being the proposed board should have five regular members (one from the Zoning Commission) and two alternate members.

City Attorney Robert Cogswell stated that the terms would have to be staggered with one one-year term, one two-year term, and three three-year terms.

**ORIGINAL MOTION VOTE:**

Failed by a tie vote of 6 in favor (Councilmembers Haire, Massey, Worthy, Smith, Talbot, and Robertson) to 6 in opposition (Councilmembers Fogleman, Milligan, Pitts, Kendrick, McBryde, and Shaw)

**SUBSTITUTE MOTION:**

Councilmember Shaw moved that the zoning vacancy be the immediate past chairman of the Zoning Commission.

Councilmember Worthy stated he felt it should not be restricted to the chairman but should include a member of the Zoning Commission who has served at least a year on the Commission.

Further discussion was held with the Council deciding that the Zoning Commission appointee must have had at least one year experience and would serve a three-year term.

Mr. Cogswell stated that the word "may" needed to be changed to "shall" in §32-68 of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTERS 32 AND 33 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2000-010.**

**MOTION:** Councilmember Worthy moved to approve the re-establishment of the Board of Adjustment to consist of five regular members and two alternate members: that one member would be a member of the Zoning Commission with at least one year zoning experience; the terms would be three years with the initial appointments being staggered with one one-year term, one two-year term, and three three-year terms; and that if the term of the Zoning Commission appointment expired before his three-year term on the Board of Adjustment expired, he may stay on the board until his three-year term expires.

**SECOND:** Councilmember Talbot

**VOTE:** Passed by a vote of 9 in favor (Councilmembers Haire, Massey, Smith, Pitts, McBryde, Robertson, Shaw,

Worthy, and Talbot) to 3 in opposition (Councilmembers Milligan, Fogleman, and Kendrick)

D. Consideration of extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation area, J.P. Riddle Limited Partnership property (Located on the western side of Glensford Drive, north of Cliffdale Road).

City Manager Roger Stancil presented this item. He recommended adoption of the annexation 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 8:15 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - J.P. RIDDLE FAMILY PROPERTY/EAST COAST OIL COMPANY (LOCATED AT THE NORTHWEST CORNER OF CLIFFDALE ROAD AND GLENSFORD DRIVE). ANNEXATION ORDINANCE NO. 2000-07-445.

MOTION: Councilmember Robertson moved to adopt the ordinance.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

4. P00-30F. Consideration of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification for an area located on the southwest corner of Cliffdale Road and Glensford Drive. Containing 1.2 acres more or less and being the property of J.P. Riddle Family Limited Partnership as evidenced by map and legal description furnished by the City of Fayetteville, and being scheduled to be annexed by the City of Fayetteville, effective June 19, 2000.

No discussion was held on this item.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

5. Consideration of the elimination of public transportation service to Hope Mills and the Cumberland County Industrial Park.

City Manager Roger Stancil presented this item. Mr. Stancil informed the Council that a meeting had been held with all interested parties and two options had been discussed. The first option was to figure the cost involved in reducing Route 20 to two trips per day in the morning and two trips per day in the afternoon with no Saturday service and the second option had been to figure out who had been responsible for what by using either the route miles or the origin of the rider's trip which would change the percentages.

Mr. Stancil stated that County Manager Cliff Strassenburg had requested that this decision be delayed at least until the first commission meeting in August, noting the County and the Town of Hope Mills had indicated interest but no requests had been presented to their governing bodies at this time.

Mr. Stancil recommended extending the time for reimbursement to be retroactive until July 17, 2000, and if the City did this, future doors would be opened for recognition by the County and other municipalities that they have responsibilities for public transportation.

MOTION: Councilmember Shaw moved to extend the route until August 1, 2000.

SECOND: Councilmember Fogleman

A discussion was held with Councilmember Talbot stating he wanted a caveat added that if they do not agree, they will reimburse the City for all expenses incurred.

Councilmembers Smith, Fogleman, Worthy and Shaw expressed their support for the two-week extension.

Councilmembers Massey and Kendrick expressed their concern about spending City taxpayers dollars on a project that serves mainly other areas in the County.

Councilmember Pitts expressed his support for a metropolitan transportation system, noting his concerns about the tax dollars being spent.

Mayor Pro Tem McBryde stated he would support the motion in the spirit of getting a metropolitan transportation authority, but he would not vote in two weeks for another extension of time.

Mr. Stancil inquired whether the Council wanted him to contact Mr. Strassenburg and make it clear that the miles traveled would be the basis for the proration of cost, that the funding would be retroactive to July 24, 2000, and if no decision is made by August, then the route would be eliminated.

The consensus of Council was that Mr. Stancil should do this as soon as possible. Mayor Pro Tem McBryde stated that this would be the last vote taken on this item and it would not come before the Council again.

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Milligan)

13. Report from Council Transportation Committee.

MOTION: Councilmember Worthy moved to have Item 13 to be heard at this time.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

A. Discussion of Traffic Separation Study on Railroad Crossings in the downtown area.

Councilmember Kendrick stated the Committee voted to request the staff to work with the North Carolina Department of Transportation staff on drafting a municipal agreement for the project.

B. Update on sidewalks within the City limits.

MOTION: Councilmember Kendrick moved to approve construction of sidewalks on Morganton Road from Skibo Road to Ruritan Road and Filter Plant Drive with the remaining funds to be allocated to Cliffdale Road, Morganton Road and Owen Drive.

SECOND: Councilmember Worthy

Councilmember Kendrick stated that Owen Drive was last on the list and would be done if there were funds available.

Councilmember Fogleman inquired about the sidewalk on Filter Plant Drive. She stated it was her understanding that Ames Street would be paved from Bragg Boulevard to Filter Plant Drive intersection because of the stoplight. Councilmember Kendrick stated she was correct and that was what the Committee recommended, but Mr. Robert Barefoot felt that although this was not a thoroughfare connection, both streets needed to be paved.

VOTE: UNANIMOUS

C. Review of the Following Transportation Plans:

1. 2025 Long Range Transportation Plan
2. Pedestrian and Bicycle Plan
3. Unified Driveway Manual

MOTION: Councilmember Kendrick moved to approve adoption of the three documents.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

D. Discussion of Driveway Permit Fee Schedule

MOTION: Councilmember Kendrick moved to adopt the driveway permit fee schedule of \$30.00 for residential driveways and \$125.00 for commercial driveways.

SECOND: Councilmember Fogleman

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Robertson)

E. Traffic Signal Investigation at the intersection of McPherson Church Road and Murray Hill Road

Councilmember Kendrick stated that no funding for this project was available and it could be done only when the funds were available.

City Manager Roger Stancil stated that at this time, there was no Capital Improvement Program for sidewalks and traffic lights, but it would be presented at a later date with priorities set out in the report.

MOTION: Councilmember Kendrick moved to approve the installation of a street light at the intersection of McPherson Church Road and Murray Hill Road.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

Councilmember Kendrick stated the upgraded system would be in that area and the lines would run to this intersection.

F. Update on Intersection Improvements at Raeford Road and McPherson Church Road.

RESOLUTION OF THE CITY COUNCIL OF CITY OF FAYETTEVILLE REQUESTING RIGHT-OF-WAY FROM THE ABERDEEN AND ROCKFISH RAILROAD COMPANY FOR AN AREA LOCATED AT THE INTERSECTION OF RAEFORD ROAD AND MCPHERSON CHURCH ROAD FOR THE PURPOSE OF CONSTRUCTING A RIGHT TURN LANE. RESOLUTION NO. R2000-078.

MOTION: Councilmember Kendrick moved to adopt the resolution.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

G. Discussion of the future of the City Transit System.

City Manager Roger Stancil recommended that discussion with Charlotte regarding new ways to generate revenues for our City Transit System be continued and that the Mayor of Charlotte be invited down to address the Council.

A discussion ensued with the Council deciding that Cumberland County, other municipalities, and the Joint Task Force on Transit be included in the meeting.

The decision was made to hold a joint meeting with the County and Mr. Stancil was directed to check on a date and come back to the Council with a report.

6. Consideration of amendment to Section 17-32(a) of the Fayetteville City Code to allow licensed massage and bodywork therapists to perform a massage on members of the opposite sex.

City Attorney Robert Cogswell presented this item. Mr. Cogswell stated that after reviewing the licensing requirements, he would recommend amending this ordinance to allow this type of occupation. Mr. Cogswell noted this was not like a zoning ordinance and if it got out of hand, it could be repealed immediately and there was no grandfathering. Mr. Cogswell stated the ordinance would be effective July 25, 2000.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING LICENSES, 17-32, LICENSING PROVISIONS RELATIVE TO MASSEURS, MASSAGE PARLORS, HEALTH SALONS AND CLUBS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2000-011.

MOTION: Councilmember Robertson moved to amend the ordinance.

SECOND: Councilmember Milligan

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Worthy)

7. Consideration of request to address City Council from David Baldwin, Baldwin Ad Specialties, regarding Article VIII, Advertising and Signs Regulations: Section 32-59.1. Title, purpose, authority and jurisdiction.

Mr. David Baldwin, 1602 Dalton Drive, Spring Lake, NC, appeared and addressed the Council regarding the lack of enforcement of the advertising and sign regulations in the City Code.

Mr. Baldwin gave pictorial examples of current violations. He recommended the City look at the issue and hire more Inspections staff to handle the enforcement of the ordinance.

Councilmember Robertson inquired if these concerns could be addressed and the Council could be educated on the current process being used at the next scheduled meeting. Mr. Stancil replied in the affirmative.

8. Report on merger of Time Warner, Inc., and America Online, Inc., by Robert F. Sepe. (Public hearing set for July 24, 2000)

City Attorney Robert Cogswell presented this item and introduced Mr. Robert F. Sepe, of Action Audits.

Mr. Sepe summarized his report as follows:

The franchise document, cable standards ordinance, and franchise agreement prohibit the transfer of either control or assets, however accomplished, without the prior consent of the franchise authority. The proposed transaction will not result in the assignment of the franchise to a new entity. The transfer will alter the ownership (stock) and control (management) of Time Warner Inc. (Time Warner). The new company will be AOL-Time Warner.

This transaction raises several important public policy questions, which must be considered. The issue centers around "Open Access", a form of common carrier status placed on the cable company's broadband high-speed Internet platform.

It is imperative that the franchise authority secure certain assurances from the new management entity that this hypothecation will not adversely impact current and future subscribers, rates, the cable distribution system, Time Warner Cable-Advance Newhouse's (TWEAN) business and customer service policies and practices.

The franchise and FCC-394 documents direct Time Warner to furnish the franchise authority a full set of descriptive identifying particulars about the proposed transaction. Also, by supplying copies of all documents pertaining to the transfer, the Company has complied with the transfer of ownership provisions of the current Franchise Agreement. The material change in the ownership and management structures of Time Warner require the franchise authority to review, weigh and approve the transfer of ownership and control among and between the entities.

Although Time Warner did not submit FCC-394 documents to the City regarding the sale of MediaOne's 25.51 percent ownership interest in Time Warner Entertainment, it is both necessary and prudent for the City to acknowledge that this transaction is taking place.

Mr. Sepe stated although the acquisition of Time Warner by America Online and MediaOne by AT&T is not without some regulatory and anticompetitive uncertainty, the long-term potential economic and technological benefits a vertically integrated company with a unique set of expertise, is both a positive and negative aspect of the transfers. Accordingly, to guard against possible uncertainties, it is recommended that the Franchise Authority:

1. Consent to the transfer with conditions; and
2. Certify that the current franchise is in full force and effect; and
3. Direct AOL-Time Warner to be bound by the Cable Television Franchise Ordinance and perform all duties and

obligations of the grantee thereunder; and

4. Carry over any transgressions or issues to the new entity; and

5. Prohibit any revaluation of intangible and tangible assets by the new entity to become the basis for future rate increases whereby advising AOL-Time Warner that the franchise authority intends to exercise its rate regulatory prerogatives pursuant to the Cable Act of 1992 to ensure that the current value placed upon the intangible assets of TWEAN shall not increase as a result of the transfer and adversely impact subscriber rates; and

6. The City's approval is rescinded if TWEAN does not accept the terms of the transfer resolution within 30 days or challenges any provision of the transfer in court; and

7. Direct TWEAN to reimburse the City for any direct and indirect expenses associated with the transfer review process; and

8. Direct AOL-Time Warner to implement Open Access to protect the public interest and ensure continued competition among and between Internet Service Providers (ISPs) and equal access to the cable modem broadband platform by customers served by unaffiliated ISPs whereby granting unaffiliated Internet Service Providers (ISPs) use of the broadband cable modem platform on terms and conditions identical to those ISPs, e-commerce, and e-tailers affiliated with America On-Line Time Warner.

A discussion was held regarding the terms of the contract, the effect of the merger on the City, the City's right to challenge the basic cablevision fees and equipment rental charges, and the process that would be used to issue a challenge on the rates.

City Attorney Robert Cogswell stated that action would be taken on this item at the public hearing on July 24, 2000.

9. Consideration of Area 3B Annexation project financing matters: (Lafayette Village, Gallup Acres)

City Manager Roger Stancil presented this item. Mr. Stancil stated that this action would begin the process for authorizing the sale of the bonds. The repayment of these funds was already covered in the debt service plan, thereby meaning there would be no tax increases projected to pay for these bonds.

A. Resolution making certain findings relating to the authorization and issuance of street improvement bonds, sanitary sewer bonds, storm drainage bonds, and water bonds of the City of Fayetteville, North Carolina and authorizing the Finance Director to file an application for approval thereof with the Local Government Commission.

Mayor Pro Tem McBryde read the following resolution title:

**RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF STREET IMPROVEMENT BONDS, SANITARY SEWER BONDS, STORM DRAINAGE SYSTEM BONDS, AND WATER BONDS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AND DESIGNATING THE FINANCE DIRECTOR TO FILE AN APPLICATION FOR APPROVAL THEREOF WITH THE LOCAL GOVERNMENT COMMISSION. RESOLUTION NO. R2000-079.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

B. Order authorizing \$2,655,000.00 Street Improvement Bonds

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

C. Order authorizing \$590,000.00 Sanitary Sewer Bonds

D. Order authorizing \$275,000.00 Storm Drainage System Bonds

E. Order authorizing \$90,00000 Water Bonds

MOTION: Councilmember Kendrick moved to approve Items C, D, and E.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

MOTION: Councilmember Talbot moved to designate the Deputy Finance Director to follow the sworn statement of debt and to set the public hearing for August 7, 2000.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

10. Consideration of adoption of resolution ordering the paving without petition of MacDougald Road from Pennsylvania Avenue to University Avenue.

**FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF MACDOUGALD ROAD FROM**

PENNSYLVANIA AVENUE TO UNIVERSITY AVENUE. RESOLUTION NO. R2000-080.

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

11. Consideration of location for Cumberland County Vietnam Veterans Memorial.

MOTION: Councilmember Talbot moved to approve the concept and to authorize the City Manager to work with the Airborne Museum and other appropriate agencies to develop a master plan for this site.

SECOND: Councilmember Haire

VOTE: UNANIMOUS

12. Consideration of City Planning Commission's recommendation to update Complete Fayetteville Vision.

City Manager Roger Stancil presented this item. Mr. Stancil stated that the Downtown Vision Plan adopted in 1996 needed to be updated. He recommended he be authorized to negotiate with Mr. Robert Marvin to update the plan. Mr. Stancil further recommended that a portion of the unused funding of \$220,000.00 from the Robert Marvin contract be used for the update costs.

Mr. Stancil stated this was an inclusive plan and he was planning to include in the update the chairs of the Planning Commission, the Appearance Commission, the Redevelopment Commission, the Parks and Recreation Advisory Board, the Human Relations Commission, the Airborne Museum, and the Management Committee of a Complete Fayetteville Once and For All.

Councilmember Shaw inquired if only the map would be revised. Mr. Stancil informed the Council the first step would be revision of the map to reflect the changes that had been made to date, the second step would be to hold meetings with the community to refine the vision, and the third step would be to do an economic feasibility study on the suggested revisions.

A discussion was held regarding the possible use of local talent for the revision plan, the cost of the proposed project, and community input.

MOTION: Councilmember Talbot moved to approve the concept and the initiation of the update of the plan.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

13. This item was moved after Item 5.

14. Consideration of placing the City's web address on all City vehicles. (Requested by Councilmember Robertson)

Councilmember Robertson requested that the City's web site be placed on all City vehicles with the exception of undercover vehicles. He also requested that the web site be placed on all stationery and envelopes.

A discussion was held regarding the cost to implement this program.

MOTION: Councilmember Robertson moved to ask the staff to start putting the web site address on all reasonable City vehicles and all stationery.

Further discussion was held regarding the need for a plan before the implementation of this request began.

AMENDED MOTION:

Councilmember Robertson amended his motion to approve the concept and direct the staff to come back with a plan and the cost per vehicle.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

15. Discussion of selection of City Council committees. (Requested by Councilmember Haire)

Councilmember Haire stated that he felt the chair positions for the Council committees and in particular, the Policy and Transportation Committees, needed to be rotated. Councilmember Haire stated he felt 15 years was too long for a person to chair a committee. A discussion was held.

MOTION: Councilmember Haire moved to refer this issue to the Policy Committee with the purpose of making a policy on how Council committee chairmen were selected and how long a chairman can serve.

SECOND: Councilmember Pitts

VOTE: UNANIMOUS

16. APPOINTMENTS:

A. Airport Commission: 4 appointments needed

The following two-year appointments were made: Robert Wilson, Patricia Smith, Frank Kelly, and John Wyatt, III.

- B. Human Relations Commission: 7 regular and 2 fill-in appointments needed  
The following two-year appointments were made: Flora Santor, Allan Taziri, Soohee Weatherall, Charles Yates, James Pete McEachern, Janis Holden-Toruno, and Dr. Walter Haire.  
The following fill-in terms were appointed until June 2001: Charnell Green and Michael Hines.
- C. Storm Water Advisory: 2 appointments needed  
The following two-year appointments were made: Joint appointee Alicia Chisolm and Lawrence J. Ashton.
- D. Public Works Commission: 1 appointment needed  
The following four-year appointment was made: Mr. Vance Neal.
- E. Fayetteville Redevelopment Commission: 1 appointment needed  
The following fill-in appointment was made: Delvin McAllister.
- F. Proposed Board of Adjustment: 7 appointments needed  
The following appointments were made: Three-year term, David Courie, George Turner, and Hyon K. Jackson. Two-year term, Melanie Solomon. One-year term: Henry Clark. Three-year alternate terms: James Smith and Mr. Otis Currie.

NOMINATIONS FOR JULY VACANCIES:

- G. Fayetteville City Planning Commission: 5 vacancies  
Councilmember Talbot nominated Mr. Brian Irvin.  
Councilmember Haire nominated Mr. Adam Beyah.
- H. Fayetteville City Zoning Commission: 3 vacancies  
Councilmember Haire nominated Mr. Robert Pringle, Mr. Jim Bowers, Mr. Henry Colvin, Jr., and Shelly Magby.  
Mayor Pro Tem McBryde nominated Mr. Kenneth Godwin.  
Councilmember Worthy nominated Mr. Marshall Pitts, Sr.
- I. Fair Housing Board: 1 resignation  
There were no additional nominations.

17. ADMINISTRATIVE REPORTS

- A. City Position Vacancy Report for March-June 2000.

INFORMATION ITEMS:

- 1. Thank you note from Mary Anne Dawkins.
- 2. Thank you note from family of Thomas B. Bacote.
- 3. Statement of taxes collected for the month of June, 2000, from the Cumberland County Tax Administrator.

1999 Taxes	\$94,056.19
1999 Vehicle Taxes	250,484.41
1999 Revit	89.74
1999 Vehicle Revit	403.06
1999 FVT	29,365.40
1999 Storm Water	9,417.01
1998 Taxes	15,393.00
1998 Vehicle Taxes	4,733.87
1998 Revit	0.73
1998 Vehicle Revit	0.00
1998 FVT	691.15
1998 Storm Water	1,464.09
1997 Taxes	3,214.25
1997 Vehicle Taxes	954.05
1997 Revit	0.33
1997 Vehicle Revit	0.00
1997 FVT	187.07
1997 Storm Water	1,081.01
1996 Taxes	1,532.49
1996 Vehicle Taxes	680.13
1996 Revit	0.33
1996 Vehicle Revit	0.00
1996 FVT	133.07
1996 Storm Water	181.51

1995 & Prior Taxes 787.79  
1995 & Prior Vehicle Taxes 465.29  
1995 & Prior Revit 1.24  
1995 & Prior Vehicle Revit 0.00  
1995 & Prior FVT 172.99  
1995 Storm Water 100.07  
Interest 14,296.65  
Interest (Revit) 9.78  
Interest (Storm Water) 1,131.62  
Fayetteville Discount 0.00  
Revit. Discount 0.00  
Total Collections \$431,028.32

4. Report of tax refunds less than \$100.

Name	Year	Basis	City Refund
Taylor, Solomon & Tiffany	1998	Military Non-resident	\$18.97
PI, Fu Hon	1998	Military Non-resident	62.02
Total			\$80.99

5. Status of ongoing annexation projects in Phase IIIA & IIIB areas.

6. Information from NCLM on Carolinians for Fair Electric Rates, Inc.

7. Police Department - report from the Office of Professional Standards for the month of May, 2000.

8. PWC - minutes of May 24, 2000.

9. FAEDC-minutes of April 18, May 16, 2000.

10. Cape Fear Botanical Garden - minutes of June 22, 2000.

11. Planning Department - Monthly Report, May 2000. (Inserted in packet)

MOTION: Councilmember Fogleman moved to adjourn.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

The meeting adjourned at 11:00 p.m.

INFORMATION MEETING

JULY 24, 2000

FAYETTEVILLE CITY COUNCIL

INFORMATION MEETING

CITY HALL COUNCIL CHAMBER

JULY 24, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Darrell J. Haire (District 4)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Lisa Smith, Finance Director

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Joe Boyd, Information Systems Director

Janet Jones, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Worthy, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Councilmember Robertson moved to approve the agenda.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

MOTION: Councilmember Massey moved to excuse Councilmember Haire from the meeting.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

2. CONSENT:

Councilmember Milligan requested to pull Item 2.B for discussion.

MOTION: Councilmember Kendrick moved to approve Item 2.A.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Haire excused)

A. Approve request from James "Bonecrusher" Smith for special event signs to advertise Tuff-Man Boxing Contest, August 4-5, 2000.

B. Adopt resolution authorizing the City of Fayetteville to enter into an agreement with the NCDOT to hire an intern for the Transit Department.

Councilmember Milligan inquired about the job description for this internship and whether it would be a new position or was the person currently on the payroll.

City Manager Roger Stancil stated it would be a continuation of a previous position and would not be filled until the grant was received.

Councilmember Massey stated he felt the Council needed to know the expectations of any interns in case they might know of someone who had the qualifications to fill the positions.

RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R2000-081.

MOTION: Councilmember Talbot moved to approve.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmember Haire excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

3. PUBLIC HEARINGS:

A. Consideration of proposed merger of Time Warner, Inc., and America Online, Inc.

City Attorney Robert Cogswell presented this item noting that Mr. Sepe, Mr. Brad Phillips, Vice-President of Time Warner's Government Affairs Division, and Mr. John Owen, the manager of the local Cablevision company, were present to answer any questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:08 p.m. Professor Albert Bryant, 2309 Slater Avenue, Fayetteville, NC, appeared in favor of the merger. There was no one else to speak and the public hearing closed at 7:10 p.m.

In response to Councils' questions, Mr. Phillips stated that the citizens would receive the benefits of new and innovative products and improved services. He also stated there was language in the resolution that stated that any change in assets would not have any impact on rates but it was premature to guess at what next year's rate would be. A RESOLUTION GRANTING THE CONSENT OF THE CITY OF FAYETTEVILLE TO THE TRANSFER OF CONTROL OF A CABLE TELEVISION FRANCHISE FROM TIME WARNER, INC., TO AOL TIME WARNER, INC., AND A TRANSFER OF CONTROL FROM MEDIA ONE GROUP, INC., TO AT&T CORPORATION. RESOLUTION NO. R2000-082.

MOTION: Councilmember Talbot moved to adopt the resolution.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Haire excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

4. Update on the Special Operations Museum. (Requested by Councilmember Pitts)

Ms. Sandy Klotz, Executive Director of the Airborne and Special Operations Museum, presented an update on the construction status and the exhibits, noting the opening date would be August 16, 2000. Ms. Klotz reviewed the marketing targets and the advertisement sources that had been used and would be used in the future.

In response to Councilmember Pitts' question on what was the marketing plan beyond the grand opening process, Ms. Klotz stated the board would be evaluating the budget quarterly and making any changes that were needed. She also stated there would be no electronic advertising in next year's budget.

No action was required on this item.

5. Report on attorneys' fees spent up to this point by the City in association with the EEOC cases scheduled for mediation. (Requested by Councilmember Pitts)

Councilmember Pitts stated he wanted to clarify for the Council why he had requested this information. He stated that because mediation was scheduled for August 1, 2000, he felt the Council should be as informed as possible. Mr.

Pitts stated there were three factors that were important: 1) the impact of the reputation of the Police Department; 2) to prevent polarization among citizens over and above what had already happened; and 3) the cost of the taxpayers.

A discussion was held regarding the total amount of the bills. Mr. Cogswell stated this was an accumulation, of all attorney fee costs since 1996 to present with the exception of a pending bill for approximately \$6,000.00. Mr. Cogswell stated that the bills included all expenses.

6. Discussion of Community Forum. (Requested by Councilmember Pitts)

Councilmember Pitts stated his objective was to further the City Council's goal/priority four, to foster an atmosphere of openness and accessibility between the City and its citizens.

Councilmember Pitts stated the process he envisioned was to hold an informal community forum or town hall meeting either quarterly or semi-annually. The forum would be held in City Hall and the public would dictate the topics of discussion to be addressed. This would occur in the form of a question and answer session. The City Manager, City Attorney, Councilmembers, and all department heads should be in attendance. The forums should be one to two hours in length and should be televised if possible.

Councilmember Pitts explained that first it will give the citizens an opportunity to address the Council as a group outside of the formal public hearing process. Second, it will give the City of Fayetteville and its representatives a better gauge of citizen generated concerns. Third, it will foster a more genuine dialogue between the City and its citizens.

Councilmember Talbot stated he would like to see the process be made less formal and to have a special meeting for the citizens to speak for a limited time.

Councilmember Massey recommended that perhaps some time could be used before each meeting for this purpose.

MOTION: Councilmember Massey moved to have the staff look into this and into how it would fit into the Council's schedule.

SECOND: Councilmember Robertson

Mayor Pro Tem McBryde stated that at one time it was done on the fifth Monday if there was one.

Councilmember Kendrick stated that along with the motion, he would like to have the information about what has been done in the past, the results, the kind of participation there was, and the cost involved.

Councilmember Massey accepted Councilmember Kendrick's request.

Councilmember Shaw stated she liked the weekly basis of 10 to 15 minutes for two meetings out of the month because people would get to speak about what was on their mind at that time.

VOTE: UNANIMOUS (Councilmember Haire excused)

7. NOMINATIONS:

A. Planning Commission - 5 nominations needed

Mr. Alan Tucker was nominated by Councilmember Fogleman.

B. Zoning Commission - 3 nominations needed

Ms. Peggy Vick was nominated by Councilmember Shaw.

Mr. William B. Jenkins was nominated by Councilmember Robertson.

Councilmember Robertson stated that Mr. Marshall Pitts, Sr., and Mr. William Jenkins were currently serving as alternates on the Zoning Commission and he recommended moving them into the full position and selecting two alternate positions so there would be a continuation of the education process.

Councilmember Fogleman stated the alternates were used to accommodate the Board of Adjustment functions and since that had been changed, they did not need the two alternate slots.

Councilmember Worthy stated for the Board's betterment, the alternates needed to be kept on the Board for training.

Mayor Pro Tem McBryde stated this issue needed to be handled at another time.

C. Fair Housing Board - nominations to fill term of 1 resignation

Ms. Bernice McAlister was nominated by Councilmember Worthy.

8. ADMINISTRATIVE REPORTS

A. Report on McNeill Circle parking.

City Manager Roger Stancil presented this item. Mr. Stancil stated the staff agreed with the residents' requests and he recommended approval of the ordinance to be effective August 11, 2000. He made the following suggestions:

1. The residential parking by permit be limited to Monday through Friday from 7 a.m. to 3 p.m.
2. A total of five residential parking permits be issued to each residential unit within the designated residential parking area at no cost to the resident. Additional parking permits be issued at a cost of \$5.00 each.
3. The enforcement of this parking ordinance be primarily the responsibility of the Parking Control Officer from the

Traffic Services Division. That employee can patrol the area several times per day to ensure the ordinance is being enforced.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES, SEC. 20-21. TRAFFIC SCHEDULE NUMBER 17 - RESTRICTED PARKING. ORDINANCE NO. NS2000-014.

MOTION: Councilmember Robertson moved to adopt the ordinance.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Haire excused)

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

B. Updates:

1. Human Relations Commission - status of director and city-county merger. (Requested by Councilmember Marshall Pitts, Jr.)

City Manager Roger Stancil reported that the County Manager had proposed to send the issue of the joint Human Relations Commission to the County Finance Committee because of the projected cost of \$85,000.00. Mr. Stancil further reported that no date for this meeting had been set and he believed the County Manager would recommend the City's proposal to the Finance Committee.

Mr. Stancil stated that his goal was to combine the Human Relations and Recreation Departments in order to have a core division that would be focused on the communities within Fayetteville. He explained that upon Mr. McClammy's departure, he had appointed Terrie Hutaff as Interim Recreation Director, and Faith Thompson, as Interim Human Relations Director, and Teresa Lockamy as a staff facilitator. Mr. Stancil reported everything was going fine in both areas.

Councilmember Pitts inquired as to the status of the Human Relations Director vacancy. Mr. Stancil stated a profile was being developed and recruitment had not begun. He stated his goal was to have that position filled by the end of October 2000.

A discussion was held regarding the concept of combining the Human Relations Department and Recreation Department. Councilmember Massey stated he hoped this would not diminish the Human Relations work. Mr. Stancil stated he felt the Recreation Centers were gateways to the community and would be a good way to meet everyone's needs in the different areas of the City.

2. Update on Police Chief Search. (Requested by Councilmember Marshall Pitts, Jr.)

City Manager Roger Stancil stated he wanted to proceed with this process carefully and he was interested in using a community wide process where the citizens, employees of the Police Department, employees of the City who work with the Police Department, and the City Council would be involved in choosing the Chief of Police. Mr. Stancil noted that once there had been a definition done of the people's profile, a national search would be conducted.

Mr. Stancil suggested that any community involvement and discussion be done in the fall.

A discussion was held regarding how to effectively use the citizens to enhance and further define the community-policing concept.

Councilmember Pitts recommended a board consisting of representatives from the District Attorney's office, the District Court judges' office, the Superior Court judges office, Mothers Against Drunk Driving, the Sheriff's Department, the NAACP, the Public Defenders' office, municipal law enforcement, and someone that deals consistently with juveniles. Mr. Pitts stated that all of these deal directly with the Police Department on a regular basis and would have key recommendations.

Mr. Stancil stated that his plan was to use the assessment center process, with people like Mr. Pitts had recommended being placed on the panel.

Councilmember Robertson inquired about whether the possibility of the merger of the Police Department and the Sheriff's Department was being considered. Mr. Stancil stated he had given any consideration to it, but he would be certainly be happy to contract with the Sheriff's Department to provide City Police services.

9. Consideration of Closed Session to discuss EEOC litigation.

MOTION: Councilmember Talbot moved to go into closed session for the purpose of discussion of litigation (Gregory Williams vs. the City of Fayetteville and Virgil Reeves vs. the City of Fayetteville).

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Haire excused)

The closed session began at 8:14 p.m.

The regular session resumed at 10:12 p.m.

INFORMATION ITEMS:

1. Information on Jordan Lake Water Supply Allocation Process.
2. Police Department - monthly report from the Office of Professional Standards and Inspections for the month of June 2000.
3. FAEDC - minutes of June 27, 2000.

MOTION: Councilmember Fogleman moved to adjourn.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS (Councilmember Haire excused)

The meeting adjourned at 10:13 p.m.

#### REGULAR MEETING

AUGUST 7, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

AUGUST 7, 2000

7:00 P.M.

Present: Councilmembers F. Milo McBryde (at-large); Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Jimmy Teal, Chief Planning Officer  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Jerome Brown, Transit Director  
Tom McNeill, PWC, Special Projects Manager  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by the Rev O. T. Johnson, Deliverance Temple Word of Faith Christian Center, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

#### 1. APPROVAL OF AGENDA

City Manager Roger Stancil requested to add Item 9.D, a closed session to discuss a personnel matter to provide information that had been requested by several councilmembers, and Item 10.D, information on the cost incurred by the City of Fayetteville since leaving the Joint City/County Planning Board.

MOTION: Councilmember Worthy moved to approve.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

Councilmember Smith requested to be excused from the meeting at approximately 8 p.m.

MOTION: Councilmember Robertson moved to excuse Councilmember Smith when she had to leave.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

#### 2. CONSENT:

Councilmember Pitts requested to pull Item 2.I, adopt resolution authorizing condemnation of sanitary sewer easement, reference Nathaniel White.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the exception of Item 2.I.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

The following items were approved:

A. P00-31F. Approve the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification for an area located at 6651 Cliffdale Road. Containing .84 acres more or less and being the property of Patsy L. Hayes and Larry and Denise Holmes as evidenced by deeds recorded in Deed Books 5223, Page 764, and 5228, Page 532, respectively, Cumberland County Registry.

B. P00-32F. Approve the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located at 1446 Pamalee Drive. Containing .46 acres more or less and being the property of David A. Allen and Sherry L. Allen as evidenced by deeds recorded in Deed Books 4971, Page 739; and 5060, Page 24, respectively, Cumberland County Registry.

C. P00-34F. Approve the rezoning from M1 Industrial District to M2 Industrial District or to a more restrictive zoning classification for an area located at 555 and 601 North Eastern Boulevard. Containing 103 acres more or less and being the property of the City of Fayetteville, as evidenced by deed recorded in Deed Book 442, Page 287, Cumberland County Registry.

D. Adopt resolution approving agreement between NCDOT, Fayetteville Chamber of Commerce and City of Fayetteville for landscape plantings and maintenance.

**COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2000-083.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

E. Refer priorities for streetscape construction to the Council Development Committee.

F. Approve request from 503rd Parachute RCT Association, World War II, Inc. for a special event sign to honor the veterans at their annual reunion to be held at the Holiday Inn-Bordeaux.

G. Approve resolution approving municipal agreement with North Carolina Department of Transportation for the construction of a five foot sidewalk on the west side of Murchison Road from Rowan Street to Blue Street.

**COPY OF RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2000-084.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

H. Approve State Airport Grant Agreements to complete the Design for GA Ramp Rehabilitation, Design for Runway Safety Area Project and Purchase of Firefighting Proximity Suits.

**RESOLUTION NO. R2000-085.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

I. Pulled for discussion.

J. Refer future maintenance of Blount and Glidden Streets to the Council Transportation Committee for discussion/recommendation. (Requested by Councilmember Talbot)

K. Approve referral of creating pedestrian crosswalks for safety at intersections around the Cross Creek Mall area to the Council Transportation Committee. (Requested by Councilmember Talbot)

I. Adopt resolution authorizing condemnation of sanitary sewer easement; reference Nathaniel White.

Councilmember Pitts inquired if PWC had tried other cost-effective alternatives rather than condemnation of this property. Mr. Tom McNeill, of PWC, stated several alternatives had been considered, and a neighborhood meeting had been held for input. It had finally been agreed upon there would only be a 10-foot easement on each piece of property. Mr. McNeill stated the project would make sewer available to an area that had no sewer at this time.

Mr. McNeill explained that all attempts to contact Mr. White had been unsuccessful and Mr. White had never responded to any of the correspondence or telephone calls. As a result, the project had been delayed for three months and the easement was needed now to continue work on the project.

**RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF NATHANIEL WHITE. RESOLUTION NO. R2000-086.**

**MOTION:** Councilmember Pitts moved to approve.

**SECOND:** Councilmember Massey

**VOTE:** UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

3. **PUBLIC HEARINGS:**

A. P00-33F. Consideration of an application by Tom McNeill for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 32-22(17.1), to allow a radio tower in a C1 Local Business District for an area located at 508 Person Street. Containing 2.12 acres more or less and being the property of the City of Fayetteville as evidenced by deed recorded in Deed Book 1055, Page 348, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item by reviewing the current zoning, the current land use, the 2010 Land Use Plan, and a site plan. Ms. Kem noted that the tower would be next to the building and would have co-location of from four to five radio stations. She stated it would be a 150-foot monopole tower. Ms. Kem stated a request had been made by Beasley Broadcasting Group for the Council to consider the landscape plan submitted for the entire site and the fencing around the property.

Ms. Kem stated the Zoning and Appearance Commissions had approved the tower and that findings of fact must be made by the Council.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:17 p.m. After being sworn in, Mr. Tom McNeill of PWC appeared in favor of the placement of the tower. There was no one present to speak in opposition and the public hearing closed at 7:21 p.m.

MOTION: Councilmember Robertson moved to approve the tower with the findings of fact as set out in the Fayetteville City Code, §§17.1(a) through (z).

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

B. Consideration of the Order authorizing \$2,655,000.00 Street Improvement Bonds, the Order authorizing \$590,000.00 Sanitary Sewer Bonds, the Order authorizing \$275,000.00 Storm Drainage System Bonds and the Order authorizing \$90,000.00 Water Bonds.

City Manager Roger Stancil presented this item. Mr. Stancil recommended adoption of the orders noting that each order would require a separate motion and vote.

This is the advertised public hearing set for this date and time. There was no one present to speak either in favor or opposition and the public hearing opened and closed at 7:24 p.m.

A. Order authorizing \$2,655,000.00 Street Improvements Bonds.

MOTION: Councilmember Massey moved to approve.

SECOND: Councilmember Pitts

VOTE: UNANIMOUS

B. Order authorizing \$590,000.00 Sanitary Sewer Bonds.

MOTION: Councilmember Shaw moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

C. Order authorizing \$275,000.00 Storm Drainage System Bonds.

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

D. Order authorizing \$90,000.00 Water Bonds.

MOTION: Councilmember Shaw moved to approve.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

4. Consideration of request to address City Council from Keith A. Whitten regarding the Fayetteville Area System of Transit.

Mr. Keith A. Whitten addressed the Council by reading a written handout, which he had prepared and given to the Council and staff. Mr. Whitten encouraged the governing bodies in Cumberland County to work together and come up with a plan that would preserve the transit system for Cumberland County by addressing revenues, the improvement of route knowledge, the overhauling of the existing bus routes, and considering the possibilities of two dedicated full-time buses.

Mr. Whitten stated there was no easy way to fix this system but compromises needed to be made and the political bickering at the expense of the taxpayers and voters needed to be stopped.

Councilmember Robertson inquired whether any consideration had been given to alternative routes and a better way to work with the current budget.

City Manager Roger Stancil stated there were alternative ways to change the routes and he was recommending that a committee of elected officials be appointed to review the transit report of 1995, and to determine to what extent the government agencies would be willing to help design an urbanized transit system for the entire area. Mr. Stancil noted that a possibility to study this would be the City/County Liaison Committee or the Transportation Advisory Committee.

A discussion was held regarding which direction should be taken and the need for route information signs at stops and shelters.

Mr. Stancil recommended a regional approach in developing a vision, with the emphasis being placed on the needs and plans rather than the cost.

MOTION: Councilmember Talbot moved to refer this to the City County Liaison Committee for discussion of the overall plan plus a Metro plan.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

Councilmember Massey stated he felt the report of 1995 needed to be used as the basis of the development of any plan.

Councilmember Pitts stated he felt the issue should be fast-tracked and the public needed to be made aware that mass transit is not just for poor people.

Councilmember Robertson stated he felt that all efforts needed to be made to work on the system within the current budget allowance before it goes county or metro wide.

Mr. Stancil stated it was difficult to band-aid fix the problem and he felt the committee's approach should be to use the 1995 study as a basis to be updated where it was needed and to determine what should be done to create a Transit Authority.

Councilmember Shaw stated she felt the committee's task should be set out specifically.

Councilmember Talbot stated his motion did not include that because he did not feel that the Council should tell the elected governing officials what they had to do.

At Councilmember Shaw's request, Mr. Jerome Brown, Transit Director, explained the HUB and spoke configuration of bus routes.

5. Consideration of agreement with Cumberland County Schools for use of Belden-Horne House.

City Manager Roger Stancil presented this item. Mr. Stancil recommended he be authorized to negotiate an agreement with the stipulation that no rent be charged but all costs of maintenance, upkeep, utilities, and insurance would be assumed by the school system for a term of one to three years.

Councilmember Talbot expressed his opposition to the no-rent conditions.

MOTION: Councilmember Worthy moved to approve.

SECOND: Councilmember Fogleman

VOTE: Passed by a vote of 10 in favor to 2 in opposition (Councilmembers Robertson and Kendrick)

6. Consideration of amendments to sidewalk ordinances to allow roller blades and other non-motorized, self-propelled objects on sidewalks.

City Attorney Robert Cogswell presented this item. Mr. Cogswell requested to add roller blades and skates to Section 28.3 of the Fayetteville City Code.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTERS 20, MOTOR VEHICLES AND TRAFFIC, 21A, PARKS AND RECREATION, AND 26, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2000-012.

MOTION: Councilmember Robertson moved to approve the ordinance revision and the requested addition.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

7. Discussion of status of the installation and implementation of street lighting in Lafayette Village. (Requested by Councilmember Kendrick)

Mr. Tom McNeill, PWC Special Projects Director, presented a written annexation lighting update to the Council. Councilmember Worthy requested an update on Gallup Acres.

A discussion was held regarding the January deadline for work orders, the inclusion of street lighting funds in annexation budgets, working with the Police Department to determine the priority of light repairs and installations, and the need for a standard process to be in place for street lighting.

Mr. Stancil stated he felt the lighting needed to be allocated by need, and the annexed areas should stand in line with the other citizens. Mr. Stancil noted that the Council had increased the annual lighting budget from \$75,000.00 to \$500,000.00 over the last five years.

8. Discussion of going through the City RFP process to find a consultant to develop a redistricting plan based on 2000 Census data. (Requested by Councilmember Kendrick)

Councilmember Kendrick inquired if RFPs needed to be sent out to open the bidding process for drawing new district lines.

Mr. Stancil stated that to date no RFPs had been issued for hiring a consultant to work for the City. He stated the City had a current contract with Mr. Jerry Wilson, which could be used to do this type of work.

Mr. Stancil noted that two aspects had to be considered and they were the number crunching and the relationship with the Justice Department. He stated he did not know who was available to do this type of work, but he could look

into it and come back with a report.

Councilmember Haire stated he did not see why this issue was being discussed because there was no need to fix something that was not broken. He also pointed out that the Department of Justice will continue to look at the City of Fayetteville and Mr. Wilson has had a successful track record with them so far.

Councilmember Talbot stated he felt there was a need to see what was out there and who was available.

Councilmember Worthy stated with the 2000 Census coming, the competition would be greater and Mr. Wilson needed to be retained now by the City.

MOTION: Councilmember Worthy moved to ask the City Manager to contact Mr. Wilson and put him in place and to hire him to do the redistricting which would result from the new census figures and annexation. The contract should be on a not-to-exceed basis.

SECOND: Councilmember Haire

A discussion ensued regarding the City's contract with Mr. Wilson for an hourly rate of \$150.00. The contract runs through the year 2000 and unlike his previous contracts, does not contain a not-to-exceed clause due to the task force work assigned to Mr. Wilson. There was further discussion on the RFP process.

Councilmember Pitts stated that he was not opposed to looking for the best price, but he thought this was thinly veiled because Mr. Wilson had rubbed some of the councilmembers the wrong way and now when it is time to do the next census, there was a need to look for someone else. Councilmember Pitts noted that if there was a problem, it needed to be stated.

Councilmember Talbot stated he would like to hold off for 30 days because he would like to know what qualified people were out there. Councilmember Shaw agreed with Councilmember Talbot's statement.

Councilmember Worthy stated Mr. Wilson did not give the answer some of the Councilmembers wanted on the Task Force and until that point, he had been considered an efficient person according to his conversations with Councilmembers Kendrick and McBryde. Mr. Worthy stated he would be willing to defer this item for 30 days but his motion would stay for Jerry Wilson.

Councilmember Milligan stated she supported looking at other people.

Councilmembers Pitts and Smith stated that if this process is adopted, it should be done across the board and if done for one, it should be done for all.

Councilmember Robertson inquired what Mr. Wilson's hourly rate was. Mr. Cogswell stated it was \$150.00 per hour.

Councilmember Kendrick stated he did not appreciate the assumptions being made by his fellow councilmembers, and his concern was that an election was coming up and he had seen them put off for six months in the past. Mr. Kendrick stated he felt something needed to be done to get lined up for annexation and the new census concerns relating to the election.

Councilmember Worthy stated he would not apologize for what he thought and if a trend was started, it would be followed on all issues and there would be no picking and choosing.

Councilmember Massey referred to the time he had asked the same question about Cherry, Bekeart, and Holland, the City auditors. Mr. Massey reminded everyone the response had been that it was advantageous to the citizens to have someone who knew how things worked and had experience in the area. Mr. Massey stated that he found it suspect that we want to change our way of doing business with Mr. Wilson.

Mayor Pro Tem McBryde called for a vote on the motion.

VOTE: Passed by a vote of 9 in favor (Councilmembers Robertson, Worthy, Talbot, Shaw, Pitts, Smith, Massey, Haire, and McBryde) to 3 in opposition (Councilmembers Kendrick, Fogleman, and Milligan)

Councilmember Smith left the meeting.

#### 9. APPOINTMENTS:

##### A. Fayetteville City Planning Commission - 5 appointments

The following appointments were made: Mr. Jeff C. Riddle, Mr. Todd Smith, Mr. Brian Irving, Mr. Adam Beyah, and Mr. Alan Tucker.

##### B. Fayetteville City Zoning Commission - 3 appointments

The following regular appointments were made: Mr. Marshall Pitts, Sr., Ms. Peggy Vick, and Mr. William B. Jenkins. The following alternate appointments were made: Mr. Kenneth M. Godwin, and Mr. Henry Colvin, Jr.

##### C. Fair Housing Board - 1 appointment

The following appointment was made: Ms. Bernice McAlister.

##### D. Closed session to discuss personnel matters to provide information requested by Councilmembers.

MOTION: Councilmember Robertson moved to go into closed session to discuss personnel matters.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Smith excused)

The closed began at 8:55 p.m. The regular session resumed at 9:20 p.m.

10. ADMINISTRATIVE REPORTS

A. Report on alternate positions for the Zoning Commission.

B. Report on community forums.

City Manager Roger Stancil presented this item noting that his recommendations were to meet every fifth Monday beginning October 30, 2000, with the first meeting being held in City Hall and then moving the meeting to other locations. Mr. Stancil suggested advertising the forum and using direct mailings to all citizens. He also stated this would be a good time for input on the 2030 plan and capital improvements.

Councilmember Fogleman stated she did not want to give up her fifth Monday, and she recommended it be held at the beginning of the information meeting for 30 minutes.

Councilmember Pitts stated he agreed with the advertising and the mail outs but he felt if a large response occurred, it should be held on a separate night to avoid the issue of getting on with the regular part of the meeting.

Councilmember Talbot recommended it be held at the end of the information meeting.

Councilmember Kendrick recommended it be held at the beginning of the information meeting for 20 to 30 minutes.

Mayor Pro Tem McBryde recommended it be done once a quarter for 20 to 30 minutes at the beginning of the information session.

Councilmember Kendrick stated he felt having to sign up to speak would make it difficult.

Councilmember Haire agreed with the information meeting concept.

MOTION: Councilmember Shaw moved to hold the public forum meeting once a quarter beginning the next information meeting.

Further discussion was held on the format of the meeting with the final consensus being the public forum would be held once a month at the beginning of the information meeting for a time span of no longer than one hour.

AMENDED MOTION:

Councilmember Shaw amended her motion to hold the public forum once a month at the beginning of the information meeting for a time span of no longer than one hour.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Smith excused)

C. Report on Transit System Route 20.

City Manager Roger Stancil reported that bus Route 20 would terminate on August 8, 2000.

D. Report on City's cost since withdrawing from the Joint Planning Board.

City Manager Roger Stancil reported that the City withdrew from the Joint Planning Board in 1996. At that time, he stated the projected costs of the City to remain on the joint board was \$240,000.00 annually.

Mr. Stancil stated three new employees had been hired and other positions that already existed in the City had been reassigned to the Planning Department. Mr. Stancil explained that the current budget was \$537,247.00 and if the reassessed positions were subtracted in the amount of \$280,000.00, the actual costs would be \$257,000.00, which was a 5 percent increase since the inception of the City Planning Department.

INFORMATION ITEMS:

1. Copy of letter from NC Coalition for Public Transportation.

2. FAEDC - minutes of June 27, President's June Activities Report, President's Goals.

3. Parks & Recreation - Advisory Commission - minutes of May 22, 2000.

4. Copy of letter of appreciation from a citizen about the level of service provided by our Solid Waste employees.

MOTION: Councilmember Fogleman moved to adjourn.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmember Smith excused)

The meeting adjourned at 9:45 p.m.

REGULAR MEETING

AUGUST 21, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

AUGUST 21, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Bobby Hurst (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Frank Simpson, Inspections Director  
Amanda Little, Assistant City Attorney  
Vera Bell, Chief Operating Officer - Solid Waste  
Lisa Smith, Chief Financial Officer  
Robert Barefoot, Chief Operating Officer - Engineering and Maintenance  
Mick Noland, PWC  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by the Reverend Tony Buchanan, Carroll Memorial Baptist Church, followed by Mayor Pro Tem McBryde leading in the Pledge of Allegiance to the American Flag.

#### 1. APPROVAL OF AGENDA

Councilmember Robertson requested to add to the agenda as Item 3.A, consideration of the selection of the Mayor, replacement for the at-large councilmember, and the selection of the Mayor Pro Tem.

City Manager Roger Stancil requested to add Item 7.B, funding for the International Folk Festival, and to also include a resolution for Item 2.G.

City Attorney Robert Cogswell stated that Lovane McKoy was the employee requesting legal representation in Dennis vs. McKoy and Erickson vs. McKoy.

Mr. Cogswell recommended that the City Attorney's office be appointed to represent Mr. McKoy.

MOTION: Councilmember Shaw moved to approve the agenda.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

#### 2. CONSENT

Councilmember Kendrick requested to pull Item 2.H for discussion.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the exception of Item 2.H.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

The following items were approved:

- A. Approve minutes of regular meeting of July 17, 2000.
- B. Approve minutes of information meeting of July 24, 2000.
- C. Refer to Council Development Committee the proposed contracts with the Downtown Development Corporation and the Fayetteville Area Economic Development Corporation.
- D. Approve request from the Arts Council of Fayetteville/Cumberland County for special events signs in conjunction with the 22nd Annual International Folk Festival on Sunday, September 24, 2000.
- E. Adopt ordinance amending Chapter 20, Motor Vehicles and Traffic, establishing the Robert C. Williams Business Center parking lot with employee and 2-hour public parking.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 20, PARKING, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2000-013.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES, TRAFFIC SCHEDULE NUMBER 3, TWO HOUR LOTS. ORDINANCE NO. NS2000-015.

Copies of the foregoing ordinances is on file in the City Clerk's office in Ordinance Book S2000.

- F. Adopt ordinance ordering the demolition of 208 Preston Avenue, PIN 0428-07-58-6220, Owner: Eric Dunson.

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, 208 PRESTON AVENUE. ORDINANCE NO. NS2000-016.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

G. Adopt resolution to Authorize City Manager to execute lease agreement for use of city-owned property for storage of materials for annexation project Area 3B.

RESOLUTION AUTHORIZING LEASE OF CITY OF FAYETTEVILLE PROPERTY TO THE SITE GROUP, INC. RESOLUTION NO. R2000-087.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

H. This item was pulled for discussion.

I. Approve the following financial matters:

1. Capital Project Ordinance Amendment 2001-1 (Airport Entrance Sign)
2. Capital Project Ordinance Closeout 2001-1 (Sidewalk Projects)
3. Special Revenue Project Ordinance Amendment 2001-2 (Federal Forfeiture Funds and NC Controlled Substance Tax Revenue)

J. Approve the following PWC bid awards:

1. Low bid for purchase of 84,480' of 24 Fibers, ADSS, Fiber Optic Cable, with option to purchase additional quantities within a one-year period to Graybar Electric, in the amount of \$59,136.00.

Bids were received as follows:

Graybar Electric (Charlotte, NC) \$59,136.00  
Rigby Electric Supply (Rocky Mount, NC) \$76,876.80

2. Low bid for purchase of 250,000' of 144 Fibers, ADSS, Fiber Optic Cable, with option to purchase additional quantities within a one-year period to Graybar Electric, in the amount of \$742,500.00.

Bids were received as follows:

Graybar Electric (Charlotte, NC) \$742,500.00  
Rigby Electric Supply (Rocky Mount, NC) \$907,500.00

3. Low bid for construction of a 16" water distribution line along Reilly Road, from Cliffdale Road to Raeford Road to Blue Construction Company, in the amount of \$521,337.00.

Bids were received as follows:

Blue Construction Company (Sanford, NC) \$521,337.00  
Sandhills Contractors, Inc. (Sanford, NC) \$566,982.00  
Odell Smith & Sons (Spring Lake, NC) \$598,488.75  
State Utility Contractors (Monroe, NC) \$602,980.60  
Wellons Construction (Dunn, NC) \$613,156.25  
Billings & Garrett (Raleigh, NC) \$624,664.90

4. Low bid for Hope Mills Road Utility Improvements Phase II-Wal-Mart Water Main Extension to Blue Construction Company, in the amount of \$179,175.00.

Bids were received as follows:

Blue Construction Company (Sanford, NC) \$179,175.00  
Billings & Garrett (Raleigh, NC) \$181,781.00  
Colt Contracting (Clinton, NC) \$190,854.00  
State Utility Contractors (Monroe, NC) \$210,686.00

K. Request for legal representation.

City Attorney Robert Cogswell stated that Lovane McKoy was the employee requesting legal representation in Dennis vs. McKoy and Erickson vs. McKoy.

Mr. Cogswell recommended that the City Attorney's office be appointed to represent Mr. McKoy.

H. Approve resolution authorizing condemnation of easement for Quality Road Drainage Project.

Councilmember Kendrick inquired if it was customary to pay \$5,000.00 for an easement. Mr. Robert Barefoot, Chief Operating Officer-Engineering & Maintenance, stated that the customary procedure was to pay the appraised value which was \$1,400.00. Mr. Barefoot stated there had been efforts to negotiate but no middle ground had been reached.

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY, QUALITY ROAD DRAINAGE PROJECT. RESOLUTION NO. R2000-088.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

3.

A. Consideration of the selection of the Mayor, the replacement for the at-large vacancy, and the selection of the Mayor Pro Tem.

1. Consideration of the selection of the Mayor.

MOTION: Councilmember Robertson stated that based upon Councilmember McBryde's resignation from the at-large position, he would nominate Mr. McBryde for Mayor of the City of Fayetteville.

SECOND: Councilmember Talbot

Mayor Pro Tem McBryde submitted his official resignation from the at-large vacancy on the City Council.

Councilmember Haire stated the Mayor's spot was a hard decision for him and his constituents had not supported Mr. McBryde therefore he was going to honor their request by not voting for the motion. Councilmember Haire stated he would continue to work for the betterment of Fayetteville.

Councilmember Smith stated she had been elected to be fair and to try to bring peace and harmony to the Council and therefore she would be supporting the motion but she did not want things that had happened in the past to happen in the future. Ms. Smith noted that her support did not mean that she agreed with everything that had been done, but rather her support was because it would be the best thing for the City.

VOTE: Passed by a vote of 10 in favor (Councilmembers Robertson, Kendrick, Worthy, Talbot, Shaw, Pitts, Fogleman, Milligan, McBryde, and Smith) to 2 in opposition (Councilmembers Massey and Haire)

The Honorable James Ammons, Jr., issued the Oath of Office to Mayor McBryde.

City Attorney Robert Cogswell announced there was an official vacancy for the at-large seat for City Council.

Mayor McBryde thanked the City, the Council, and his family for their support. He stated that as a third generation public servant, he was proud to serve as the 29th Mayor of Fayetteville.

Mayor McBryde stated the future of Fayetteville would be everyone working together to make Fayetteville the best metropolitan area in North Carolina and it was his belief that Fayetteville was on the cusp of greatest.

Mayor McBryde said his responsibility as Mayor was to work for a consensus for the betterment of Fayetteville, and he promised he would be fair to all and inclusive so that no one would be left out.

Mayor McBryde stated to each councilmember that if he had done or said anything in the past that had personally offended anyone of them, he was apologizing and that as Mayor, he represented all of the people in Fayetteville and he would work hard to do just that. He asked the Council to work together with him to turn the corner and make the future of the City bright.

2. Fill vacant seat with Bobby Hurst.

Councilmember Kendrick stated that he had supported Mayor McBryde as Mayor because he was the Mayor Pro Tem and Mr. Wick Smith as the fourth highest vote-getter in the at-large election, but it was time for the Council to come together.

MOTION: Councilmember Kendrick moved to nominate Mr. Bobby Hurst to fill the at-large vacancy.

SECOND: Councilmember Talbot

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Massey)

The Honorable James Ammons, Jr., issued the Oath of Office to Councilmember Hurst. Councilmember Hurst expressed his appreciation and gratitude to the Council for their vote of confidence. Mr. Hurst stated that he would be a good listener and fair as he joined the Council in serving the citizens of Fayetteville.

3. Elect Marshall Pitts Mayor Pro Tem.

MOTION: Councilmember Worthy moved to fill the Mayor Pro Tem position with Councilmember Marshall Pitts, Jr.

SECOND: Councilmember Haire

VOTE: UNANIMOUS

B. Consideration of proposed Public Art Policy

Ms. Libby Seymour of the Arts Council presented this item.

Councilmember Worthy inquired as to how this policy would effect the Angel in the Park. Ms. Seymour responded that all previous decisions would be exempt from the policy being presented.

MOTION: Councilmember Robertson moved to refer this item to the Policy Committee.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

4. Consideration of approval of application to NC Department of Commerce to re-designate the City's Development Zone.

Mr. Ben Brown, Chief Development Officer, presented this item. Mr. Brown reviewed the history of the State Development Zones, the types of businesses that qualified for economic development incentives, the tax credits involved, and a review of how the program worked.

MOTION: Councilmember Worthy moved to approve and authorize the Mayor to execute the resubmission of the application.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

5. Consideration of procedures for public forums with City Council.

City Attorney Robert Cogswell presented this item. Mr. Cogswell made the following recommendations based on the consensus of the Council's previous discussion regarding the public forum:

1. Highlight the fact of the forum in the Sunday newspaper ad;
2. Set some time limit;
3. Require a sign-up with the City Clerk either in advance (in person, in writing, or by FAX) or at the meeting, to include allowing late arrivals to sign up. This would be a departure from the policy, but consistent with the informality discussed. Also include address as part of sign-up (many times the speakers do not get close enough to the microphone to pick this up); and
4. Have a column on the sign-up sheet for subject matter but indicate this is optional.

An in-depth discussion was held with the councilmembers expressing their expectations of the public forum. The consensus of the Council for the public forum procedures was as follows:

1. The public forum will be held the first hour of each monthly information meeting, or until the last speaker finishes, whichever is sooner.
2. The speakers may sign up in advance with the City Clerk, by FAX, or by e-mail.
3. Each speaker will have a maximum of five minutes.
4. Speakers may sign up until the end of the forum.
5. The indication of subject matter will be optional when the speaker signs up.

MOTION: Councilmember Massey moved that the City Council initiate a public forum that would encourage the citizens to bring their concerns to the Council and the staff. The forum would be held at the information meetings for one hour from 7 to 8 p.m. with each speaker being allowed to speak for no more than five minutes. The citizens can sign up until 8 p.m. and the designation of the subject matter would be optional.

SECOND: Councilmember Robertson

Councilmember Robertson requested that the Council review the written material before approving the process.

VOTE: UNANIMOUS

City Manager Roger Stancil advised the Council he would prefer not to buy advertising until the results of the forum had been seen.

6. Status report on the following subjects: (Requested by Mayor Pro Tem Pitts)

A. River Development Consultant

City Manager Roger Stancil presented the following timeline for the selection of a consultant to provide a feasibility study for the Riverfront Development:

- Interviews Finish by September 22
- Recommendation to City Manager September 25
- Recommendation to City Council October 2
- Contract & Notice to Proceed October 9
- Finish study & report to City Council NTL February 5, 2001

B. Competitive Pay Plan for City Employees

City Manager Roger Stancil presented this item. Mr. Stancil stated he felt the City was competitive with the markets at this point but the challenge was going to be maintaining the competitive standards. He stated work was currently being done on pay practices with a goal of moving people through the early steps of the pay plan quickly to get them to the mid-level of their pay grades. Mr. Stancil stated the budget challenge would be weighing capital needs with pay needs.

Mayor Pro Tem Pitts inquired when the Council would start getting pieces of the puzzle to the competitive pay plan. Mr. Stancil stated he would be reporting on the practices in January or February of 2001 and he reminded the Council that the pay issue would continue to be an issue with each budget and the pay ranges needed to be adjusted

every year in order to stay competitive.

7. Discussion of second hand retailers and regulations on businesses that resell goods that have been purchased from individuals. (Requested by Councilmember Robertson)

MOTION: Councilmember Robertson moved to refer this item to the Development Committee.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

8.

A. Consideration of cross cultural training for members of City Council (Requested by Councilmembers Shaw and Pitts)

Councilmember Shaw and Mayor Pro Tem Pitts presented this item.

MOTION: Councilmember Worthy moved to go forward and have staff to set the time and date for the cross-cultural training of the Council.

SECOND: Councilmember Haire

VOTE: UNANIMOUS

B. Consideration of authorizing City Manager to execute agreement with Arts Council/Folk Festival for \$13,700.00 to come from Other Appropriations (Downtown Development).

City Manager Roger Stancil stated that the Arts Council will be providing administrative support for the International Folk Festival but in order for the festival to succeed, they needed the monetary support from the City as had been done in the past. Mr. Stancil recommended that the Council authorize the Manager to execute an agreement with the Arts Council and the Folk Festival for \$13,700.00, in support of the 2000 festival.

MOTION: Councilmember Kendrick moved to follow the recommendation.

SECOND: Councilmember Talbot

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Haire)

9. ADMINISTRATIVE REPORTS

A. Report on Jordan Lake Water Supply Storage allocations.

Mr. Mick Noland, PWC, presented this item. He reviewed the history and gave the Council an overview of what will be happening in the future.

A question and answer period was held.

MOTION: Councilmember Shaw moved that a resolution be prepared requesting the public hearing be held in Fayetteville and that the City of Fayetteville take the lead in encouraging other affected communities to be active and to participate in the process.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

RESOLUTION ENDORSING THE NEED FOR A PUBLIC HEARING IN FAYETTEVILLE, NORTH CAROLINA, CONCERNING CAPE FEAR RIVER BASIN INTERBASIN TRANSFER PROPOSALS. RESOLUTION NO. R2000-089.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

B. Report on tobacco settlement between the tobacco companies and the states.

C. Report on placement of City web address on City vehicles.

City Manager Roger Stancil reported that the decals were ready, the web site was being updated, and the information would be done in a strategic manner and not all at one time.

D. Discussion of City Council meeting schedule.

MOTION: Councilmember Fogleman moved to cancel the October 16, 2000, regular City Council meeting.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

Councilmember Smith requested to be excused from the August 28, 2000, meeting.

MOTION: Councilmember Robertson moved to excuse Councilmember Smith.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

10. Closed session to discuss litigation.

MOTION: Councilmember Fogleman moved to go into executive session to discuss litigation, Reaves vs. City of Fayetteville and Williams vs. City of Fayetteville.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

The executive session began at 9:05 p.m. and the regular session resumed at 9:34 p.m.

INFORMATION ITEMS:

1. Update on enforcement of sign ordinance from Inspections Director.
2. Notice of upcoming Economic Developers Association conference to be held September 28-29, Greensboro.
3. Information on joint meetings between the City Planning Commission and the County Planning Board.
4. Information regarding organizational and training meeting for Board of Adjustment members.
5. Copy of letter to County Manager regarding transit service to Spring Lake and Fort Bragg.
6. Statement of taxes collected for the month of July 2000 from the Cumberland County Tax Administrator.

2000 Taxes	\$104,934.96
2000 Vehicle Taxes	337,817.78
2000 Revit	4.19
2000 Vehicle Revit	1,415.43
2000 FVT	29,660.00
2000 Storm Water	7,060.24
1999 Taxes	52,360.55
1999 Vehicle Taxes	69,755.85
1999 Revit	129.21
1999 Vehicle Revit	183.94
1999 FVT	9,093.62
1999 Storm Water	3,450.56
1998 Taxes	9,434.43
1998 Vehicle Taxes	1,727.06
1998 Revit	0.00
1998 Vehicle Revit	0.00
1998 FVT	295.00
1998 Storm Water	721.95
1997 Taxes	3,241.83
1997 Vehicle Taxes	492.87
1997 Revit	0.00
1997 Vehicle Revit	0.00
1997 FVT	94.82
1997 Storm Water	365.75
1996 & Prior Taxes	3,157.91
1996 & Prior Vehicle Taxes	454.84
1996 & Prior Revit	0.00
1996 & Prior Vehicle Revit	0.00
1996 & Prior FVT	95.04
1996 Storm Water	159.82
Interest	9,957.18
Interest (Revit)	14.71
Interest (Storm Water)	491.17
Fayetteville Discount	(2,098.45)
Revit. Discount (0.09)	
Total Collections	\$644,472.17

7. Minutes of Drake, Welmar, Evergreen Community Meeting of July 27, 2000.
8. Information on dates that City Council meetings will be televised.
9. PWC - minutes of June 28 and July 12, 2000.
10. Cape Fear Botanical Garden - minutes of July 20, 2000.
11. FACVB - minutes of July 13, 2000.
12. FAEDC - minutes of July 18, 2000.
13. Planning Department - monthly report for July 2000. (Inserted in packet)

MOTION: Councilmember Talbot moved to adjourn.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

The meeting adjourned at 9:34 p.m.  
INFORMATION MEETING  
AUGUST 28, 2000  
FAYETTEVILLE CITY COUNCIL  
INFORMATION MEETING  
CITY HALL COUNCIL CHAMBER  
AUGUST 28, 2000  
7:00 P.M.

Present: Mayor Milo McBryde  
Councilmembers Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Bobby Hurst (at-large); Betty Milligan (District 1); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)  
Absent: Mable C. Smith (District 2) (excused)  
Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Jimmy Teal, Chief Planning Officer  
Frank Simpson, Inspections Director  
Lisa Smith, Chief Financial Officer  
Robert Barefoot, Chief Operating Officer - Engineering and Maintenance  
Scott Dorney, Chief Operating Officer - Support Services  
Toney Coleman, Assistant Airport Director  
Amanda Little, Assistant City Attorney  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Hurst, followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

#### 1. APPROVAL OF AGENDA

Mayor McBryde announced that Councilmember Smith had been excused from the meeting and Councilmember Worthy would miss the next meeting.

MOTION: Councilmember Massey moved to excuse Councilmember Worthy from the September 5, 2000, meeting.

SECOND: Councilmember Pitts

VOTE: UNANIMOUS (Councilmember Smith excused)

Councilmember Massey requested a verbatim copy of the invocation that was offered by Councilmember Hurst, stating that the invocation was very special because it communicated what Councilmember Hurst is personally bringing to the Council.

MOTION: Councilmember Robertson moved to approve the agenda.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmember Smith excused)

#### 2. PUBLIC FORUM:

Mayor McBryde stated that the public forum was designed to invite citizen input and discussion. He reviewed the procedures that would be used for the public forum. The following people appeared during the public forum:

Ms. Joanne Baker, 6013 Blairmore Place, Fayetteville, NC, spoke regarding a non-profit business called "Helping Hands Transportation" that she would like to establish. The organization would help people who had no transportation or who were no longer able to drive or get around to appointments of various natures.

Col. Frederick W. Best, Jr., 3107 Drury Lane, Fayetteville, NC, spoke regarding the proposed animal control ordinance. He stated that 95 percent of the things that were put into the ordinance were applicable but some aspects would put a burden on the citizens.

Mr. Raymond J. Shipman, 609 Murchison Road, Fayetteville, NC, spoke regarding the Williams and Reaves EEOC lawsuits that are currently pending. He stated that the Council needed to do the right thing and do whatever was needed to resolve the matter as soon as possible.

Ms. Gretta Reese, 1721 Bridger Street, Fayetteville, NC, spoke regarding minority senior citizens. Her main

concerns were the food bank at the Blue Street location, the SCAT building for senior citizens, the City buses and the City streets.

Mr. Jesse Kirkland, 2200 Lake Avenue, Fayetteville, NC, appeared to commend the Police Department on lowering the crime rate in the Zone 1 area and to talk about the problems at 117 Jasper Street and 118 and 120 Enoch Street.

Mrs. Eular Hodges, 1118 Sun Valley Drive, Fayetteville, NC, appeared for the Sun Valley Drive Community project, to ask for help with paving the roads and properly maintaining them, cleaning the undergrowth and rubbish in the neighborhood, and spraying for mosquitoes in the community for the safety of the citizens.

Mr. Jason A. Hodges, 1118 Sun Valley Drive, Fayetteville, NC, stated he echoed the sentiments of Mrs. Eular Hodges.

Ms. Viola Harrington, 1189 Sun Valley Drive, Fayetteville, NC, was also in support of the Hodges' request.

Mr. David Pugh, 775 Rosewood Avenue, Fayetteville, NC, appeared to ask for a Police substation in the Murchison Road area because of the high crime rate.

At 8:03 p.m., Mayor McBryde announced that the public forum had ended and anyone who had signed up to speak, but did not get an opportunity, would have to sign up to speak at the next public forum.

### 3. CONSENT

Mayor McBryde presented the consent agenda. Councilmember Talbot requested to pull Item 3.C for discussion.

MOTION: Councilmember Fogleman moved to approve the consent agenda with the exception of Item 3.C.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS (Councilmember Smith excused)

The following items were approved:

A. Approve minutes of regular meeting of August 7, 2000.

B. Approve tax refunds greater than \$100.

Name	Year	Basis	City Refund
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Maultsby, Juanita B. & Frank Jr.	1999	Tag purchased by Dec. in error	\$102.54
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McDonald Lumber Co. Inc.	1999	Corrected Assessment	136.80
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Powers, James William Heirs	1996-1999	Clerical Error	2,252.92
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Hunnicut Corporation	1998 & 1999	Clerical Error	103.60
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Green, Todd Andrew	1999	Double Listed	119.86
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Surratt, Timothy L. & Kelly J.	1995-1999	Military Non-Resident	230.69
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Total		\$2,946.41	
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C. Pulled for discussion.

D. Refer to Council Policy Committee the matter of establishing a policy for mayoral succession and the filling of vacancies of councilmembers. (Requested by Councilmember Fogleman)

C. Adopt Budget Ordinance Amendment 2001-1 (Painting of the General Aviation Facilities).

Councilmember Talbot pulled this item for discussion. He inquired about the maintenance on the doors, metal, and roof being completed. Mr. Toney Coleman, Assistant Airport Director, stated that the painting would be done in concert with other work that was being taken care of by the FBO.

MOTION: Councilmember Talbot moved to adopt the Budget Ordinance amendment.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Smith excused)

This ordinance appropriates \$52,900.00 from the Airport Fund's fund balance to paint the general aviation facilities. The project was originally budgeted in the FY2000 Airport Operating budget; however, the Airport was unable to encumber the funds prior to June 30, 2000. The total cost of the project is estimated to be \$68,760.00, with \$52,900.00 provided by this amendment and an additional \$15,680.00 already available in the FY2001 Airport operating budget.

### 4. Report by Ad Hoc Dog Ordinance Committee on work accomplished to date.

This item was presented by Virginia Helwig of the Ad Hoc Dog Ordinance Committee. Ms. Helwig stated that the Committee had approved the ordinance and was finalizing it with recommendations for administration of the content. She informed Council that the Lawton, Oklahoma, ordinance which was demographically similar to the Fort Bragg-Fayetteville area, had been used to draft the ordinance. She also stated the ordinance was a very comprehensive one and many proposals would be submitted to Council.

Mr. Leon Goldstein, Chairman of the Ad Hoc Dog Ordinance Committee, clarified some of the proposals they would be making to the Council in regards to the ordinance.

Councilmember Massey voiced his concern regarding safety and the role of dogs as protectors of property.

Mr. Goldstein replied that as long as an animal is not creating a nuisance or hazard to the public, there should be no limitations on the constraints of the animals and the ordinance would be in accordance with that proposal.

Mayor McBryde suggested that further discussion resume after Council had had an opportunity to review the ordinance.

5. Consideration of proposed dam safety upgrades.

City Manager Roger Stancil presented this item. Mr. Stancil stated that the Mirror Lake Dam on Mirror Lake Drive, Devonwood Lower Dam on McFayden Drive, and The Lakes Dam on East Loch Haven Drive had each received a safety violation notice from the State. He explained that because there were roads on top of each of these dams, the City had an interest in their repair and if the dams were breached, there would be a disruption in the City's traffic network.

Mr. Stancil proposed sharing the cost with the abutting property owners on the proposal which had been done by Moorman, Kizer & Reitzel, in the traditional way of splitting the cost with one-third being paid by the City and two-thirds being paid by the abutting property owners.

Councilmember Kendrick inquired as to whether the City had ever had a similar situation. City Manager Roger Stancil responded in the negative.

Councilmember Shaw voiced her concern about assessing the abutting property owners two-thirds of the cost when it is a City road.

City Manager Roger Stancil restated that the City's interest was in the road, not in the dam itself.

Councilmember Massey inquired about the similarities and the differences between the Roses Lake issue and the issues regarding these dams.

City Attorney Robert Cogswell stated that these were totally different situations and there was not a public road running across Roses Lake so the City had absolutely no interest in that dam.

Councilmember Massey requested that staff examine, as a separate entity, the possibilities of assisting the citizens of the Roses Lake area in maintaining the value of their property.

Mayor Pro Tem Pitts asked whether or not staff had had any meetings with the property owners to ask them about different concerns regarding the situation with the dams.

City Manager Roger Stancil stated that he had not had any community meetings, but had spoken to some of the property owners. Mayor Pro Tem Pitts suggested that it would behoove the City if staff would take that extra step to talk to the abutting property owners since assessments and other things of that nature were involved.

MOTION: Councilmember Kendrick moved that staff bring back a resolution on September 5, 2000, in consideration of proposed dam safety upgrades.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Smith excused)

Jeff Reitzel of Moorman, Kizer & Reitzel reviewed the history regarding the deficiencies of the dams and the solutions their company was proposing to correct the problems.

6. Report on NCLM Convention activities.

Sara VanderClute presented this item. Ms. VanderClute began by reviewing some of the highlights of the convention that was held in 1993. Ms. VanderClute also discussed the schedule and the various events that would take place during the convention this year. She stated that Fort Bragg, Pope Air Force Base, Chamber of Commerce, Carolina Power & Light, and PWC have been very supportive. She reported that the towns of Hope Mills and Spring Lake would help to provide security and that they have also pledged some of the costs involved in hosting this event.

Pete Piner, Chief Operating Officer - Fire, reported on volunteer information, stating that there were over 150 volunteers, including employees from the City of Fayetteville and volunteers from Hope Mills, Spring Lake, Fort Bragg, Pope Fire Departments, County Fire Departments, spouses of City employees, citizens and retirees from the City of Fayetteville.

Councilmember Hurst inquired about a contingency plan for the event being held at Fort Bragg in case of bad weather. Ms. VanderClute responded that the Army had assured her that the event would go on unless the weather was extremely bad.

Councilmember Massey inquired if there would be a hotline in place so people could call in to let the staff know about areas that needed cleaning. City Manager Roger Stancil responded that number would be in place.

INFORMATION ITEMS:

1. Report from Councilmembers Anne Fogleman and Rollin Shaw on NC Coalition for Public Transportation meeting held August 9 in Chapel Hill.

2. Executive Summary of "Public Transportation Feasibility Study" prepared by Weslin Consulting Services. (Inserted in packet)
3. Information on Vacancies for September: Joint Senior Citizens Advisory Commission - 4 Vacancies (3 terms expiring and 1 fill-in for term expiring September 2001).
4. Letter of commendation from newly annexed resident for annexation project contractor.
5. Report of tax refunds less than \$100.

Name	Year	Basis	City Refund
Thompson, Joe Gerald	1999	Corrected Assessment	\$3.57
Herbert, Peter Reese	1999	Corrected Assessment	8.33
Romeo, Anthony J.	1997-1998	Military Non-Resident	22.27
Mace, Robert T/A Roberts Concrete Svc.	1999	Corrected Assessment	11.06
Haskins, Sandra L. & Marvin Jr.	1998	Military Non-Resident	17.01
Feola, Kristin Marie	1999	Military Non-Resident	19.99
Cunningham, Sean Curtis	1998	Military Non-Resident	28.00
Childers, Gail Maher	1999	Corrected Assessment	30.93
Hayes Inc.	1998 & 1999	Corrected Assessment	96.70
Bumb, Jeffrey Lee	1997 & 1998	Military Non-Exempt	97.41
Bennett, Eleanor Elizabeth	1999	Corrected Assessment	59.24
Polston, Sherry E. & Aaron M.	1999	Military Non-Resident	59.26
McRae, Claude	1999	Military Non-Resident	67.12
Schramm, Ernest C., IV	1998	Military Non-Resident	78.84
Yost, Terri L.	1999	Military Non-Resident	80.58
Franco, George Henry	1998	Military Non-Resident	80.68
Spearman, Kenneth A.	1998	Military Non-Resident	43.61
Total			\$804.60

6. FAEDC - minutes of July 18, 2000.
7. Joint Senior Citizens Advisory Commission - minutes of August 8, 2000.

MOTION: Councilmember Kendrick moved to adjourn.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Smith excused)

The meeting adjourned at 9:34 p.m.

REGULAR MEETING

SEPTEMBER 5, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

SEPTEMBER 5, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Bobby Hurst (at-large); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Betty Milligan (District 1); Curtis Worthy (District 7)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Ben Brown, Chief Development Officer

Scott Dorney, Chief Officer for Support Services

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Amanda Little, Assistant City Attorney

Kathy Kem, Planner II

Janet Jones, City Clerk

Jason Brady, Public Information Officer

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by the Reverend Al Brice, Covenant Love Family Church, followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor McBryde announced the character education concept for September is respect.

MOTION: Councilmember Fogleman moved to excuse Councilmember Milligan from the meeting.

SECOND: Councilmember Massey

VOTE: UNANIMOUS (Councilmember Worthy excused)

### 1. APPROVAL OF AGENDA

City Attorney Robert Cogswell stated that the handout given to the councilmembers corrected Item 9 of the minutes of August 21, 2000, which was Item 2.A on the consent agenda.

MOTION: Councilmember Fogleman moved to approve the agenda.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmembers Worthy and Milligan excused)

Mayor McBryde announced that Councilmember Fogleman would be the chair of the Policy Committee, and he was establishing a new Conservation and Environment Committee to be chaired by Councilmember Massey.

### 2. CONSENT:

MOTION: Councilmember Robertson moved to approve the consent agenda.

SECOND: Councilmember Massey

VOTE: UNANIMOUS (Councilmembers Worthy and Milligan excused)

The following items were approved:

A. Approve minutes of regular meeting of August 21, 2000, including revision prepared by City Clerk.

B. Adopt resolution pursuant to N.C.G.S. 160A-31 fixing a date for a public hearing for a petition-initiated contiguous annexation area (Banta Property - located at the north end of Sarasota Court).

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE PURSUANT TO N.C.G.S. 160A-31(C) FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA, BANTA PROPERTY - LOCATED AT THE NORTH END OF SARASOTA COURT. RESOLUTION NO. R2000-090.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

C. Adopt resolution pursuant to N.C.G.S. 160A-31(g) fixing a date for a public hearing for contiguous property owned by the City of Fayetteville (Fields Road Area - Located on the eastern side of Fields Road, southwest of Cedar Creek Road).

**RESOLUTION STATING THE INTENT OF THE CITY OF FAYETTEVILLE TO ANNEX PROPERTY OWNED BY THE CITY OF FAYETTEVILLE WHICH IS CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES, FIELDS ROAD AREA. RESOLUTION NO. R2000-091.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

D. P00-25F. Approve the rezoning from R5A Residential District to C1 Local Business District or to a more restrictive zoning classification for a portion of the area located at 605 Reilly Road. Containing 1.0 acres more or less and being the property of The Gardens of Loch Lomond Homeowners Association, Inc., as evidenced by deed recorded in Deed Book 2458, Page 223, Cumberland County Registry.

E. P00-36F. The rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located at 1453 Pamalee Drive. Containing .50 acres more or less and being the property of A & W Electrical Services of Fayetteville, Inc., as evidenced by deed recorded in Deed Book 5295, Page 355, Cumberland County Registry.

F. P00-37F. The rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for an area located at 3526 Village Drive. Containing .34 acres more or less and being the property of A. Johnson Chestnutt as evidenced by deed recorded in Deed Book 2473, Page 835, Cumberland County Registry.

G. Authorize advertisement for upset bids an offer to purchase a City-owned parcel on North Street.

H. Adopt ordinance amending Chapter 20, Motor Vehicles and Traffic, establishing No Parking on Swain Street.  
**AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES, PARKING PROHIBITED AT ALL TIMES. ORDINANCE NO. NS2000-017.**

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

### 3. PUBLIC HEARINGS:

A. P00-35F. Consideration of the rezoning from R5 Residential District to M2 Industrial District or to a more restrictive zoning classification for an area located at 237 and 242 Hedgepeth Street. Containing 1.21 acres more or

less and being the property of Walter C. Tew and Frank Harrington and wife, Thelma Holt Harrington, as evidenced by deeds recorded in Deed Book 2971, Page 393, and 472, Page 114, respectively, Cumberland County Registry.

Mr. Victor Sharpe, Planning Services Manager, presented this item, noting the current land use, the 2010 Land Use Plan, and the current zoning. Mr. Sharpe stated the Zoning Commission had approved the requested rezoning and the Planning staff had recommended denial because it was not consistent with the surrounding land uses and would be an encroachment of non-residential uses in a residential area.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:12 p.m.

Mr. L. Stacy Weaver, Jr., Attorney, 202 Fairway Drive, Fayetteville, NC, appeared in favor for the petitioners and Mr. Paul Williams, 1509 Berkshire Road, Fayetteville, NC, also appeared in favor of the rezoning. There was no one present to speak in opposition and the public hearing closed at 7:24 p.m.

A discussion was held regarding whether this would be spot zoning. Mr. Sharpe stated the property abutted M2 zoning and therefore it would not be considered spot zoning.

MOTION: Councilmember Kendrick moved to approve.

SECOND: Councilmember Haire

VOTE: Passed by a vote of 8 in favor to 2 in opposition (Councilmembers Fogleman and Pitts) (Councilmembers Worthy and Milligan excused)

Mayor McBryde stated a second reading would not have to be held on this item because there had been a three-fourths vote in favor.

4. Consideration of adoption of an ordinance amending Section 5-17 of the Fayetteville City Code to allow alcoholic beverage consumption on Olde Fayetteville Commons when approved as a Special Event.

City Manager Roger Stancil presented this item. Mr. Stancil noted that the City currently had an ordinance that would allow alcoholic beverages to be served for receptions, fund-raising events, or other activities conducted by nonprofit corporations at the USO building, the Arts Center, the Botanical Gardens, the Robert C. Williams Business Center, the Horne House, the Airborne and Special Operations Museum, and the Municipal Market Complex. Mr. Stancil requested that the ordinance be amended to add to the list Olde Fayetteville Commons, defined as the entire C2 district. Mr. Stancil stated he would like to have this done prior to the Municipal League Conference in October.

MOTION: Councilmember Robertson moved to send this item to the Policy Committee for public input.

SECOND: Councilmember Smith

Councilmember Massey inquired if the public would be allowed to have input at the Committee meeting. Councilmember Robertson stated that it was his intent that public input should be entertained.

Councilmember Kendrick inquired about the boundaries of the C2 district. Mr. Stancil stated the event would be on Hay Street and the district ran from Rowan Street to Russell Street and from Highsmith-Rainey Hospital to the Courthouse.

Councilmember Kendrick inquired if a private business sold alcoholic beverages, would the patrons of that business be allowed to walk on the street during this special event. Mr. Stancil replied in the affirmative.

Councilmember Talbot stated he did not feel this should be sent to the Policy Committee and it should be approved now.

VOTE: Failed by a vote of 4 in favor (Councilmembers Robertson, Kendrick, Pitts, and Smith) to 6 in opposition (Councilmembers Fogleman, Talbot, Shaw, Hurst, Massey, and Haire) (Councilmembers Worthy and Milligan excused)

MOTION: Councilmember Talbot moved to adopt the ordinance.

SECOND: Councilmember Fogleman

Councilmember Robertson inquired if alcoholic beverages could be sold at Sunday on the Square or the International Folk Festival. Mr. Stancil stated they could apply for a permit. Councilmember Robertson stated he could not support it.

SUBSTITUTE MOTION:

Councilmember Kendrick moved to hold a public hearing by the Council on this issue on September 18, 2000.

SECOND: Councilmember Smith

Mayor Pro Tem Pitts stated he felt public input should be allowed because drinking alcoholic beverages had become a complicated issue. Mr. Pitts noted that the people that would be drinking would have to get into their cars to go home and the laws were getting stricter all the time and he felt the public had a right to voice their opinion in this matter.

Councilmembers Fogleman, Massey and Talbot expressed their support for the passage of the ordinance.

Councilmember Smith, Pitts, Kendrick, Robertson, and Haire expressed their opposition to the precedent which would be set.

Mayor McBryde stated the substitute motion would take a two-thirds vote to pass.

**SUBSTITUTE MOTION VOTE:**

A two-thirds vote required to pass motion. Failed by a vote of 6 in favor (Councilmembers Robertson, Kendrick, Smith, Massey, Haire, and Pitts) (Councilmembers Worthy and Milligan excused) to 4 in opposition (Councilmembers Hurst, Fogleman, Talbot, and Shaw).

**MOTION TO ADOPT VOTE:**

Failed by a vote of 4 in favor (Councilmembers Fogleman, Talbot, Shaw, and Hurst) to 6 in opposition (Councilmembers Robertson, Kendrick, Smith, Massey, Haire, and Pitts) (Councilmembers Worthy and Milligan excused)

**MOTION:** Councilmember Fogleman moved to refer this item to the Policy Committee for review at its next meeting with the public welcome and with the Committee making a recommendation one way or the other.

**SECOND:** Councilmember Smith

Councilmember Robertson stated this was the same as his motion. A discussion was held regarding whether this motion was the same.

City Attorney Robert Cogswell stated there should be a motion to reconsider Mr. Robertson's motion.

**MOTION:** Councilmember Fogleman moved to reconsider the first motion to refer to the Policy Committee.

**SECOND:** Councilmember Shaw

Mayor McBryde requested Councilmember Robertson to repeat his motion and Councilmember Robertson stated that his motion was defeated and he would not repeat it.

**MOTION TO RECONSIDER VOTE:**

Passed by a vote 8 in favor to 2 in opposition (Councilmembers Robertson and Talbot) (Councilmembers Worthy and Milligan excused)

City Attorney Robert Cogswell stated a motion needed to be made in place of Councilmember Robertson's.

**MOTION:** Councilmember Smith moved to refer this item to the Policy Committee and to include public input at that meeting.

**SECOND:** Councilmember Pitts

A discussion was held regarding the methods to be used to notify the public of the meeting and the process to be used for public input.

**VOTE:** Passed by a vote of 9 in favor to 1 in opposition (Councilmember Talbot) (Councilmembers Worthy and Milligan excused)

Councilmember Massey requested that in view of the recent changes in the North Carolina law, he would like for the staff to look into whether the City's ordinances were in compliance with the state statutes on alcoholic beverages.

5. Consideration of membership in the Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission.

Mr. Jimmy Teal, Chief Planning Officer, introduced this item. Mr. Teal requested the City accept the group's invitation and approve their bylaws.

**MOTION:** Mayor Pro Tem Pitts moved to approve.

**SECOND:** Councilmember Kendrick

Councilmember Talbot requested to be appointed to the Committee.

**VOTE:** UNANIMOUS (Councilmembers Worthy and Milligan excused)

6. Consideration of adoption of resolutions for the issues of the following bonds:

Ms. Lisa Smith, Chief Financial Officer, presented this item. Ms. Smith requested that there be two separate motions:

A. Resolution providing for the issuance of \$2,400,000.00 General Obligation Street Improvement Bonds, Series 2000.

**RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,400,000.00 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2000. RESOLUTION NO. R2000-092.**

**MOTION:** Councilmember Robertson moved to approve.

**SECOND:** Councilmember Kendrick

**VOTE:** UNANIMOUS (Councilmembers Worthy and Milligan excused)

Councilmember Haire inquired if the areas that had been annexed and did not have a drainage system in place would be bypassed or did this action just include the area being annexed.

Mr. Stancil stated that these bonds covered the drainage projects for the Lafayette Village area. He explained that

with each annexation, the staff recommended money for the most critical drainage in each area and the other projects were thrown in the same pot as all other projects throughout the City to include the newly annexed areas. The priority determined when the project would be done.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

B. Resolution providing for the issuance of \$3,610,000.00 General Obligation Public Improvement Bonds, Series 2000.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$3,610,000.00 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2000. RESOLUTION NO. R2000-093.

MOTION: Councilmember Massey moved to approve.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmembers Worthy and Milligan excused)

Councilmember Smith requested that Mr. Stancil place the Deep Creek area on the list for drainage projects.

7. Discussion of rules for our public forums. (Requested by Mayor Milo McBryde)

Mayor McBryde asked the Council to give him guidance on how to conduct the public forums, because he had concerns about the fact that some citizens did not get to speak at the last public forum and the amount of time that had been used by the councilmembers themselves.

Councilmember Hurst suggested that the Council be the listener for an hour and ask questions for information or clarification only.

Councilmember Haire stated he would prefer to respond to particular issues addressed to the Council with a time limit on the response.

Councilmember Massey stated he felt the Council should be able to respond to the citizens' concerns with a time limit on their response.

Mayor Pro Tem Pitts stated he felt the Council's response should be limited to asking specific questions and responding if they had a solution, directions on where to go, or an answer to the question.

Mayor McBryde asked Mr. Cogswell to address the issue of topics that should be avoided in this type forum.

Mr. Cogswell replied that the Council had never allowed a person to address the Council regarding personnel matters. Mr. Cogswell advised the Council to set limitations on litigation and in particular, the Council needed to be careful on any Council discussion of the merits and demerits of pending litigation.

Councilmember Talbot stated he felt the Council should always be on its best behavior and there was no need for lengthy dialog from the Council, but they should be allowed to ask questions and give short answers.

Councilmember Smith stated the Council should be allowed to ask questions and make brief comments, but they should not use up the public's time.

Councilmember Haire stated he felt this forum should not be used for personal attacks or defamation of character. He also stated he felt the citizens should be given more time to address the Council and suggested holding a meeting for a public forum only.

Councilmember Shaw stated she felt the management of the meeting should fall on the shoulders of the Mayor, and it should be his responsibility to keep the balance everyone was looking for.

Mayor McBryde stated that in future meetings, he wanted a louder buzzer on the timer and the yellow light to be turned on at four and a half minutes and the red light at five minutes.

Councilmember Kendrick stated he felt that a public meeting should be held at a time when no other items were on the agenda.

Mayor Pro Tem Pitts stated a separate meeting had been his preference but it had been defeated. He stated that personal attacks fall on the parliamentarian, and there is no need for rules or regulations.

MOTION: Mayor Pro Tem Pitts moved that during the public forum, the councilmembers be limited to short inquiries and possible solutions or suggestions when addressing the comments before them.

SECOND: Councilmember Fogleman

Mayor McBryde stated he felt uncomfortable not including Mr. Cogswell's legal advice not to allow discussion on personnel matters or pending litigation.

Councilmember Massey stated that as parliamentarian, the Mayor could say we are getting close to the door in litigation matters. However, he did not want to close the door to the public.

Mayor McBryde stated he did not know the law regarding litigation but he would not allow personal attacks on employees or councilmembers.

Councilmember Shaw offered an amended motion to exclude personal attacks, personnel matters, and litigation.

Mayor Pro Tem Pitts stated he was not receptive to the amendment.

Councilmember Smith stated she felt it should be done like the Board of Education meeting with it being set out what the public was allowed and not allowed to address.

Councilmember Talbot stated he felt a special meeting was in order because time and timing were the most important factors.

Councilmember Fogleman stated that the new constraints of the Council would free up time and at this point, it was her opinion it should be left alone and if a special meeting needed to be called, it could be set up.

Councilmember Hurst called the question.

VOTE: UNANIMOUS (Councilmembers Worthy and Milligan excused)

Mayor McBryde called for the vote on the original motion.

ORIGINAL MOTION VOTE:

UNANIMOUS (Councilmembers Worthy and Milligan excused)

8. APPOINTMENTS:

A. Joint Senior Citizens Advisory Commission: (4 vacancies - 3 terms expiring and 1 fill-in for term expiring September 2001)

The following nominations were made:

Mr. James Hoffman was nominated by Councilmember Haire.

Ms. Reva McNair was nominated by Councilmember Robertson.

Ms. Grace Yeager was nominated by Councilmember Talbot.

Mr. William E. Cannon was nominated by Councilmember Shaw.

Ms. Mary Dillion was nominated by Councilmember Massey.

Ms. Susie M. Reese was nominated by Councilmember Talbot.

B. Taxicab Review Board: Resignation of Alternate Taxicab Member -term expires in July 2001.

Councilmember Kendrick inquired if the shuttle service was considered a taxi. He received a negative answer.

Mr. Ralph F. Mott was nominated by Councilmember Shaw.

MOTION: Councilmember Kendrick moved to send the Taxicab Review Board membership to the Policy Committee for review of why the members of the Board do not have to be a City resident.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmembers Worthy and Milligan excused)

9. ADMINISTRATIVE REPORTS

A. Report on City position vacancies.

B. Report on results of June 3, 2000, City auction.

C. Review of Roses Lake.

INFORMATION ITEMS:

1. Report on settlement of taxes of fiscal year July 1, 1999, through June 30, 2000, from the Cumberland County Tax Administrator.

Charge:

Charge 1999 \$27,433,383.96

Charge 1999 Storm Water 1,907,514.00

Charge 1999 Vehicles 4,461,128.41

Added Charge 1999 283,334.56

Added Charge Storm Water 1999 192.00

Total Interest Collected 191,875.19

Total Discount 311,581.08

Total \$33,965,847.04

Credits:

Deposit with Finance \$30,474,106.19

Total Discount Allowed 311,581.08

Storm Water Deposited with Finance 1,871,128.96

Interest Deposited with Finance 191,875.19

Total \$32,225,529.26

Releases Allowed \$578,649.01

Storm Water Releases Allowed 2,124.00

Real and Personal Balance 1,125,091.73

Storm Water Balance 34,453.04

Adjustments 0.00  
Total \$1,740,317.78  
Charge:  
Real and Personal 1998 \$1,177,211.20  
Real and Personal 1997 384,409.51  
Real and Personal 1996 and Prior 1,009,955.73  
Storm Water 1998 37,276.55  
Storm Water 1997 21,575.01  
Storm Water 1996 and Prior 22,420.24  
Total \$2,652,848.24  
Barred By Statute:  
Barred By Statute \$43,506.68  
Credit for Five Year and Prior Insolvents 0.00  
Total \$43,506.68

Credits:  
Real and Personal Collected 1998 \$676,478.63  
Real and Personal Collected 1997 82,522.28  
Real and Personal Collected 1996 and Prior 72,050.72  
Storm Water Collected 1998 24,057.40  
Storm Water Collected 1997 11,466.97  
Storm Water Collected 1996 and Prior 7,098.23  
Releases Allowed 1998 145,926.36  
Releases Allowed 1997 5,489.84  
Releases Allowed 1996 and Prior 7,083.17  
Storm Water Releases Allowed 1998 888.00  
Storm Water Releases Allowed 1997 828.00  
Storm Water Releases Allowed 1996 and Prior 1,512.00  
Real and Personal Balance 1998 354,806.21  
Real and Personal Balance 1997 296,397.39  
Real and Personal Balance 1996 and Prior 887,315.16  
Storm Water Balance 1998 12,331.15  
Storm Water Balance 1997 9,280.04  
Storm Water Balance 1996 and Prior 13,810.01  
Adjustment 0.00  
Total \$2,652,848.24

2. Police Department - Monthly report from Office of Professional Standards.
3. Parks & Recreation Advisory - minutes of July 24, 2000.
4. Human Relations Commission - minutes of August 10, 2000.

MOTION: Councilmember Fogleman moved to adjourn.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmembers Worthy and Milligan)

The meeting was adjourned.

REGULAR MEETING

SEPTEMBER 18, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

SEPTEMBER 18, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Bobby Hurst (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8)

Absent: Rollin Shaw (District 9) (excused)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Jimmy Teal, Chief Planning Officer  
Scott Dorney, Chief Officer for Support Services  
Robert Barefoot, Chief Officer for Engineering and Maintenance  
Amanda Little, Assistant City Attorney  
Jerome Brown, Transit Director  
Victor Sharpe, Planning Services Manager  
Mike McNair, Community Development and Housing Manager  
Kathy Kem, Planner II  
Bruce Daws, Historic Properties Manager  
Nicole Wright, Deputy City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Clarence Thomas of Coastal Carolina Presbytery followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor McBryde announced the character education concept for September is respect.

#### RECOGNITION

Councilmember Talbot recognized the members of Chapter 1 of the National EX-POW Association and acknowledged Lt. Col. Joe Harris of Chapter 97 of the National Sojourners, a fraternal organization of military officers supporting all patriotic aims and activities and masonry. Lt. Col. Harris presented "A Toast to the Flag (John J. Dailey, 1977)."

Mayor McBryde then presented a proclamation in observance of September 15, 2000, as National POW/MIA Recognition Day.

A second proclamation was presented by Mayor McBryde in observance of September 20, 2000, as Undoing Racism Day in the City of Fayetteville.

Councilmember Fogleman reminded everyone that this week was Constitution Week.

#### 1. APPROVAL OF AGENDA

Mayor McBryde announced that Councilmember Shaw needed to be excused from the meeting.

MOTION: Councilmember Massey moved to excuse Councilmember Shaw from the meeting.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Shaw excused)

City Manager Roger Stancil asked to remove Item 8, consider approval of resolution authorizing lease of portion of Amtrak Station (472 Hay Street) to Subway Real Estate Corporation pursuant to Chapter VIII, Article 7, of the City Charter, from the agenda.

MOTION: Councilmember Robertson moved to approve the agenda with the removal of Item 8.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Shaw excused)

#### 2. CONSENT:

Mayor McBryde presented the consent agenda.

Councilmember Worthy requested to pull Item 2.B.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the exception of Item 2.B.

SECOND: Councilmember Pitts

VOTE: UNANIMOUS (Councilmember Shaw excused)

The following items were approved:

- A. Approve minutes of regular meeting of August 28, 2000.
- B. Set joint meeting with Public Works Commission for September 25, 2000.
- C. Pulled for discussion.
- D. Adopt ordinance amending Chapter 20, Motor Vehicles and Traffic, Section 20-21, Traffic Schedule Number 6 Stop Intersections at various locations, Traffic Schedule Number 8 Speed Control.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, SECTION 20-21, TRAFFIC SCHEDULE NUMBER 6 STOP INTERSECTIONS, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-018.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, SECTION 20-21, TRAFFIC SCHEDULE NUMBER 6 STOP INTERSECTIONS, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-019.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, SECTION 20-21, TRAFFIC SCHEDULE NUMBER 8 SPEED CONTROL, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2000-020.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING DOC BENNETT ROAD (SR 2212) AS A 55 MPH SPEED ZONE FROM CITY LIMIT LINES TO CITY LIMIT LINES. RESOLUTION NO. R2000-094.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING CLAUDE LEE ROAD (SR 2341) AS A 55 MPH SPEED ZONE FROM CITY LIMIT LINES TO CITY LIMIT LINES. RESOLUTION NO. R2000-095.

Copies of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS2000. Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

E. Award of a construction contract for Project Number PD-04-00 entitled "Miscellaneous Drainage Improvements" to Nortec Construction Services of Fayetteville, NC, in the amount of \$101,632.00.

Bids were received as follows:

Nortec Construction Services, Inc. \$101,632.00

Odell Smith & Sons \$116,021.00

C.R. Peele Construction Co. (\*Corrected Amount) \$122,663.00\*

Kinston Construction Co. \$126,670.00

F. Approve request from the Tarheel Quilter's Guild for special event signs advertising the 17th Annual Quilt Fest.

G. Approve request from the Quincy Scarborough for special event signs advertising the 25th Annual Craftsmen's Christmas Festival.

H. Approve request from the Museum of the Cape Fear for special event signs advertising the Cape Fear Folk Festival.

I. Approve Water and/or Sanitary Sewer Annexation Agreement with Rufus S. Johnson and wife, Jean S. Johnson, for utility service to property located on NC-97 and Doc Bennett Road at Rockfish Creek, identified as Cumberland County PIN 0043-59-5346.

C. Refer to Council Policy Committee for review and recommendation to the City Council the discussion of the following: (Requested by Councilmember Talbot) "As a consideration of employment with the City of Fayetteville, all City department managers will reside within the City corporate limits. Residence must be established within 90 days of employment."

Councilmember Worthy requested to pull this item because he felt that Councilmember Talbot needed to give the general public some clarity as to the purpose of this particular request. He stated that it was his opinion this needed to be discussed publicly.

Councilmember Talbot responded the reason he had suggested the issue go to the Policy Committee was so it could be discussed and brought back to the Council with a recommendation. He stated the issue was too premature to be discussed now because there were not enough facts and figures available, and the staff needed to track it and come back to the Council for discussion.

Councilmember Robertson inquired as to whether this type of issue was typically considered by the staff or by the Policy Committee. Mayor McBryde responded this was a policy issue.

Councilmember Massey stated even though this is a policy issue, staff should also have some input. He also stated that he was concerned about the fact that if specific expertise was needed for the staff to operate effectively, it would be a setback to make a policy that all City department managers had to live in a particular location.

Councilmember Talbot stated that as we grow and become a metro center, it is only right that since the City pays the department managers substantial salaries that they should live within the corporate limits of their paycheck. He also stated that based on a discussion with the City Manager, he felt it would be wise to bring the issue up at this time. He also stated this issue was not intended for all City employees, but all department managers and maybe sub-managers should be expected to live within the corporate limits.

MOTION: Councilmember Talbot moved to refer to Policy Committee for review and recommendation to the City Council the discussion of the following: "As a consideration of employment with the City of Fayetteville, all City department managers will reside within the City corporate limits. Residence must be established within 90 days of employment."

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Shaw excused)

3. PUBLIC HEARINGS:

A. Consider extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation area, Banta property (Located at the North End of Sarasota Court).

City Manager Roger Stancil presented this item stating the annexation was a petition-initiated annexation request for approximately .826 acres and was currently contiguous to the City.

Mr. Stancil recommended adoption of the annexation ordinance to be effective September 18, 2000.

This is the advertised public hearing set for this date and time. There was no one to speak either in favor or opposition and the public hearing opened and closed at 7:27 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (BANTA PROPERTY - LOCATED AT THE NORTH END OF SARASOTA COURT).

ANNEXATION ORDINANCE NO. 2000-09-446.

MOTION: Mayor Pro Tem Pitts moved to adopt the ordinance, effective September 18, 2000.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Shaw excused)

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Ordinance Book 2000.

B. Consider extending the corporate limits of the City of Fayetteville for contiguous City-owned property, Fields Road Property (Located on the eastern side of Fields Road southwest of Cedar Creek Road).

City Manager Roger Stancil presented this item, stating that the 52.52 acres was totally owned by the City of Fayetteville and had been purchased by the City of Fayetteville for the anticipated construction of a fire station and park. He noted the only requirements were it must be owned by the City and be contiguous with the City's primary boundary, and the subject property meets both of those standards.

Mr. Stancil recommended adoption of the annexation ordinance to be effective September 18, 2000.

This is the advertised public hearing set for this date and time. There was no one present to speak either in favor or opposition. The public hearing opened and closed at 7:29 p.m.

Councilmember Smith inquired as to what the land was purchased for, noting that she thought it had been purchased for a park, fire station, and recreation center.

City Manager Roger Stancil stated that those plans were not yet developed but Council would have some part in developing those plans.

Councilmember Smith stated that a recreation center, fire station, and park for the land had already been discussed but she wanted clarity as to whether or not they were cutting part of that out. City Manager Roger Stancil stated that at this time, the City was only annexing the land into the City.

Councilmember Smith asked was the land still for the purpose of the park, fire station, and recreation center. City Manager Roger Stancil confirmed that it was.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [FIELDS ROAD AREA (CITY OF FAYETTEVILLE PROPERTY) AND R-O-W (LOCATED ON THE EASTERN SIDE OF FIELDS ROAD, SOUTHWEST OF CEDAR CREEK ROAD)]. ANNEXATION ORDINANCE NO. 2000-09-447.

MOTION: Councilmember Smith moved to adopt the annexation ordinance.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Shaw excused)

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Ordinance Book 2000.

C. P00-40. Consider the local landmark designation for the Old Fayetteville Canal remnant, located on portions of Lot 2, Property of the State of North Carolina for the Division of Veteran's Administration as recorded in Deed Book 4212, Page 544, and Deed Book 4315, Page 587. The canal crosses the property line and is made part of property owned by the City of Fayetteville for Clark Park, as recorded in Deed Book 5111, page 774.

Bruce Daws, Historic Properties Manager, presented this item. He stated that the Fayetteville Historic Resources Commission nominated this remnant of the 1819 canal and had a hearing with no objections. Mr. Daws stated that this is a very intact piece of remnant which is approximately 618 inches long, 35-50 feet in width, and holds water today.

This is the advertised public hearing set for this date and time. There was no one to speak either in favor or opposition and the public hearing opened and closed at 7:32 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING A REMNANT OF THE OLD FAYETTEVILLE CANAL, FAYETTEVILLE, NORTH CAROLINA, A HISTORIC LANDMARK.

ORDINANCE NO. NS2000-021.

MOTION: Councilmember Talbot moved to approve the local landmark designation.

SECOND: Councilmember Massey

VOTE: UNANIMOUS (Councilmember Shaw excused)

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

4. Consider request to address City Council from Ellis and Karen Felton and Rakesh and Nutan Parikh, representatives of the Woodlands Subdivision, regarding the dead-end of Prestwick Drive.

Mrs. Karen Felton, 323 Wagoner Drive, Fayetteville, NC, spoke regarding this matter. She stated that she wanted to prevent a through road being made out of Prestwick Drive. She added that her main concerns were safety for neighborhood children, an increase in traffic, and the loss of property value.

Mrs. Nutan Parikh, 327 Wagoner Drive, Fayetteville, NC, stated that she too was concerned about the safety of the neighborhood children.

Mayor Pro Tem Pitts inquired as to whether the Woodlands Subdivision has a neighborhood association. Mrs. Parikh and Mrs. Felton stated that it did not.

Mayor Pro Tem Pitts suggested the neighborhood form a neighborhood association with his reason for the suggestion being he noticed they wanted to deed the land to a few adjacent property owners instead of a neighborhood association. This, he felt, would not protect the entire neighborhood, because those property owners could deed it to someone else later.

Councilmember Fogleman stated that her understanding was that once a street is undedicated, the property reverts automatically to the adjoining property owners, right down the middle.

City Attorney Robert Cogswell stated that understanding was correct.

5. Consider the following Transit Department issues:

A. Approve proposed fee schedule for advertising on buses and vans.

Mr. Jerome Brown, Transit Director, presented this item.

MOTION: Councilmember Fogleman moved to approve the proposed fee schedule.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Shaw excused)

The proposed rates are as follows:

FY00 (Current)	Proposed Daily Rate for Bus Advertisements, Per Bus			
	FY01	FY02	FY03	
King Sign	4.00	5.27	6.95	9.17
Queen Sign	3.33	4.20	5.29	6.65
Rear Sign	4.67	5.06	5.49	5.96

B. Report from the Taxicab Review Board.

Mr. Jerome Brown, Transit Director, stated that some time ago the Council had asked the Taxicab Review Board to look at ways to determine the number of certificates of convenience and necessity needed for the City of Fayetteville, and as a result the Board held a series of public hearings which no one attended. The Board also distributed surveys and had gotten very few surveys back. Mr. Brown stated the root cause of many of the complaints was response time. He then stated that as of this time, no working method had been established that could effectively monitor response times, and the Taxicab Review Board and many owners desired a greater enforcement of the ordinance.

Mr. Brown proposed the Taxicab Inspector making random calls to various companies during the year to find out how long it takes to get a taxicab. He added that although the Taxicab Review Board had not found a method that was perfect, this would work until a better one could be established, and the Taxicab Review board would continue to review the issue.

Councilmember Robertson asked who made up the Taxicab Review Board. Mr. Brown responded three representatives from the taxicab industry, two from the Police Department, the Taxicab Inspector, and himself as chair.

Councilmember Robertson inquired as to whether the City was rewarding companies for slow response time if they wanted to build certificates since the certificates were valuable.

Mr. Brown stated that if there was a slow response time, then two things would happen: 1) an increased number of taxicabs would be on the street, and 2) with the full enforcement of the ordinance, a closer look at the vehicles would be implemented in regards to their appearance, safety, and reporting.

Councilmember Robertson asked who were the two largest cab companies. Mr. Brown stated Kavica was the largest and he was unsure of the second largest.

Councilmember Worthy stated that the more certificates which were issued, the more cabs we would have, resulting in more competition and better service. He added that would be the route he would suggest in finding a response time.

City Manager Roger Stancil stated that if there was a desire to let the free market work, there would be no limit on the number of franchises, but the complaint about that would be from the people who owned franchises, stating that the City was putting them out of business.

Councilmember Fogleman asked if someone could hail a cab on the street. Mr. Brown stated that you could not.

Councilmember Fogleman inquired why. Mr. Brown responded that was a policy established by City Council.

**MOTION:** Councilmember Fogleman moved to refer this whole item to the Policy Committee.

**SECOND:** Councilmember Worthy

Councilmember Massey stated that he was concerned about someone using an unlicensed cab without there being any control, or a system in place.

Mr. Brown stated that the problem with unlicensed cabs is that currently, there is no system in place to catch them. However, if someone witnesses these incidents, the taxicab can be cited.

Councilmember Kendrick stated that he did not see a problem with hailing a taxicab, but he felt the City should make it convenient for the taxicab to operate also.

Mayor Pro Tem Pitts inquired as to the number of taxicabs in Fayetteville. Mr. Brown responded 118 taxicabs.

Mayor Pro Tem Pitts inquired as to how often were the incidents of unlicensed taxicab drivers occurring. Mr. Brown stated that the City does not have the manpower to catch the unlicensed drivers, and that was one of the problems cited by the Taxicab Review Board.

**MOTION:** Councilmember Fogleman moved to refer this item to the Policy Committee.

**SECOND:** Councilmember Talbot

**VOTE:** UNANIMOUS (Councilmember Shaw excused)

**FIRST MOTION VOTE:**

UNANIMOUS (Councilmember Shaw excused)

6. Consider adoption of resolutions setting public hearings for November 6, 2000, to consider the following dam improvements:

A. Preliminary resolution and order requiring the construction of storm sewer and drainage improvements to The Lakes dam and lake.

**PRELIMINARY RESOLUTION AND ORDER REQUIRING THE CONSTRUCTION OF STORM SEWER AND DRAINAGE IMPROVEMENTS TO THE LAKES DAM AND LAKE. RESOLUTION NO. R2000-096.**

B. Preliminary resolution and order requiring the construction of storm sewer and drainage improvements to Devonwood Lower dam and lake.

**PRELIMINARY RESOLUTION AND ORDER REQUIRING THE CONSTRUCTION OF STORM SEWER AND DRAINAGE IMPROVEMENTS TO DEVONWOOD LOWER DAM AND LAKE. RESOLUTION NO. R2000-097.**

C. Preliminary resolution and order requiring the construction of storm sewer and drainage improvements to Mirror Lake dam and lake

**PRELIMINARY RESOLUTION AND ORDER REQUIRING THE CONSTRUCTION OF STORM SEWER AND DRAINAGE IMPROVEMENTS TO MIRROR LAKE DAM AND LAKE. RESOLUTION NO. R2000-098.**

City Manager Roger Stancil presented this item. He stated the City had an interest in these dams because there was a City road that ran on top of each dam. He proposed that the City pay for all of the project that has to do with run-off from the street, and split the rest of the repair with the City paying one-third and the abutting property owners paying two-thirds. He stated that the assessments would be payable over a ten-year period at the interest rate of the T-bill at the time the resolutions are adopted. The assessments would vary depending on the amount of footage belonging to the property owners.

Mayor Pro Tem Pitts asked Mr. Stancil to clarify if they were being asked to adopt preliminary resolutions tonight. Mr. Stancil stated that was correct.

**MOTION:** Mayor Pro Tem Pitts moved to adopt the preliminary resolutions setting the public hearings.

**SECOND:** Councilmember Massey

Councilmember Talbot voiced his concern regarding the water rights of the property owners.

**VOTE:** UNANIMOUS (Councilmember Shaw excused)

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R2000.

7. Consider parking issues on Fort Bragg Road in the Haymount District.

City Manager Roger Stancil presented this item. He stated that the crosswalks have been highlighted, orange flags

have been installed on the pedestrian signs, and police traffic units have closely monitored the area for speed and signal violations. Mr. Stancil also stated there had been a request submitted by Dr. Pantelakos to remove on-street parking on Fort Bragg Road, but discussions with other business owners around the area indicated that there was not a consensus on the issue. He said there had been several suggestions that the spaces in front of the Haymount Grill be converted to a loading zone. He also stated that parking on the street does calm traffic.

Mr. Stancil stated the three options available were to leave it as is and monitor, have a public hearing, or refer to the Transportation Committee.

Councilmember Fogleman inquired as to what happened to Chief Cannady's proposal to do away with the parking on the north side and to leave it on the south side.

Mr. Stancil stated they had talked with all of the property owners and they had various comments and needs, and there had been no unity in a decision of any of the proposals.

Councilmember Kendrick stated a problem in the Haymount area was that parking was right next to the driveways, with no clearance, and if the City wanted to manage that, it would be advantageous to back off the parking right at the driveway entrances for more space and sight distance.

Councilmember Talbot stated traffic calming devices needed to be considered.

MOTION: Mayor Pro Tem Pitts moved to refer this item to the Transportation Committee and to have a public hearing after that.

SECOND: Councilmember Massey

Councilmember Robertson asked if Mayor Pro Tem Pitts would accept a friendly amendment and requested that the Transportation Committee hold the public hearing instead of the City Council.

Mayor Pro Tem Pitts would not accept the friendly amendment.

VOTE: UNANIMOUS (Councilmember Shaw excused)

8. Consider approval of resolution authorizing lease of portion of Amtrak Station (472 Hay Street) to Subway Real Estate Corporation pursuant to Chapter VIII, Article 7, of the City Charter.

This item was pulled from the agenda by City Manager Roger Stancil.

9. Report from Council Transportation Committee.

A. Discussion of the possibility of assisting Fayetteville State University with their crosswalk concept and construction at Murchison Road and Filter Plant Drive (Bronco Square).

Councilmember Mark Kendrick, Chairman of the Transportation Committee, presented this item, stating there are several crosswalks in the area and the Committee wanted to make sure they had the right ones in the right positions to meet the needs of the students and businesses, so they have put it off for 30 days.

B. Review and study of the traffic study for the Bi-Lo on All-American Expressway.

Councilmember Kendrick stated this item had been deferred for 30 days in order to obtain more information on the traffic on Elizabeth Street.

C. Discussion of future maintenance of Blount and Glidden Streets.

Councilmember Kendrick explained that the City had approximately \$2.4 million remaining in street bond funds, which had been planned for the relocation of the railroad switching operations from Russell Street to Milan Yard. Because the estimated cost of the project was \$10 million, the Committee felt a more appropriate use of the funds would be to repair the streets and improve the area as an industrial site.

MOTION: Councilmember Kendrick moved to use the \$2.4 million in bond funds to improve the Blount Street area.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Shaw excused)

D. Discussion of creating pedestrian crosswalks for safety at intersections around the Cross Creek Mall area.

MOTION: Councilmember Kendrick moved to refer this item to the Transportation Coordinating Committee and the Transportation Advisory Committee to report back within 60 days about the development of a pedestrian crossing program.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS (Councilmember Shaw excused)

E. Discussion of eliminating Murchison Road as a designated truck route.

Councilmember Kendrick stated that the Committee recommended no changes on this item, based on the recommendations and plans of the North Carolina Department of Transportation.

Councilmember Haire stated that he had been told by other councilmembers that there were not enough facts and statistics regarding the situation to warrant the change. He stated he thought it was sad they always had to have facts and statistics before making any changes or planning for the future. Councilmember Haire added there were several

facts that he looked at regarding this issue including the quality of life for residents in the area, there being no sidewalks on one side of a major thoroughfare, a new housing development that is going to assist the students of Fayetteville State University in crossing the road, and the new mini-mall that is going to be built in the area. Councilmember Haire noted there were a number of facts that were brought to the table, but because there were not any statistics regarding car accidents, fatal deaths, or injuries and things along those lines, he stood alone, except for the help of Councilmember Hurst.

MOTION: Councilmember Haire moved to change Murchison Road at least from the primary truck route to a secondary truck route in the form of a resolution being sent to our representatives in Raleigh, NC.

SECOND: Councilmember Worthy

Mayor Pro Tem Pitts reiterated his concern for the safety and quality of life issues for the area.

Councilmember Fogleman agreed that something needed to be done about Murchison Road, but she felt changing the truck route designation would not solve the problem. She said it would only remove 2 percent or less of the traffic and it would be a hardship on some of the businesses along Murchison Road. She suggested widening the road.

Councilmember Smith agreed with Mayor Pro Tem Pitts and Councilmember Haire. She also stated that the quality of life issue should play a great factor in this, and instead of waiting for something drastic to happen, this would be a good time to take action and make a secondary route.

Councilmember Milligan asked for clarification on a secondary route.

Councilmember Haire responded that he defines secondary as only the trucks that have business within the corridor would travel the corridor and all other vehicles would take another designated route on either Bragg Boulevard or Ramsey Street.

Councilmember Milligan stated that her concern was that the business people who depended on trucks to bring their goods would be very upset if these trucks were no longer able to do so and were put on an even busier street. She stated she regrettably could not support this motion.

Councilmember Talbot stated he would like to see this issue go back to the Transportation Committee and to bring in the Department of Transportation to discuss those things that Mr. Haire was concerned about.

Councilmember Talbot made a friendly amendment to take the motion back to Transportation Committee.

Councilmember Haire did not accept the friendly amendment.

City Attorney Robert Cogswell stated if the Department of Transportation were to approve this, by ordinance, we would still permit trucks to go on local truck routes to make deliveries.

Councilmember Kendrick stated his concern with the change of the designation was that the Transportation Committee did not have an opportunity to discuss whether putting more traffic on other streets was the best way to do things. He also commented that he understood the needs of the residents in the Murchison Road area, but he would like to send this back to the Transportation Committee to make sure they were doing the right thing. He said he would like to look at the traffic pattern through the whole area and see what would be the best thing to do for the citizens, residents, and motoring public.

Councilmember Worthy commented those businesses that were being serviced by trucks would still be able to drive on Murchison Road. They were only trying to eliminate Murchison Road being an interstate for trucks. He added that what was happening was that the trucks were taking Murchison Road simply because there was a sign that stated it was a truck route. If there were a sign that said another road was a truck route, they would take that way. He did not feel that the Transportation Committee would objectively look at making Murchison Road an alternate route, and if in due time this move does not work, then the issue could be revisited.

MOTION: Councilmember Massey called for the question.

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Kendrick) (Councilmember Shaw excused)

ORIGINAL MOTION VOTE:

Passed by a vote of 7 in favor (Councilmembers Haire, Massey, Smith, Hurst, Pitts, Robertson, and Worthy) to 4 in opposition (Councilmembers Milligan, Fogleman, Kendrick, and Talbot) (Councilmember Shaw excused)

F. Report on traffic calming efforts.

Councilmember Kendrick stated that the Committee would come back in 60 days with regards to the efforts of traffic calming because the portable devices that were initially planned to be used did not prove to be very portable and other alternatives were being reviewed.

10. Consider designation of Voting and Alternate Voting Delegates, Annual Congress of Cities, December 5-9, 2000, Boston, Massachusetts

Mayor McBryde presented this item, stating that Councilmembers Haire, Kendrick, Robertson, Massey, and

Worthy would be attending the Annual Congress of Cities.

MOTION: Councilmember Robertson moved to nominate Councilmember Kendrick as the Voting Delegate.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Shaw excused)

MOTION: Councilmember Worthy moved to nominate Councilmember Smith as the Alternate Voting Delegate.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmember Shaw excused)

11. Consider designation of Voting Delegate for 2000 Annual League Business Meeting.

Mayor McBryde presented this item.

MOTION: Councilmember Kendrick moved to nominate Mayor McBryde as the Voting Delegate.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmember Shaw excused)

MOTION: Councilmember Worthy moved to nominate Councilmember Milligan as the Alternate Voting Delegate.

SECOND: Councilmember Robertson

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Haire) (Councilmember Shaw excused)

12. APPOINTMENTS:

A. Joint Senior Citizens Advisory Commission - 4 vacancies - 3 regular terms and 1 fill in for term expiring in September 2001.

B. Taxicab Review Board

Mayor McBryde presented this item. No new nominations were made.

13. Appointment of Member and Ex Officio(s) Members to the Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission.

Councilmember Fogleman nominated Councilmember Shaw. Mayor Pro Tem Pitts nominated Councilmember Talbot.

Voting for Councilmember Shaw were Councilmembers Milligan, Fogleman, and Robertson. Voting for Councilmember Talbot were Councilmembers Massey, Smith, Hurst, Kendrick, Worthy, Talbot, Pitts, and Haire.

14. ADMINISTRATIVE REPORTS

A. Report on FAA approval for Fayetteville Regional Airport to impose a passenger facility charge.

INFORMATION ITEMS:

1. Report on Tiffany Pines Community Meeting from Bobby Hurst, Councilmember At-Large.

2. Report on responses to Public Forum questions/concerns.

3. Letter from Cumberland County Web Academy regarding Belden-Horne House.

4. NCLM Update on E-Commerce bill.

5. FAEDC - minutes of August 15, 2000.

6. FACVB - minutes of August 10, 2000.

7. PWC - minutes of August 23, 2000.

8. Cape Fear Botanical Garden - minutes of August 17, 2000.

9. Information on restaurant facility at Fayetteville Regional Airport.

MOTION: Councilmember Talbot moved to adjourn.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmember Shaw excused)

The meeting was adjourned at 8:50 p.m.

INFORMATION MEETING

SEPTEMBER 25, 2000

FAYETTEVILLE CITY COUNCIL

INFORMATION MEETING

CITY HALL COUNCIL CHAMBER

SEPTEMBER 25, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (At-Large); Anne D. Fogleman (At-Large); Bobby Hurst (At-Large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Amanda P. Little, Assistant City Attorney  
Ben Brown, Chief Development Officer  
Jimmy Teal, Chief Planning Officer  
Kai Nelson, Director of Business Services  
Lisa Smith, Chief Financial Officer  
Phil Cannady, Interim Police Chief  
Faith Thompson, Assistant to the City Manager - Customer Focus  
Frank Simpson, Inspections Director  
Mike McNair, Community Development and Housing Manager  
Steve Blanchard, PWC, General Manager  
Tom McNeill, PWC, Special Projects Manager  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
Jason Brady, Public Information Officer  
Janet C. Jones, City Clerk  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Haire followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor McBryde announced the character education concept for September is respect.

#### 1. APPROVAL OF AGENDA

**MOTION:** Councilmember Milligan moved to ask the City staff and North Carolina Department of Transportation to evaluate the possibility of placing a sign at the intersection of I-95 and 87 Exit directing potential visitors to the Historic District.

**SECOND:** Councilmember Smith

**VOTE:** UNANIMOUS

**MOTION:** Mayor Pro Tem Pitts moved to remove Items 7.A and 7.B. from the agenda.

**SECOND:** Councilmember Shaw

**VOTE:** UNANIMOUS

Mayor McBryde stated that Item 6 should be a closed session for the discussion of economic development in real estate.

**MOTION:** Councilmember Worthy moved to approve the agenda and to move Item 6, a closed session, to follow Item 9.

**SECOND:** Councilmember Haire

**VOTE:** UNANIMOUS

#### 2. PUBLIC FORUM:

The following speakers appeared at the public form:

Ms. Elvira Ross, 424 Walstone Road, Fayetteville, NC, addressed the Council regarding improper materials which had been used by the contractor when her home had been built. Ms. Ross inquired why it had passed inspection without being detected.

City Attorney Robert Cogswell stated this was a contract matter between Ms. Ross and her builder, but the Inspections Department could check out anything that needed their attention.

Councilmember Kendrick stated that Ms. Ross needed to contact the North Carolina State Contractors Association.

Mr. Anderson O. Hinson, 2600 Laurel Road, Fayetteville, NC, addressed the Council regarding improper materials which had been used by a contractor who built his house. Mr. Hinson requested the Inspections Department to look at his home.

City Attorney Robert Cogswell suggested he contact the Veterans' Administration. Mr. Hinson stated he had done that.

Mr. Iman Eronomy Muhammed, 1207 Murchison Road, Fayetteville, NC, addressed the Council regarding the necessity for the City to work with Raleigh to get funding for local projects. Mr. Muhammed recommended Dr. Sam Pearson for the Police Chief vacancy. He stated he had invited the National NAACP to Fayetteville to help stage an economic boycott of Fayetteville until there was justice for all.

Ms. Freida Powers, 6435 Greyfield Road, Fayetteville, NC, addressed the Council regarding animal control issues.

Dr. Floyd W. Johnson, 716 Amber Drive, Fayetteville, NC, asked the Council not to approve the ordinance allowing the consumption of alcohol on City property. Reverend Johnson stated that alcohol is a drug and adults needed to set an example for the children.

Mr. John C. Tucker, 5822 Weatherford Road, Fayetteville, NC, addressed the Council regarding animal control issues. Mr. Tucker stated because the citizens are paying City and County expenses, it was the responsibility of the governmental entities to find a solution to the problems and to help with the adoption of stray animals.

Former Councilmember Ida Ross, 734 Commerce Street, Fayetteville, NC, stated the time had come for everyone to work together to stop hurt and killing in Fayetteville. Ms. Ross stated that upon her death, she would be cremated and her ashes would be taken to Africa and a memorial will be put up for all the people in the world who had been hurt and killed.

Mr. Clyde Francis, 2106 Spruce Street, Fayetteville, NC, expressed his concerns about the pickup of limbs, logs, and other trash that cannot be placed in bags. Mr. Francis asked the Council to act on his concern.

Councilmember Haire requested that Ms. Vera Bell go out to Mr. Francis' address and let him know when it had been taken care of.

Mr. Raymond Shipman, 6614 Carloway Drive, Fayetteville, NC, addressed the Council regarding the constitutional right of protection from racism and police misconduct and brutality. Mr. Shipman cited there had been incidents of mistaken identity and it was his opinion that both the City Council and City Manager should work with the Police Department officers to resolve the issues he had cited.

Mr. Ted Pearil, 340 Westwater Way, Fayetteville, NC, addressed the Council regarding problems with his home in the Summer Lake Subdivision. Mr. Pearil stated the City needed to work with the citizens and solve some of their problems.

Councilmember Talbot advised Mr. Pearil to contact the Home Builders Association.

Councilmember Worthy stated that something was missing in the Inspections Department and he would like to get with Mr. Simpson.

Mayor Pro Tem Pitts stated that it was not that the Council did not care, it was that this was a private contract issue and the City has no authority. However, if the Inspections Department had overlooked something then the Council had authority over that.

Councilmember Smith suggested the homeowners call the Attorney General's office and the troubleshooter on the TV news.

Mr. James P. White, 920 Fiske Drive, Fayetteville, NC, addressed the Council regarding his arrest by the Police Department due to a mistaken identity. Mr. White requested that the incident be looked into further by the City.

3. CONSENT:

Councilmember Milligan requested to pull Item 3.F, Councilmember Talbot pulled Item 3.H., and Mayor Pro Tem Pitts pulled Item 3.G.

MOTION: Councilmember Robertson moved to approve the consent agenda with the exception of Items 3.F, 3.G, and 3.H.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

A. Approve minutes of regular meeting of September 5, 2000.

B. Approve FAA grant number AIP 3-37-0021-23, elements to include construction and construction inspection for the rehabilitation of the North General Aviation Apron, Improvements to Runway Safety Areas, Security System Upgrade phase II, and design only for Terminal Renovation Phase II.

C. Approve Construction Agreements for Airport Improvement Program (AIP) 3-37-0021-23.

1. Runway Safety Area Improvements with Change Order #1 for Barnhill Contracting Company.

2. General Aviation Ramp Rehabilitation with APAC-Carolina, Inc., Crowell Constructors Division.

D. Adopt Capital Project Ordinance 2001-1 (Phase II General Aviation Apron Rehabilitation and Phase III Runway Safety Area Improvements).

E. Approve conveyance of lot in the Old Wilmington Road area to Kingdom Community Development Corporation for construction of affordable housing.

F. Refer to Transportation Committee for review a petition requesting "that the City Council erect a sign at the Hay Street Exit off of Martin Luther King Freeway directing travelers to the Historic Haymount Section of the City".

(Requested by Councilmember Kendrick)

This item was pulled by Councilmember Milligan.

Councilmember Milligan requested that Councilmember Kendrick withdraw this item. Councilmember Kendrick stated that he had been asked by a citizen to make this request and he thought it should be discussed.

Councilmember Talbot stated it was being referred for review and he thought that Councilmember Milligan's Item 3.H. should also be referred.

MOTION: Councilmember Talbot moved to send this item to the Transportation Committee.

SECOND: Councilmember Shaw

VOTE: PASSED by a vote of 8 in favor to 4 in opposition (Councilmembers Worthy, Hurst, Milligan and Smith)

G. Refer to City Planning Board the consideration of amending Chapter 32, Zoning, of the Fayetteville City Code, to allow solid fencing in residential side yards. This change will make the City ordinance and the County ordinance more uniform. (Requested by Councilmember Robertson)

Mayor Pro Tem Pitts pulled this item. He inquired if a wooden fence was annexed into the City, was it grandfathered in at the time of annexation.

City Manager Roger Stancil replied in the affirmative.

MOTION: Mayor Pro Tem Pitts moved to approve.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

H. The request for staff to investigate placing a sign directing traffic to the Historic District at the intersection of I-95 and NC 87.

Councilmember Talbot pulled this item.

MOTION: Councilmember Talbot moved to send this item to the Transportation Committee.

SECOND: Councilmember Robertson

VOTE: PASSED by a vote of 10 in favor to 2 in opposition (Councilmembers Milligan and Smith)

4. Consider report on Phase 4A Annexation (Tiffany Pines).

Mr. Jimmy Teal, Chief Planning Officer, submitted the Annexation Phase 4A plan to extend the corporate limits to serve the urban area consistent with Tiffany Pines, Warrenwood, and Rollingwood areas.

Mr. Teal reviewed the demographics, the estimated assessed value of the property (a total of \$111,556,432.00), and the need for a total of 12 additional employees. Mr. Teal noted there would be no new police officers required because of the current organization of the Police Department and the location of the property being annexed.

Ms. Lisa Smith, Chief Financial Officer, summarized the budget projections to include personnel expenses, operating services, contract services, vehicles and equipment costs, capital improvements, capital outlay, the debt services and the funding sources.

MOTION: Councilmember Worthy moved to accept the report and have the staff to proceed.

SECOND: Councilmember Haire

A discussion was held regarding the financing of the project, bus service in the area, and maintaining the standard of service currently being received by City residents.

Several councilmembers inquired about the recommendation that no police officers be added. City Manager Stancil stated that the City was in a good situation and the current police personnel was adequate to take care of this area.

VOTE: PASSED by a vote of 11 in favor to 1 in opposition (Councilmember Robertson)

5. Consider Report from Policy Committee.

A. Review of cell tower policy. (Draft Policy No. 165.4)

Councilmember Fogleman, Chairperson, presented this item. She stated the Policy Committee recommended adoption of the recommendations for changes to be made to the cell tower policy, Policy No. 165.4.

MOTION: Councilmember Fogleman moved to adopt the recommended policy.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

B. Discussion of Chapter 14, Solid Waste, Section 14-17, Notice to abate unlawful conditions; abatement by City where conditions of matter admits of no delay of our City Code (both Solid Waste and Inspections use this ordinance).

Councilmember Fogleman stated the Policy Committee recommended leaving this ordinance as it currently reads. She stated that the feeling was that any other avenue of appeal would exacerbate the problem and prolong the process.

No action was taken on this item.

C. Discussion of Council Policy No. 110.1 regarding membership and attendance on boards and commissions. (Draft Amendment to Policy No. 110.1)

Councilmember Fogleman presented this item and recommended that it be approved.

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Talbot

A discussion was held regarding the time basis to be used for review of attendance. City Attorney Robert Cogswell stated it would be done on an annual basis from the date of appointment.

MOTION: Councilmember Robertson moved to send this policy back to the Policy Committee for consideration of the time line of board members not coming to meetings and a way to consider absence prior to an annual review.

SECOND: Councilmember Milligan

Further discussion was held and Councilmember Robertson withdrew his motion.

ORIGINAL MOTION FRIENDLY AMENDMENT:

Mayor Pro Tem Pitts moved to add the language of Section 2-20(c) of the Fayetteville City Code of Ordinances to the policy for clarification.

Councilmembers Fogleman and Talbot accepted the friendly amendment.

ORIGINAL MOTION VOTE:

UNANIMOUS

D. Consideration of proposed Public Art Policy. (Draft Policy No. 155.5; New City Code § 2-28)

Councilmember Fogleman presented this item and recommended approval of the new Policy No. 155.5, Public Art Policy, with two-year staggered terms.

MOTION: Councilmember Fogleman moved to approve the new Policy No. 155.5, Public Art Policy, with the terms being staggered for two years.

SECOND: Mayor Pro Tem Pitts

VOTE: UNANIMOUS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW § 2-28, PUBLIC ART COMMISSION; COMPOSITION AND RESPONSIBILITIES. ORDINANCE NO. S2000-014.

MOTION: Councilmember Fogleman moved to establish the Commission by adoption of the ordinance.

SECOND: Mayor Pro Tem Pitts

VOTE: UNANIMOUS

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

E. Consideration of policy on cancellation of City Council meetings. (Draft Policy No. 120.7)

Councilmember Fogleman presented this item recommending that a policy be adopted whereby jointly or severally the Mayor and Mayor Pro Tem could cancel a City Council meeting due to severe adverse weather conditions such as natural or unnatural disasters, declare states of emergency, or when hazardous driving conditions existed.

MOTION: Councilmember Fogleman moved to adopt the policy with the Mayor and Mayor Pro Tem being authorized to act either jointly or severally.

SECOND: Councilmember Shaw

SUBSTITUTE MOTION:

Councilmember Worthy moved to add one other councilmember with a vote of 2 out of 3.

A discussion was held and Councilmember Worthy withdrew his substitute motion.

ORIGINAL MOTION VOTE:

UNANIMOUS

F. Discussion of the assigning of a councilmember to each board and commission to act as liaison.

Councilmember Fogleman stated this item was deferred at the Policy Committee meeting and would be addressed at the Policy Committee meeting tomorrow.

G. Discussion of policy on selection of City Council committee chairmen and setting a time limit on how long a chairman can serve. (Draft Policy No. 115.10)

Councilmember Fogleman stated the recommendation was that a City Council committee chairman could serve two successive two-year terms for a total of four years with the selection to be made by the Mayor after each election.

MOTION: Councilmember Fogleman moved to approve the recommended changes as previously stated.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

H. Consideration of a policy for mayoral succession and the filling of vacancies of councilmembers. (Draft Policy No. 115.11)

Councilmember Fogleman stated the Committee felt the time limit was the crucial factor and it was their feeling

that any vacancy should be filled within 30 days.

MOTION: Councilmember Fogleman moved to fill any vacancy for mayor and councilmembers within 30 days.

SECOND: Councilmember Talbot

City Attorney Robert Cogswell recommended that if the 30th day fell on a Saturday, Sunday, or a holiday, the time shall be extended until the following Monday or the next regular meeting of the City Council.

VOTE: UNANIMOUS

Councilmember Fogleman stated that the Committee felt the current policy for the selection of the Mayor Pro Tem should be eliminated with a change being made in the council size.

MOTION: Councilmember Fogleman moved to refer this back to the Policy Committee for revision.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

I. Consideration of an ordinance amending Section 5-17 of the Fayetteville City Code to allow alcoholic beverage consumption on Olde Fayetteville Commons when approved as a Special Event.

Councilmember Fogleman announced that the public was made aware and one person, Wick Smith, appeared to speak in favor of the ordinance. The Committee recommended that this ordinance be approved and adopted.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING § 5-17, CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2000-015.**

MOTION: Councilmember Fogleman moved to adopt the ordinance.

SECOND: Councilmember Shaw

Councilmember Smith stated her opposition to the motion.

Councilmember Massey stated he had some concern that no one attended the meeting to speak. He said the telephone calls he had had was on the need for a good screening process rather than on the Council condoning the use of alcohol.

A discussion was held regarding the screening with Mr. Cogswell pointing that applicants would be screened through the obtaining of an ABC permit through the City Attorney's office and/or the process of getting a special events permit for an event on the Commons through the City Manager's office.

A discussion was held regarding the size of the event, the special events permit process, the conditions that could be placed on special events permits by the City Manager's office, and the need for a uniform process for dealing with the alcohol question.

VOTE: PASSED by a vote of 7 in favor (Councilmembers Milligan, Worthy, Talbot, Shaw, Hurst and Fogleman and Mayor McBryde casting the tie breaking vote) to 6 in opposition (Councilmembers Pitts, Robertson, Kendrick, Smith, Massey and Haire)

6. Consider joint Discussion with Public Works Commission.

This item was moved to be heard after Item 9.C.

7. Consider discussion requested by Councilmember Pitts:

A. Scheduling of Committee Meetings

B. River Development Project

This item was removed from the agenda by Mayor Pro Tem Pitts.

8. Consider adoption of a resolution of the City Council of the City of Fayetteville, North Carolina, authorizing contracts with Hurst Annaho Supply Company Pursuant to N.C.G.S. § 14-234(c1).

Councilmember Hurst stated that he would be abstaining from voting on this item. Mr. Hurst stated his company had been in business in Fayetteville since 1953 and had enjoyed a good working relationship with the City of Fayetteville and PWC. Mr. Hurst explained that when he was asked to fill Mayor McBryde's vacancy, he knew it was a big responsibility, and when he took his oath of office on August 21, he knew that every vote and decision would be very important because he had promised to be fair and to serve the citizens of Fayetteville to the very best of his ability.

Councilmember Hurst stated the City Attorney had told him that because he did business with the City of Fayetteville, it was necessary for the resolution to be passed and he was acknowledging for the record that he held 10 percent of stock in the business.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AUTHORIZING UNDERTAKINGS AND CONTRACTS WITH HURST ANNAHO SUPPLY COMPANY PURSUANT TO N.C.G.S. § 14-234(c1). RESOLUTION NO. R2000-099.**

MOTION: Councilmember Worthy moved to allow Councilmember Hurst to abstain from voting and discussion on

this item.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

MOTION: Councilmember Worthy moved to adopt the resolution.

SECOND: Councilmember Haire

VOTE: UNANIMOUS (Councilmember Hurst abstaining)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

9. APPOINTMENTS:

A. Joint Senior Citizens Advisory Commission: (4 vacancies - 3 terms expiring and 1 fill-in for term expiring September 2001).

Ms. Reva G. McNair was appointed.

Ms. Grace H. Yeager was reappointed.

Mr. William E. Cannon was appointed.

Ms. Mary Dillion was appointed to the fill-in position.

B. Taxicab Review Board: Resignation of Alternate Taxicab Member - term expires in July 2001.

MOTION: Councilmember Worthy moved to appoint Mr. Ralph F. Mott.

SECOND: Councilmember Haire

VOTE: UNANIMOUS

6. Consider joint discussion with Public Works Commission.

MOTION: Councilmember Fogleman moved to go into closed session to discuss economic development.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

The Council went into closed session with the regular session resuming at 10:55 p.m.

Mayor McBryde appointed Mayor Pro Tem Pitts and Councilmember Shaw to be on the Mayor's Committee on Electric Industry Restructuring. They replaced former Councilmembers Wick Smith and Suzan Cheek. Mayor McBryde pointed out that Councilmember Kendrick is the third member of this Committee.

INFORMATION ITEMS:

1. Draft from the Historic Resources Commission entitled "Guidelines for the Historical District." (Requested by Councilmember Talbot)

2. Report on information concerning possible purchase of land for site location of Boonie Doone Park land. (Requested by Councilmember Haire)

3. Information on October vacancies for Parks and Recreation Advisory Board, the Historic Resources Commission, the Appearance Commission, the Planning Commission, the Zoning Commission, and the Board of Adjustment.

4. Planning Department - monthly report for August, 2000. (Inserted in packet)

5. Update Board of Adjustment training.

MOTION: Councilmember Robertson moved to adjourn.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

The meeting adjourned at 11:00 p.m.

REGULAR MEETING

OCTOBER 2, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

OCTOBER 2, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Bobby Hurst (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager

Ben Brown, Chief Development Officer

Robert C. Cogswell, Jr., City Attorney

Jimmy Teal, Chief Planning Officer  
Scott Dorney, Chief Officer for Support Services  
Faith Thompson, Assistant to the City Manager - Customer Focus  
Lisa Smith, Chief Financial Officer  
Jerome Brown, Transit Director  
Phil Cannady, Interim Police Chief  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
Nicole Wright, Deputy City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Sandra Holland-Trotter, Pastor, Shiloh Temple of Faith Missionary Baptist Church, followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

#### RECOGNITION

Mayor McBryde recognized Sam Snowdon, President of the Museum of the Cape Fear Historical Complex Foundation, David Reid, Administrator of the Museum of the Cape Fear, and Mary Lynn Bryan, member of the Board of the Museum of the Cape Fear, who presented information regarding the background and foundation of the Museum of the Cape Fear. This was to substantiate the donation of the property located at 827 Arsenal Avenue.

Mayor McBryde announced the character education concept for October is responsibility.

#### 1. APPROVAL OF AGENDA

City Attorney Robert Cogswell recommended Item 7.E, discussion of second-hand retailers and regulations on businesses that resell goods that have been purchased from individuals, be continued to the next meeting, stating he needed to address more issues in regard to that item.

MOTION: Councilmember Worthy moved to pull Item 7.E from the agenda until such time as the attorney can adequately bring it back for discussion.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

City Manager Roger Stancil requested to add a closed session as 12.H to the end of the agenda to discuss personnel matters and add as Item 13.G, Visions training proposal for City Council from Angela Bryant.

MOTION: Councilmember Worthy moved to approve the agenda with the requested changes.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

#### 2. CONSENT:

Mayor McBryde presented the consent agenda. Councilmember Massey requested to pull Item 2.A.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the exception of Item 2.A.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

The following items were approved:

A. Pulled for discussion by Councilmember Massey.

B. Approve tax refunds in excess of \$100.00.

Name	Year	Basis	City Refund
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Pyun, Duk II	1998 & 1999	Corrected Assessment	\$223.35
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Total		\$223.35	
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C. Approve request from the Junior League for special event signs advertising the Holly Day Fair.

D. Approve request from Fayetteville State University for special event signs to advertise their homecoming and other home football games.

E. Refer to the Council Transportation Committee for their consideration the upgrade and/or improvement of NC Highway 210, aka Murchison Road, as a major and/or primary thoroughfare. (Requested by Councilmember Talbot)

F. Adopt resolution to set public hearing for November 6, 2000, to consider the closing of Prestwick Drive from Wagoner Drive to Dead End.

#### PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF PRESTWICK DRIVE. RESOLUTION NO. R2000-100.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

G. Award purchase contract to Vulcan Signs, Foley, Alabama, sole bidder, for Traffic Signs in the amount of

\$30,981.43, and waive Performance Bond due to payment schedule; signs will be ordered on an as-needed basis and will not be paid for until signs have been received and accepted by the City.

H. Adopt resolution pursuant to N.C.G.S. 160A-31 fixing a date for a public hearing for a petition-initiated contiguous annexation area (I.C. Smith Property - located on the south side of Owen Drive and west of U.S. Hwy 301).

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE PURSUANT TO N.C.G.S. 160A-31(C) FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA. I.C. SMITH PROPERTY (LOCATED ON THE SOUTH SIDE OF OWEN DRIVE AND WEST OF U.S. HWY 301). RESOLUTION NO. R2000-101.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

I. Approve low bid award to Cardinal Landscaping, for planting, irrigation, sidewalk construction and landscape management at the new PWC Administration Building in the amount of \$152,245.50.

Bids were received as follows:

Cardinal Landscaping (Fayetteville, NC) \$152,245.50

Greenbiz Nursery & Landscaping (Fayetteville, NC) \$170,655.40

Watson Nursery (Fayetteville, NC) \$189,161.80

J. Approve "piggyback" on the City of Winston-Salem's bid received June 19, 2000, for the purchase of one (1) Tandem Dump Truck with 15 Yard Dump Body from Parks Chevrolet Geo, Kernersville, NC, in the amount of \$63,639.00.

K. Approve discontinuing purchase of water and wastewater chemicals from General Chemical (Parsippany, NJ), and issue a purchase order to Koch Sulfur Products (Wilmington, NC), in the amount of \$199,341.44, for purchase of liquid aluminum sulfate, as provided under North Carolina General Statute 143-129(a).

A. Accept donation of property located at 827 Arsenal Avenue from the Museum of the Cape Fear Historical Complex Foundation.

Councilmember Massey pulled this item for discussion. He asked Mr. David Reid, administrator of the Museum of the Cape Fear, to share with the citizens the parameters of the museum. He wanted them to know exactly what kind of historical importance would be exhibited by the donation of the property, particularly the time it began and what impact it had during the Civil War.

Mr. Reid responded that the Arsenal's conception was in the 1830s and it was destroyed in the Civil War in 1865. He stated they had received a grant from the Florence Rogers Trust to have living history displays and demonstrations. MOTION: Councilmember Massey moved to accept the donation of property at 827 Arsenal Avenue from the Museum of the Cape Fear Historical Complex Foundation.

SECOND: Councilmember Worthy

Councilmember Milligan inquired as to whether the house the City was considering demolishing could be saved, stating that it bothers her that the City continues to demolish history.

Mr. Reid responded the house as listed with HUD had extensive problems that would be cost-prohibitive to renovate and it had also been extensively altered on the inside and outside.

Councilmember Robertson asked City Manager Roger Stancil about the demolition and how did he interpret what the Foundation was asking the City to do. Mr. Stancil replied that his understanding was that the Foundation would give the City the property so the Foundation could do the archeological work and the City would demolish the house.

Councilmember Robertson asked where the funds for the demolition would come from. Mr. Stancil answered that he was unsure because there was no price on the demolition at this time.

Councilmember Robertson stated that if the City decided not to demolish the house, the Foundation probably would not want to relinquish the house.

Mr. Stancil stated that when the City decided to accept the property, they were in fact saying demolish the house, and he did not see the demolition as a major expense.

Councilmember Robertson asked for an estimate on how much the demolition would cost. Mr. Stancil responded he had no idea, but \$3,500.00 would be his guess.

Councilmember Shaw stated that the decision they were making was a very good one in regards to this property becoming a state treasure.

VOTE: UNANIMOUS

3. Consider adopting resolution and approving submission to the North Carolina Department of Transportation regarding the Legend Avenue/Sycamore Dairy Road Extension Project.

Councilmember Kendrick inquired as to where the vote on this subject tonight would put this project. Chief

Planning Officer Jimmy Teal presented this item and responded the vote would place the project on the Transportation Improvement Program, allow Fayetteville to participate, and have the state allow local Division 6 to administer the contract in order to complete the project in a short period of time. He added that if this was approved, the Department of Transportation would draft an agreement that would come back before Council and if Council then passes it, the project would go forward.

MOTION: Councilmember Kendrick moved to adopt the resolution and approve the submission.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REQUESTING PARTICIPATION WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE SYCAMORE DAIRY ROAD/BLANTON ROAD EXTENSION. RESOLUTION NO. R2000-102.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

4. Consider adopting resolution in support of North Carolina Department of Transportation adding additional left turn lanes on Robeson Street onto Martin Luther King, Jr. Freeway and Ramsey Street onto McArthur Road.

MOTION: Councilmember Robertson moved to adopt the resolution.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SUPPORTING THE CONSTRUCTION OF DUAL LEFT TURN LANES ON ROBESON STREET ONTO MARTIN LUTHER KING, JR. FREEWAY AND RAMSEY STREET ONTO MCARTHUR ROAD BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R2000-103.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

5. Consider approval of resolution authorizing lease of portion of Amtrak Station (472 Hay Street) to Subway Real Estate Corporation pursuant to Chapter VIII, Article 7, of the City Charter.

Mr. Ben Brown, Chief Development Officer, presented this item and stated the City had been trying to market the leasing of space in the Amtrak building since the spring of 1999 and received no response. He also stated an informal survey, inquiring about the best use for the property, was done. The response received was a deli-type restaurant.

MOTION: Councilmember Talbot moved to approve the resolution.

SECOND: Councilmember Smith

Councilmember Shaw inquired as to what kind of signs would be used at this business. Mr. Brown responded the signs to be used would be subdued and in compliance with the City's sign ordinance.

Mayor Pro Tem Pitts stated that several people in the Hay Street area signed a petition in opposition to the lease because there was a concern that it would ruin the historical aspect and they felt there had not been enough aggressive marketing to find another use for the space. He also stated that he too had concerns regarding that, but they were now taken care of.

Councilmember Kendrick inquired as to how the City would reclaim the property at the end of the lease. Mr. Brown responded he would offer the franchisee to take out their trademark items and the work would be done like any other place of business and they were not going to be doing anything to disfigure the historic content of the space.

Councilmember Fogleman asked if a five-year contract was standard. Mr. Brown responded that he had spoken with at least four or five other companies similar to this one and five-year increments were standard.

Mayor Pro Tem Pitts asked what had been the problem with leasing this property. Mr. Brown responded that he was really perplexed as to why no one wanted to lease the property but he felt that convincing people and being aggressive had been the most difficult things to do.

Councilmember Robertson asked if the property was listed with MLS or any other commercial property companies that market properties. Mr. Brown responded in the negative.

Councilmember Smith stated she felt the image that Fayetteville presented, although it has not been a true picture, may have been the problem with leasing the property.

VOTE: UNANIMOUS

RESOLUTION AUTHORIZING LEASE OF PORTION OF AMTRAK STATION (472 HAY STREET) TO SUBWAY REAL ESTATE CORPORATION PURSUANT TO CHAPTER VIII, ARTICLE 7, OF THE CITY CHARTER. RESOLUTION NO. R2000-104.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

MOTION: Councilmember Haire moved to reconsider Item 2.E.

SECOND: Councilmember Massey

Councilmember Worthy stated before he voted he wanted to know what were the concerns of Councilmember Haire.

Councilmember Haire stated he knows the recommendations that were in the package and what was going to Raleigh regarding this issue now, but wanted to know if the way the item was worded in this agenda was a back doorway of still trying to get what was stated at the first meeting concerning this issue.

Councilmember Worthy stated that he would not support the motion. He added that the idea was going to the Transportation Committee and he personally had a concern as Councilmember Haire does but the difference was that one was specifically about truck routes versus improvements of highways, therefore they are two totally separate items.

Councilmember Massey stated that he was unsure whether they needed to reconsider the issue or not, but he felt there should be clarification passed on to the Transportation Committee that the Council had already acted on this. He inquired of Councilmember Talbot as to what he expected to accomplish.

Councilmember Talbot stated that the upgrading and the servicing of Murchison Road needed to be looked at because all of the other roads servicing Fayetteville are being upgraded, widened, and leveled. He stated it seemed Murchison Road had been forgotten and this is one way of making sure that Murchison Road was in the play of the game also.

Councilmember Haire withdrew his motion.

6. Consideration of request from Chamber of Commerce to use Council Chamber for Cumberland County Board of Commissioners and Cumberland County School Board candidates forum.

MOTION: Councilmember Kendrick moved to approve the request from the Chamber of Commerce to use the Council Chamber for Cumberland County Board of Commissioners and Cumberland County School Board candidates forum with a charge for staffing requirements.

SECOND: Councilmember Hurst

Councilmember Worthy asked whether this motion included the normal procedure of charging rent.

Councilmember Kendrick asked how charging was normally done. City Manager Roger Stancil responded this issue was before Council because the policy is the Council does not rent this room.

Councilmember Robertson inquired as to why they wanted the forum held in the Council Chamber. Wick Smith responded they did not have enough room in the County Commissioner chamber, which is why this request is being made.

Councilmember Massey commended Mr. Vickers and the Chamber for being so inclusive in this process and inquired as to whether there will be a panel from each institution. Mr. Vickers responded there will be representatives from each panel to solicit questions from the community.

VOTE: UNANIMOUS

MOTION: Councilmember Talbot moved to send Policy 115.7 to the Policy Committee to change the wording to reflect what the Council is actually doing.

SECOND: Councilmember Massey

Councilmember Shaw stated that she was unclear on what the actual issue concerning Councilmember Talbot's motion was, adding that the policy they wanted to reword was relating to multi-purpose rooms, not the Council Chamber.

VOTE: UNANIMOUS

7. Report from Council Development Committee:

A. Discussion of framework of economic development activities in our community and the City's role in that framework.

Councilmember Worthy, Chairman of the Council Development Committee, presented this item. He stated that a discussion was held regarding the framework of economic development including the efforts of the Development Committee, community activities among various outside agencies, and the inward workings of them and what they wanted to do towards keeping Fayetteville in a mode of going forward.

B. Discussion of proposed contracts with the Downtown Development Corporation and the Fayetteville Area Economic Development Corporation.

Councilmember Worthy presented this item and stated that they discussed membership, organization of the organization, diversity of the boards, budget items and signs.

MOTION: Councilmember Milligan moved to approve the contract with the Downtown Development Corporation with the agency receiving three quarterly payments, omitting the \$5,600.00.

SECOND: Councilmember Smith

Councilmember Smith stated she would support Councilmember Milligan's motion, although she voted against it

in the meeting. She added that the City would not be giving the agency any money prior to the date of the contract. She stated she would like for it to be known that they expect the information on the board to be brought up to date completely so they would be sure they would not have the same problems they had with the Fayetteville Partnership.

Councilmember Massey inquired as to whether there are any built-in benchmarks that the City would expect to be arrived at. City Manager Roger Stancil replied that there was a scope of services that covered those expectations.

Councilmember Shaw asked what the problem was with the \$5,600.00.

Mr. Bill Hurley, President of the Downtown Development Corporation of Fayetteville, stated that Mr. Doug Traub had worked briefly for the Downtown Development Corporation and there were some expenses that were incurred with Mr. Traub's services. The Corporation had no funds so Dr. Parfitt paid Mr. Traub out of his pocket, and the \$5,600.00 was requested to pay Dr. Parfitt.

Councilmember Milligan stated that the treasurer of the Downtown Development Corporation acknowledged that if they approved for the three quarters of the year, there would be money available to pay the \$5,600.00 out of the second quarter. She stated there would be no problem with the treasurer writing a check for the \$5,600.00 out of those funds, adding that there was a fear that they would not get this passed at all, that is why she originally made the motion as stated but since then she believed they could do better with the motion by omitting the \$5,600.00.

Councilmember Shaw stated that she was totally in support of the Downtown Development Corporation and she voiced her concern about the City making the decision not to support financial obligations of any sort.

Councilmember Milligan stated that it was her understanding that Dr. Parfitt was told that he would possibly not get the money back. Councilmember Shaw responded she understood that, but that was not the way she felt business should be done.

Councilmember Hurst inquired where the computers were that Fayetteville Partnership left in the Market House. City Manager Roger Stancil stated that they were available.

Councilmember Hurst asked would they need to buy new computers. Mr. Stancil replied that he would not think so.

City Manager Roger Stancil stated that Dr. Parfitt will get paid and the request did not come from the Corporation, it came from Dr. Parfitt and the Corporation was only requesting three quarters with the intentions of reimbursing Dr. Parfitt.

Councilmember Fogleman stated that she thought all of the furniture and equipment from the Fayetteville Partnership belonged to Methodist College.

City Manager Roger Stancil stated that when the Partnership went out of business, the stipulation in that corporation was that everything went to Methodist College. It was his indication that he intended for all of those assets to go to the new corporation if one was formed, but it would be at the direction of Methodist College.

Mayor Pro Tem Pitts inquired as to why a quarter was lost on the contract. City Manager Roger Stancil responded that it was the corporation trying to get organized and set up as an organization that caused the delay.

Councilmember Haire stated that he still had a problem and he is just trying to see what the difference would be from this organization because thus far, he does not see himself as supporting this.

Mr. Hurley replied that the purpose of the Downtown Corporation is to concentrate on economic development of downtown and it will work in conjunction with the City government but the Corporation would be responsible for focusing on the history of downtown Fayetteville.

Councilmember Haire inquired as to whether the things this corporation would be responsible for were at a halt since there is no corporation now. Mr. Hurley stated that he did not think anything had come to a complete halt because they have had momentum coming into this year but they needed to keep the ball rolling.

VOTE: Passed by a vote of 10 in favor to 2 in opposition (Councilmembers Talbot and Haire)

MOTION: Mayor Pro Tem Pitts moved to approve the contract with the Fayetteville Area Economic Development Corporation.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

C. Discussion of priorities for streetscape construction.

Councilmember Worthy presented this item and stated they recommended the City Council set priorities on the remaining portions on streetscape construction.

MOTION: Councilmember Worthy moved the first priority be the first block of Person Street, the second priority be the first block of Gillespie Street, and the third priority be the first block of Green Street.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

MOTION: Councilmember Worthy moved to prune the trees on the first three blocks of Hay Street.

SECOND: Councilmember Smith

Councilmember Fogleman inquired who would be in charge of the pruning. Councilmember Worthy responded that he, City Manager Roger Stancil, and Robert Barefoot walked down Hay Street among the trees and whatever was needed to enhance the trees would be done.

Councilmember Massey asked was the pruning mainly for the purpose of enhancing the safety and lighting of the overall area. Councilmember Worthy responded in the affirmative.

VOTE: UNANIMOUS

D. Discussion of strengthening restrictions for roadside vending and also the ordinance associated with this type of vending.

Councilmember Worthy presented this item and stated they would see what other cities are doing to put more restrictions on roadside vending to make the City more aesthetically pleasing and decided to continue the item until the next meeting.

E. Discussion of second-hand retailers and regulations on businesses that resell goods that have been purchased from individuals.

1. Three-day waiting period before merchant can dispose of the property
2. Law enforcement officers pick up receipt as required by ordinance
3. Merchants will be required to produce receipt to show proof of purchase within 72 hours
4. Non-profit organizations are exempt as defined by IRS.

This item was pulled by City Attorney Robert Cogswell for further research and a report.

8. Report from Policy Committee:

A. Discussion of the assigning of a councilmember to each board and commission to act as liaison.

MOTION: Councilmember Fogleman moved for the Council to decide to assign a councilmember as a liaison to each of the following commissions: Airport, Appearance, Board of Adjustment, Human Relations, Parks and Recreation Advisory, Planning, Senior Citizens Advisory, Joint Storm Water Advisory Board, and Zoning; and terms be limited as committee chairs.

SECOND: Councilmember Shaw

Mayor McBryde asked what the purpose of this was. Councilmember Shaw stated the purpose of it would be helpful from the standpoint of information and there would be a face from the City Council there and it was only on a volunteer basis.

Councilmember Worthy stated that he had enough to do and he would be voting against this motion and everything went back to the Council appointing the appropriate people for the boards and commissions.

Councilmember Massey added that each councilmember was aware of the meetings that were held regarding the different boards and commissions and they could attend if they so choose and they did not want to inhibit the free flow of communication by a councilmember being present. He added he would respectfully vote against the motion.

Councilmember Talbot stated he was confused as to the recommended action and any councilmember can do the volunteering if they choose but the second part of the recommended action needed to be looked at as a separate issue.

Mayor Pro Tem Pitts stated that the action was printed incorrectly and the intent was to be able to spread the terms around so that each councilmember would have an opportunity to serve if they chose.

VOTE: Failed by a vote of 3 in favor (Councilmembers Fogleman, Shaw, and Pitts) to 9 in opposition (Councilmembers Haire, Massey, Smith, Milligan, Hurst, Robertson, Kendrick, Talbot, and Worthy)

B. Discussion of membership requirements for Taxicab Review Board.

MOTION: Councilmember Fogleman moved to require future appointees to live in the City but allow current members to complete their terms.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

C. Other items that may be referred at the September 18, 2000, City Council Meeting:

1. Refer to Council Policy Committee for review and recommendation to the City Council the discussion of the following: (Requested by Councilmember Don Talbot)

"As a consideration of employment with the City of Fayetteville, all city department managers will reside within the city corporate limits. Residence must be established within 90 days of employment."

No action was taken on this item.

2. Report from the Taxicab Review Board.

No action was taken on this item.

9. Consider adopting a resolution in support of higher education bonds to assist North Carolina's community colleges and universities in meeting their facility needs and accommodating their students. (Requested by Councilmember Fogleman)

Councilmember Fogleman presented this item and stated the resolution is in support of the referendum.

MOTION: Councilmember Fogleman moved to adopt the resolution in support of higher education bonds.

SECOND: Councilmember Haire

Councilmember Robertson stated that he did not believe that the City had a dog in the fight and he would be voting against the motion.

Councilmember Massey responded that these bonds are preparing institutions to be adequately built, staffed, and equipped for the twenty-first century and the bonds will give back ten times more than what the City will be paying. He added he would by all means support this motion.

Councilmember Shaw stated that she felt every governing body has a dog in this fight and it would be an educational disaster if this bond was to fail and she would be voting for the motion.

Councilmember Smith stated that she does not have a dog in the fight, but there are citizens here and she is certainly concerned with those citizens. She stated she would be supporting this motion.

Councilmember Talbot inquired as to how passing these bonds would not raise state taxes.

Councilmember Massey made a recommendation that Councilmember Talbot attend a public meeting at Fayetteville Technical Community College and Councilmember Talbot's question could be answered by officials that could explain it in a dollars-and-cents fashion.

Councilmember Worthy thanked Councilmember Fogleman for adding this to the agenda, stating this was worthwhile for them to consider and he would be supporting the motion.

Councilmember Robertson stated that his comments came not to discuss the merits of the bond, but to say that he was not so sure that this was the business of the City of Fayetteville.

VOTE: Passed by a vote of 11 in favor to 1 in opposition (Councilmember Robertson)

RESOLUTION IN SUPPORT OF HIGHER EDUCATION BONDS TO ASSIST NORTH CAROLINA'S COMMUNITY COLLEGES AND UNIVERSITIES IN MEETING THEIR FACILITY NEEDS AND ACCOMODATING THEIR STUDENTS. RESOLUTION NO. R2000-105.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

10. Consider adopting a resolution in support of Clean Elections reform. (Requested by Councilmember Shaw)  
No action was taken on this item.

11. Discussion of Police Department procedures and policies. (Requested by Councilmember Worthy)

City Manager Roger Stancil presented this item. He presented an image survey that was released by the Chamber of Commerce that showed there had been a drop in index crimes in the City of Fayetteville. It also showed that Fayetteville is tied for the lowest crime rate among some of the largest cities in the state. He added that this information is contrary to the perception that some people have of the City of Fayetteville.

Interim Police Chief Phil Cannady made a presentation regarding the policy and procedures of the Police Department. He stated the Fayetteville Police Department has excellent policies and procedures within the department. He cited they have withstood a lot of court tests, procedural challenges, and they had cause for attribution and re-attribution and the policies and procedures are sound and they serve the City of Fayetteville very well.

He said he felt that the policies and procedures were not the problem, but the bigger question was, do people understand what police officers really do on a day-to-day basis. He added that policing has become very legal, technical, and fast paced and a lot of the times the community does not understand the actions that the police officers take, then they question a lot of things the officers do. He stated that there were probably many things that could be done in numerous areas but they do very well with the policies they have in place.

He stated the Police Department has a zero tolerance for excessive use of force and he encouraged citizens to report any issues that may come up. He stated that when those incidents are reported, the Police Department does a thorough investigation of those reports.

Mayor Pro Tem Pitts inquired as to what is being done inside the Fayetteville Police Department to bring up the morale of the ranking file officers. Chief Cannady responded he felt that morale was relative to the individual and it depended upon who you talked to at any given time of day as to whether the morale was high or low. He added that City Manager Roger Stancil has met with the Police Department staff and they have been addressing other policy issues within the Police Department other than pay.

He stated that they have already identified and are working on one main concern of the department, which was their internal disciplinary process. He also stated that he felt once they dealt with the issue in terms of dealing with

disciplinary processes within the department, they can deal with the morale issues.

Councilmember Haire commended the Police force, adding that he has received a lot of good reports from the Bonnie Doone area. He then inquired how the Police force was learning from some of the arrests that do not have positive outcomes. He cited the wrongful arrest of someone due to mechanical error. Chief Cannady responded that when you depend on machines, other resources and other entities, it is difficult not to make mistakes. He added that whenever something breaks, a review is done to discover what caused the failure and what can be done to make it right, even if that means looking at the individual officer.

Councilmember Haire asked what were some of the things that were done to make things right in situations where citizens had been wronged. Chief Cannady stated that it would be difficult to answer that question unless there was some specific incident that was being referred to.

Councilmember Massey commented that he was very impressed with the quality of service by the Fayetteville Police Department. Councilmember Massey then asked for the demographics of the study that was previously presented by Mr. Stancil. Councilmember Massey asked that Chief Cannady bring back information regarding how many complaints over the last 24 months have been filed with the Fayetteville Police Department regarding excessive use of force. He also asked how those cases have been dealt with from the standpoint of existing policies and procedures, and what was done in cases where people were found innocent or whatever the case might be. He also asked for the racial breakdown of each of those complaints, adding he wanted to know if any certain community had an abundance of complaints and how the zero tolerance for excessive use of force was being implemented. Chief Cannady responded that there would not be any problem getting him that information.

Councilmember Worthy inquired as to how the Police force monitors its officers to see if they are doing what they are supposed to be doing. Chief Cannady responded that they depend a lot on feedback from the community and they have a quality supervisory review and the supervisors are very much in tune with what the officers are supposed to do. If they see a problem that needs correction, they have a process they use to correct the officer.

Councilmember Worthy asked what was the purpose of the Office of Professional Standards. Chief Cannady responded that it maintains a certain degree of oversight over various operations in the department. He added that they do internal investigations on more serious matters and process the other inspections.

Councilmember Worthy asked if police officers were the individuals who made up the Office of Professional Standards. Chief Cannady responded in the affirmative.

Councilmember Worthy then stated that in essence, what the Police Department has is police officers checking police officers. Chief Cannady responded in the affirmative.

Councilmember Worthy stated that there should be an outside agency to come in and evaluate. He then asked what level of errors was expected to be made by new police officers. Chief Cannady responded that they are reviewed on a daily basis and a 6-month and 12-month probationary evaluation is given and at that time, if the officer is not performing at the correct level, the necessary steps are taken to handle that.

Mayor Pro Tem Pitts asked that Chief Cannady obtain definite information within a reasonable period of time on what he plans to do regarding the morale problem of the Fayetteville Police Department. Chief Cannady responded that was a reasonable request and he would get that information to the Council. He added that morale was not bad in the department and they are aware of things they can do to make it better and have begun to do it.

Councilmember Kendrick inquired as to whether the Police Department has a staff psychologist. Chief Cannady responded that they did not. Councilmember Smith stated that she did have concerns but they had been addressed tonight.

MOTION: Councilmember Robertson moved to excuse Councilmember Haire.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

12. APPOINTMENTS: Council stressed the need for uniformity in reporting attendance issue for department liaisons and City Clerk

A. Historic Resources Commission- 5 vacancies.

Councilmember Robertson nominated Mr. C. John Malzone for Category 3, realtor, developer, contractor; Mr. David Jake Gutierrez for Category 4, building designer or land use design professional; Mr. Bruce A. Arnold for Category 5, historic district property owner, and Ms. Susan Shereff and Mr. Lanny H. Clark for Category 6, at-large.

B. Parks and Recreation Advisory Commission - 3 vacancies.

Councilmember Kendrick nominated Mrs. Ann Griffin Spiesberger.

Councilmember Talbot nominated Mr. Rodney Wayne Sherrill.

Mayor Pro Tem Pitts nominated Mr. Bobby Hill.

Councilmember Milligan nominated Ms. Marcia A. Covell.

Councilmember Massey nominated Mr. John Smith.

C. Planning Commission - 1 vacancy.

Councilmember Smith nominated Charles Evan.

D. Zoning Commission - 1 vacancy.

No nominations were made.

E. Board of Adjustment - 1 vacancy.

Councilmember Robertson nominated Mr. Tom Keith.

F. Appearance Commission - 2 vacancies for terms expiring Dec. 2000.

No nominations were made.

G. Fair Housing Board - 1 vacancy.

No nominations were made.

H. Closed session for personnel matters requested by City Manager.

MOTION: Councilmember Fogleman moved to go into closed session to discuss personnel matters.

SECOND: Councilmember Massey

VOTE: UNANIMOUS (Councilmember Haire excused)

The closed session began at 9:37 p.m. The regular session resumed at 10:41 p.m.

### 13. ADMINISTRATIVE REPORTS

A. Report on City position vacancies.

City Manager Roger Stancil reported that they were working on the departments who have the highest turnover rates to see what they could do to retain employees.

B. Update on riverfront development project.

City Manager Roger Stancil stated that the committee is negotiating a contract with Hammer, Siler, George, Associates to do the Riverfront Development Feasibility project.

C. Report on implementation of a Ride Share Program for the City of Fayetteville.

D. Report on request for lights on Martin Luther King Freeway.

City Manager Roger Stancil presented this item, stating it had been brought to his attention by Councilmember Smith that Martin Luther King Freeway was unsafe because it was not lit with street lights. Mr. Stancil suggested that six to eight blue lights be placed at strategic locations that come on at regular intervals along Ramsey Street and Robeson Street and the cost for installation be split with PWC. Mr. Stancil added they would proceed with this unless Council had any problems with doing so.

E. Information on signing for hearing impaired at City Council meetings.

MOTION: Councilmember Smith moved to refer this item to the Policy Committee for a recommendation to receive back as soon as possible.

SECOND: Councilmember Worthy

Councilmember Kendrick stated his concern regarding this was being a very complicated and costly issue, adding that he personally had been contacted regarding this issue and instead of focusing on one group, other groups needed to be included if they decided to go forward with this.

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Fogleman) (Councilmember Haire excused)

F. Update on process for selection of Police Chief.

City Manager Roger Stancil presented this item. He stated that he met with representatives from the Police Executive Research Forum to plan this process and they would be back in town on October 23-25, which would be a major opportunity for input from the community. He suggested that they meet with the Council first to ask what type of characteristics and skills were being sought for a new Police Chief. He stated there would be three community forums, the opening of the Police Department for citizens to come and ask questions, and sending letters to various organizations to ask their opinion. He added the plan was to put out a survey to all citizens.

He added they would be recruiting for a new Police Chief nationwide with a deadline of January 2001. Staff would then develop a process for the community to be involved in the assessments of the final candidates and be given the opportunity to make final comments and recommendations to the City Manager for the final selection. Mr. Stancil stated his goal was to have a new Police Chief hired by February 2001.

G. Visions training proposal for City Council from Angela Bryant.

City Manager Roger Stancil presented this item and stated he wanted to share Council's thoughts on the proposal with Ms. Bryant.

Councilmember Talbot expressed his concern about the cost of this training. Councilmember Milligan also expressed her concern regarding the cost.

Councilmember Talbot inquired as to why in-house trainers could not be used at a lesser cost. Councilmember Worthy stated he felt this was worth the cost if this would help Council better themselves.

Mayor Pro Tem Pitts stated he felt this training was a good idea.

**INFORMATION ITEMS:**

1. Report on tax refunds less than \$100.

Name	Year	Basis	City Refund
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Umerah, Amaka	1999	Corrected Assessment	\$23.74
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Thompson, Gerald	1999	Corrected Assessment	2.55
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Smith, Pamela Charlene	1998-1999	Corrected Tax District	94.61
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Rammouni, Ali	2000	Corrected Assessment	3.98
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Paul Harris Stores, Inc.	1999	Corrected Assessment	77.79
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Jenkins, William Jean	1999	Military Non-resident	32.91
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Hern, Michael and Amber	1999	Military Non-resident	24.04
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Gomes, Anthony M.	1999	Military Non-resident	25.93
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Fritz, Johnathan Earl	1999	Military Non-resident	41.01
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Farrell, John Fores	1999	Military Non-resident	40.29
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Cunnington, Neal a. & Robin	1997 & 1998	Military Non-resident	74.16
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Carroll, Ronald James &	1999	Military Non-resident	39.18
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Mashona Rockelle

Berg, Carey David	1999	Clerical Error	12.70
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Barnard, Kenneth & Pamela	1997	Corrected Assessment	12.89
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Acquiport-Amsdell II, LP	1999	Corrected Assessment	91.88
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Total			\$597.66
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2. Notes from the LRC Study Committee on the impact of military bases in NC.
3. Copy of letter from Mayor to NCDOT regarding the removal of Murchison Road from the primary route state road network.
4. Information from Garrison Commander on upcoming commercial activities study results.
5. Police Department - report from the Office of Professional Standards for the month of August 2000.

MOTION: Councilmember Robertson moved to adjourn.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Haire excused)

The meeting was adjourned at 11:00 p.m.

**REGULAR MEETING**

OCTOBER 23, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

OCTOBER 23, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (at-large); Bobby Hurst (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Anne D. Fogleman (at-large) (excused)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Jimmy Teal, Chief Planning Officer

Pete Piner, Chief Operating Officer - Fire

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Lisa Smith, Chief Financial Officer

Jerome Brown, Transit Director

Philip Cannady, Interim Police Chief

Vera Bell, Chief Operating Officer - Solid Waste  
Frank Simpson, Inspections Director  
Victor Sharpe, Planning Services Manager  
Ben Brown, Chief Development Officer  
Mike McNair, Community Development and Housing Manager  
Nicole Wright, Deputy City Clerk  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
James Rose, PWC  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Kendrick followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

#### RECOGNITION

Mayor McBryde made a presentation to Miss Leslie Nicole Harris, Miss Fayetteville 2001.

A second presentation was made to the City of Princeville by Councilmember Haire on behalf of the nonprofit organization Love Thy Neighbor Foundation.

Mayor McBryde announced the character education concept for October 2000 is responsibility.

MOTION: Councilmember Shaw moved to excuse Councilmember Fogleman from the meeting.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmember Fogleman excused)

#### 1. APPROVAL OF AGENDA

City Manager Roger Stancil requested to add Item 2.K, set a special City Council meeting for Monday, October 30, 2000, at 7:00 p.m., to discuss power proposals submitted by PWC, and Item 4.B, update on the River Development Feasibility Study.

MOTION: Councilmember Kendrick moved to approve the agenda with the additions of Items 2.K and 4.B.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmember Fogleman excused)

MOTION: Councilmember Robertson requested to add Item 10.B, metro policing in Fayetteville and Cumberland County.

SECOND: Councilmember Worthy

VOTE: Failed by a vote of 8 in favor to 3 in opposition (Councilmember Shaw, Hurst, and Milligan). A three-fourths vote required to pass. (Councilmember Fogleman excused)

#### 2. PUBLIC FORUM

At 7:29 p.m. Mayor McBryde announced the public forum had begun.

The following people appeared at the public forum:

Mr. Bill Logan, 6548 Ryefield Drive, Fayetteville, NC, spoke regarding speeding problems and the need for speed bumps in his neighborhood.

Mr. Eronomy Muhammed, 1207 Murchison Road, Fayetteville, NC, spoke regarding the growth of the City of Fayetteville.

Ms. Joyce Malone, 516 Spaulding Street, Fayetteville, NC, spoke regarding crimes and houses on Jasper Street.

Mr. Clinton Harris, 4713 Watauga Road, Fayetteville, NC, spoke regarding pollution in the City of Fayetteville.

There being no one else present, the public forum ended at 7:53 p.m.

#### 2. CONSENT:

Mayor McBryde presented the consent agenda.

MOTION: Councilmember Robertson moved to approve the consent agenda.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Fogleman excused)

The following items were approved:

A. Approve amendment to existing Engineering Task Orders for construction administration for AIP 23:

Task Order 7: Runway Safety Area Improvements

Task Order 10: General Aviation Ramp Rehabilitation

B. Adopt Capital Project Ordinance Amendment 2001-2 (Public Improvement Bonds, Series 2000 - Lafayette Village Annexation)

On June 19, 2000, City Council adopted a project ordinance to establish a partial budget of \$1,400,000.00 for the infrastructure improvements in the Lafayette Village area. This action was necessary to cover expenditures that may occur prior to the issuance of general obligation bonds in September 2000. On September 12, 2000, the City sold bonds of \$3,610,000.00 for this project. Capital Project Ordinance Amendment 2001-2 will increase the current budget by \$2,210,000.00 to reflect the total bond proceeds for the annexation infrastructure project.

C. Adopt Capital Project Ordinance 2001-2 (Street Improvement Bonds, Series 2000)

On September 12, 2000, the City also sold \$2,400,000.00 of street improvement general obligation bonds. This bond issue represents the final sale of the bonds authorized in 1994. Capital Project Ordinance 2001-2 is necessary to establish the project budget for the bond proceeds.

D. Adopt Reimbursement Resolution of the City Council of Fayetteville, NC, declaring the intention of Fayetteville to reimburse itself from capital lease proceeds for certain expenditures made or to be made in connection with the acquisition of police, fire, general replacement and annexation vehicles and equipment.

At their September 25 meeting, City Council instructed staff to proceed with the Phase 4A annexation plan. The annexation plan presented to City Council included the acquisition of various vehicles (\$292,306.00) with capital lease proceeds.

In addition, City Council approved the acquisition of police replacement vehicles (\$900,000.00), a hazardous materials vehicle (\$210,000.00), and a fire ladder truck (\$500,000.00) in the Fiscal Year 2001 General Fund Budget. As reflected in the budget ordinance, the source of funds for these vehicles is capital lease proceeds. Due to the accident in March 2000 involving one of the City's fire trucks, the Fire staff has recommended using the \$500,000.00 ladder truck appropriation to replace this vehicle. The estimated replacement cost of this fire truck will require additional capital lease proceeds of \$50,000.00.

The City expects to issue a request for proposals to finance the vehicles in late November. The total amount to be financed for these vehicles is projected to not exceed \$1,952,306.00. The attached reimbursement resolution will permit the City to temporarily use City funds to pay for the vehicles and then reimburse itself from the capital lease proceeds.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DECLARING THE INTENTION OF SAID CITY TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE ACQUISITION OF PUBLIC SAFETY, ANNEXATION AND GENERAL REPLACEMENT VEHICLES AND EQUIPMENT. RESOLUTION NO. R2000-106.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

E. Adopt resolution approving the application for The Governor's Highway Safety Program Year-Two Grant for the Strict and Fair Enforcement Program to assist with increased vehicle congestion problems.

The first-year Safe Grant was approved by City Council on March 20, 2000, and expired September 30, 2000. The second-year grant will be used to purchase five mobile data computers, a mapping system, and printer and obtain training for the Strict and Fair Enforcement Program. The grant application requests federal funds of \$27,550.00 and commits \$24,850.00 of local matching funds. The local match is included in the FY2001 Police budget. The attached resolution authorizes the City Manager to file the application on behalf of the City of Fayetteville and formally commits the City's local match for this project.

**LOCAL GOVERNMENTAL RESOLUTION. RESOLUTION NO. R2000-107.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

F. P00-38F. Approve the initial zoning to R10 Residential District or to a more restrictive zoning classification for an area located at 3934 Sarasota Court. Containing .826 acres more or less and being the property of the Dee J. Banta Living Trust as evidenced by map and legal description furnished by the City of Fayetteville, and being scheduled to be annexed by the City of Fayetteville, effective September 18, 2000

G. Approve sale of City Owned Lot on North Street.

H. Approve Lease Agreement with Advantage Marketing/Timothy O. Dellinger for 1685 rentable square feet, more or less, of office space on the fourth floor of the Robert C. Williams Business Center at Lafayette Plaza. (PWC)

I. Approve Water and/or Sanitary Sewer Annexation Agreement with Bill Properties for utility service to property to Kamenbury Subdivision on Andrews Road, identified as Cumberland County PIN #0521-70-3865, #0521-70-8828, #0521-71-7053 and #0521-70-7475. (PWC)

J. Approve Water and/or Sanitary Sewer Annexation Agreement with March F. Riddle for utility service to Stonegate Development on Andrews Road, identified as Cumberland County PIN #0531-43-2483 and PIN #0531-53-9085. (PWC)

K. Set a special City Council meeting for Monday, October 30, 2000, at 7 p.m. to discuss power proposals

submitted by PWC.

### 3. PUBLIC HEARINGS:

A. Consider extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation area, I.C. Smith property (Located on the south of Owen Drive and west of U.S. Highway 301).

Mr. Jimmy Teal, Chief Planning Officer, presented this item and stated that this property was currently zoned C-1-P and the proposed use for this site was a retail center. He also stated the applicant applied for annexation in order to receive water and sewer service from PWC.

This is the advertised public hearing set for this date and time. There was no one signed up to speak and the public hearing opened and closed at 8:08 p.m.

MOTION: Councilmember Talbot moved to adopt the ordinance.

SECOND: Mayor Pro Tem Pitts

VOTE: UNANIMOUS (Councilmember Fogleman excused)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. I.C. SMITH PROPERTY (LOCATED ON THE SOUTH SIDE OF OWEN DRIVE AND WEST OF US HWY 301). ANNEXATION ORDINANCE NO. 00-10-448.

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Ordinance Book 2000.

4. Consider authorizing City Manager to negotiate and execute contract for Riverfront Development Feasibility Study.

City Manager Roger Stancil presented this item and stated that Hammer, Siler, George Associates was recommended to conduct the Riverfront Development Feasibility Study. He added the fee for the study was \$124,830.00, and recommended the City pay for this study with the funds remaining from those appropriated to fund Robert Marvin's contract.

MOTION: Mayor Pro Tem Pitts moved to authorize the City Manager to negotiate and execute the contract for the Riverfront Feasibility Development Study.

SECOND: Councilmember Smith

Councilmember Talbot inquired as to whether there were any local groups such as the Rose Group chosen. Mr. Stancil responded that Hammer, Siler, George Associates seemed best fitted for the job because they had the kind of expertise the City was looking for in regard to what kind of development is feasible along the river.

Councilmember Shaw asked was the river development included in the Vision Plan. City Manager Roger Stancil stated that the Vision Plan did include talk about the marina and future development along the river and this was one more step toward that part of the Vision Plan.

Councilmember Shaw stated for clarity purposes the River Development as such was not one of the three components of the Vision Plan, it was part of a larger dream, and she felt that it was important to be technically accurate on that issue.

Mr. Stancil responded River Development was not defined as a phase, it was a part of the Vision. He also recommended a design team from NCSU to update the Vision Plan, allowing the City to review all priorities over the next 20 years.

VOTE: UNANIMOUS (Councilmember Fogleman excused)

B. Update on the River Development Feasibility Study

Mr. Don Freeman, Cape Fear River Assembly, presented this item and made a presentation regarding the Cape Fear River. He stated that the Cape Fear River was very important for many reasons, including the fact that people cannot do without water, the need for water-borne transportation and wastewater stimulation. He stated the mission of the Cape Fear River Assembly is to provide the highest quality of life possible for the residents of the Cape Fear River base through proper management of the river. Mr. Freeman added that there really is a need for an aquarium type project in this vicinity and this is the most natural place for such a facility to be located based upon a number of factors such as location and the City's commitment to redevelopment of the river area.

Councilmember Talbot stated he felt this was a wonderful idea and he inquired about funding for this project. Mr. Freeman replied he thought they were at the stage of establishing what the funding options may be and if enough individuals were interested, where there was a will, there was a way.

Councilmember Massey stated he felt this was a good idea and there were a lot of resources available for funding in this community.

Councilmember Shaw stated she felt there is a real interest in the community for this project.

Mayor Pro Tem Pitts stated that bringing the idea of having a fresh water aquarium in Fayetteville before Council tonight was just to get the idea out and to start with getting the local support for this project, adding that it will take

collaborative efforts of everyone to help this project go forward.

5. Consider a resolution stating the intent of the City of Fayetteville, NC, to consider annexation of the area described herein and fixing the date of public hearing on the question of annexation (Area 4A, Tiffany Pines, Warrenwood, Rollingwood, and Pleasant Acres).

Mr. Jimmy Teal, Chief Planning Officer, presented this item and stated that this was the first step in the process and the next step, would be the annexation report to be given on November 6, 2000.

Councilmember Milligan inquired as to why the City was looking at Tiffany Pines, which already has water and sewer, instead of other areas in the City that are in desperate need of water and sewer. Mr. Teal stated that Tiffany Pines does have water and sewer but the areas to be annexed do not. The City is trying to close a donut hole because some areas have water and sewer and some do not.

Councilmember Milligan inquired as to the percentage of septic failures in the Pleasant Acres/Warrenwood area. Mr. Teal responded he did not have an exact number, but it would be close in comparison to the area south of Lafayette Village.

Councilmember Milligan inquired about the other donut holes in the north side areas that are still there and have been there for many years. Mr. Teal stated that the Planning Commission would begin looking at the rest of Phase 4, and Phases 5, 6, and 7. They are also working with PWC to see what work they could accomplish in two years in that area.

MOTION: Councilmember Worthy moved to accept the resolution.

SECOND: Councilmember Haire

VOTE: Passed by a vote of 10 in favor to 1 in opposition (Councilmember Robertson) (Councilmember Fogleman excused)

**A RESOLUTION STATING THE INTENT OF THE CITY OF FAYETTEVILLE, NC, TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF A PUBLIC INFORMATION MEETING AND A PUBLIC HEARING ON THE QUESTION OF ANNEXATION. RESOLUTION NO. R2000-108.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

6. Presentation of update on City Council Goals.

City Manager Roger Stancil presented this item. He stated that the Council has set goals and requested an update in six months to see how much they had accomplished. Mr. Stancil reviewed the goals and what the City had done to meet those goals.

A. Set 6-month retreat.

It was the consensus of the Council to wait until January 2001 to have their retreat.

B. Appoint committee to review process for evaluating Manager and Attorney.

Councilmembers Shaw, Massey, and Hurst volunteered to serve on this committee. Mayor McBryde stated that one more person would be needed to form the committee.

7. Updates on City-County Joint Meeting. (Requested by Mayor Pro Tem Pitts)

Mayor Pro Tem Pitts presented this item. He clarified the wording on this item, stating that his intent was to have a sit-down discussion or meeting with the County Commissioners to discuss things that the City and County could do jointly, among other things. He added that possibly some consultants could attend the meeting to help add to the discussions.

MOTION: Mayor Pro Tem Pitts moved to find a time after the first of the year to have a meeting with the Commissioners.

SECOND: Councilmember Haire

VOTE: UNANIMOUS (Councilmember Fogleman excused)

8. Discussion and vote to create a general appeals board so that the citizens of Fayetteville will have an avenue to appeal any policy or ordinance item brought against them. (Requested by Councilmember Haire)

Councilmember Haire presented this item. He stated he wanted to restate the item to read as follows: Discussion and vote to create a general appeals board so that the citizens of Fayetteville will have an avenue to appeal any liens or fines personally brought against them. This policy should not have any impact on the duties of the Personnel Review Board or the Board of Adjustments.

MOTION: Councilmember Haire moved to send to staff to come back within 90 days to develop a general appeals board so that the citizens of Fayetteville will have an avenue to appeal any liens or fines personally brought against them and this policy should not have any impact on the duties of the Personnel Review Board or the Board of Adjustments.

Councilmember Robertson inquired as to whether the Board of Adjustments could handle the duties of this

proposed board. City Attorney Robert Cogswell responded the Board of Adjustments hears any appeal of any order or direction given by the Inspections Director, including planning and zoning, adding that what he needed to do was make a draft of all the items that citizens can be penalized for and develop a board where those items can be appealed.

Councilmember Robertson inquired as to whether a lot cleaning or something of that nature could be appealed to the Board of Adjustments. Mr. Cogswell responded in the negative.

Councilmember Robertson asked what the appeals process currently was for someone who had been fined for a lot cleaning. Mr. Cogswell responded the court process.

Councilmember Robertson inquired as to how many cases the City had taken to court in a year. Mr. Cogswell responded that not that many had been taken to court.

Councilmember Kendrick inquired as to whether the courts could overrule the City's decision. Mr. Cogswell responded in the affirmative.

Councilmember Smith stated that a simple answer to Councilmember Robertson's question was no, the citizens do not have an appeal process before the City takes action in court and the people who are fined really big fines are not able to go to court.

Councilmember Milligan stated there is a process that the City follows and that is a City ordinance in the City Code Book. She added that the citizens are notified and they should do something about it at that time and looking at the figures, it would indicate that the City's system is working.

Councilmember Worthy responded the problem with the process was that staff was doing everything and making the final decision and the citizens do not have anyone else to grieve to.

Councilmember Haire stated the only thing he was requesting was that the citizens have an opportunity to come forward and appeal what has been brought against them instead of the final decision being left up to that particular department head.

Mayor Pro Tem Pitts asked for clarity on the number of cases and the time period when these went to court. City Attorney Robert Cogswell responded that he could not give a definite number, but during the time that he did not have an Assistant City Attorney, he was responsible for ordinance cases, and he had not taken a whole lot to court.

Mayor Pro Tem Pitts asked for more concrete figures and numbers of the cases that actually do go to court. He also stated that he can see both sides of this issue and he knows that some citizens do not trust the City officials and he sees nothing wrong with having something that will neutralize the situation by having an uninterested party come in, so it can be worked out so that court action is not necessary. He stated that he also understands that all of the situations cannot be worked out and some will have to go to court.

City Attorney Robert Cogswell stated that if the citizens made some contact with the City, the City does its best to work it out with the citizens and that the ones that ultimately go to court are the ones that do not respond at all.

Councilmember Massey inquired as to whether citizens have an appeals process within the framework of the City government that would not require external court action. Mr. Cogswell responded that if it is a derelict vehicle or lot cleaning, the answer is no; if it is a house that needs demolition or repair, there is an appeals hearing before the Inspections Director. If the Inspections Director rules against the property owner, the City Council has to adopt an ordinance for that house to be torn down.

SECOND: Councilmember Worthy

VOTE: Passed by a vote of 7 in favor (Councilmember Haire, Massey, Pitts, Smith, Robertson, Worthy, and Talbot) to 4 in opposition (Councilmembers Shaw, Kendrick, Hurst, and Milligan) (Councilmember Fogleman excused)

9. Discussion of costs of printing City Council agenda. (Requested by Councilmember Smith during the October 2, 2000, City Council meeting)

Councilmember Smith presented this item and stated the cost to the City to publish the agenda in the Fayetteville Observer as set out below. She also added the County has a public service page in the newspaper for their agendas and announcements.

The cost of Reproducing this Agenda Packet in the City Print Shop was \$112.86.

The Average Cost of Printing Each Agenda in the Fayetteville Observer is \$1353.00 ranging from \$732.00 to \$1,619.00.

MOTION: Councilmember Smith moved to stop publishing the agenda in the Fayetteville Observer and to use the public service page.

SECOND: Councilmember Milligan

Councilmember Robertson requested the staff explore other avenues of less costly advertising.

VOTE: UNANIMOUS (Councilmember Fogleman excused)

10. Consider adopting a resolution in support of Clean Elections reform. (Requested by Councilmember Shaw)

Councilmember Shaw presented this item. She stated this resolution had been signed and proclaimed by other councils and boards and commissions in the state, and she simply wanted to bring it to this Council.

MOTION: Councilmember Shaw moved to adopt the resolution.

SECOND: Councilmember Milligan

Councilmember Hurst stated he would be voting against this resolution because he felt this was smoke and mirrors. He stated that the Clean Elections program was a welfare program for politicians. It would raise taxes. Councilmember Hurst stated in his opinion, the government was being too intrusive in the role of campaigns and it was unfair in that it did not reward initiative and hard work for the candidate trying to solicit funds. He stated he felt it does restrict freedom of speech, adding that the courts have ruled that giving money is a form of free speech.

Councilmember Hurst agreed that there does need to be some campaign reform but current state and federal boards of elections provide enough restrictions on how much you cannot give and to whom you can give. He stated North Carolina enforced this and there was no need for this campaign reform at the taxpayer expense.

VOTE: Failed by a vote of 4 in favor (Councilmembers Shaw, Milligan, Pitts, and Smith) to 7 in opposition (Councilmembers Haire, Hurst, Worthy, Massey, Kendrick, Talbot, and Robertson) (Councilmember Fogleman excused).

#### 11. APPOINTMENTS:

##### A. HISTORIC RESOURCES COMMISSION - 5 vacancies - 5 nominations made

Councilmember Shaw nominated Mr. Gordon Gilbert.

##### B. PARKS AND RECREATION ADVISORY COMMISSION - 3 vacancies - 5 nominations made

Councilmember Talbot removed Mr. Rodney Wayne Sherrill from the nominations.

##### C. PLANNING COMMISSION - 1 vacancy - 1 nomination made

Councilmember Smith withdrew Mr. Charles Evans and nominated Mr. Fred Farmer.

Councilmember Shaw nominated Mr. Brian Collis.

##### D. ZONING COMMISSION - 1 vacancy - 1 nomination needed - Term expires December 2001

Councilmember Smith nominated Mr. Charles Evans.

##### E. BOARD OF ADJUSTMENT - 1 alternate vacancy - 1 nomination made - Term expires August 2003

Councilmember Talbot nominated Mr. Rodney Sherrill.

##### F. APPEARANCE COMMISSION - 2 vacancies - 2 nominations needed - Terms expire December 2000

Councilmember Shaw nominated Mr. Brad Swarts for the fill-in engineering vacancy.

Councilmember Talbot nominated Ms. Ann Adams for the at-large position.

#### 12. ADMINISTRATIVE REPORTS

##### A. Update on Human Relations Director search.

City Manager Roger Stancil presented this item. He stated that the City was currently advertising for this position and once the applications were in, an assessment process would be started and he intended to involve the Commission and the community in that process.

Mayor Pro Tem Pitts asked if he had any deadlines for this position. Mr. Stancil responded the search was nationwide and they would close the application somewhere within the next 60 days.

#### 13. Closed Session to discuss litigation.

MOTION: Councilmember Smith moved to go into closed session to discuss litigation in the Williams vs. City of Fayetteville and Reaves vs. City of Fayetteville cases.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Councilmember Fogleman excused)

The closed session began at 10:24 p.m. The regular session resumed at 11:05 p.m.

MOTION: Councilmember Talbot moved to adjourn.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Councilmember Fogleman excused)

The meeting was adjourned at 11:08 p.m.

#### SPECIAL MEETING

OCTOBER 30, 2000

FAYETTEVILLE CITY COUNCIL

SPECIAL MEETING

CITY HALL COUNCIL CHAMBER

OCTOBER 30, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (At-Large); Bobby Hurst (At-Large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Anne D. Fogleman (At-Large) (Excused)

Others Present: Roger L. Stancil, City Manager  
Robert C. Cogswell, Jr., City Attorney  
Ben Brown, Chief Development Officer  
Kai Nelson, Director of Business Services  
Lisa Smith, Chief Financial Officer  
Steve Blanchard, PWC, General Manager  
Mick Noland, PWC, Chief Operations Officer of Water Resources  
Joe Boyd, Information Systems Director  
Nicole Wright, Deputy City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

#### INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Sandy Saunders, Snyder Memorial Baptist Church, followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor McBryde announced the character education concept for October is responsibility.

MOTION: Councilmember Worthy moved to excuse Councilmember Fogleman.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmember Fogleman excused)

#### 1. APPROVAL OF AGENDA

MOTION: Councilmember Robertson moved to approve the agenda.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmember Fogleman excused)

#### 2. Set dates, times, and location for City Council Retreat in January 2001.

City Manager Roger Stancil presented this item.

MOTION: Councilmember Kendrick moved to set the City Council Retreat for January 26 and 27, 2001, at the Fayetteville Regional Airport.

SECOND: Councilmember Haire

VOTE: UNANIMOUS (Councilmember Fogleman excused)

#### 3. Appoint committee to review process for evaluating Manager and Attorney. (Volunteers: Councilmembers Shaw, Massey, and Hurst).

Councilmembers Shaw, Massey, Hurst and Worthy were appointed to the Committee to review the process for evaluating the City Manager and City Attorney.

#### 4. Discussion of power supply options.

Mr. Roger Stancil, City Manager, and Mr. Steve Blanchard, PWC General Manager, presented a review of the electric deregulation study results and options.

Mr. Blanchard presented the following recommendations and conclusions:

1. Generation business unit operating costs should be reduced which resulted in the issuance of an RFP.
2. Aggressive Market Entry and Base Case planning options provide strongest financial results.
3. It may be in PWC's and City's best interest to not sell generation plant in any year during planning period 1999-2009.
4. The Butler Warner plant has significant value as a capacity source.
5. Quick decision making will be required by PWC and City staff.

Mr. Blanchard explained the current power supply contract was with CP&L and had been executed in July 1994 for ten years with an option to renew for five additional years. PWC provided notice in 1999 that it would not extend the contract beyond 2004 and initiated an RFP process for power supply resources from the year 2004 to 2009.

The top three proposals were received from SCANA, American Electric Power, and Carolina Power and Light.

Mr. Blanchard reviewed the bidders' statistics and presented an individual evaluation of the proposals to include the benefits and risks of all three top bidders.

City Manager Roger Stancil informed the Council that the question that has to be answered was "is the City

Council willing to issue revenue bonds to finance an estimated construction cost of \$185 million representing its undivided ownership share of 60 percent in a 500 MW combined cycle generation plant, which would be fueled by the extension of a new 16 inch high pressure interstate gas transmission pipeline to Fayetteville".

A discussion was held with Council inquiring about the bidding process which had been used by PWC in 1999, the bond issuance procedure, the total number of bids received, the bid calculation process, the setting of rates, and the approval that would be required for future rate changes.

Mayor McBryde introduced Mr. Barry Gibbes, President, South Carolina Pipeline Corporation. Mr. Gibbes presented SCANA's Controlling our Destiny Program.

Mr. Gibbes reviewed the background of the company and the company's values. He presented the following proposal:

1. PWC and SCANA jointly develop a 500 mega-watt state-of-the-art generation facility.
2. PWC would own 60 percent, SCANA would own 40 percent.
3. PWC would own 300 mega watts, SCANA would own 200 mega watts.
4. PWC would operate and maintain the plant with its employees.
5. The plant site at Butler Warner would use existing support infrastructure.
6. SCANA has already purchased the two gas turbines.
7. SCANA has a guaranteed fixed price contract for building the facility, removing the risk of cost overrun.
8. Generation facility cost is about \$265 million, of which SCANA would pay 40 percent and PWC would pay 60 percent.
9. City debt requirement would be about \$185 million, roughly the amount the City now pays for power every two years.
10. The plant would be connected to, dispatched by, and supported by the entire SCE&G 4,300 mega-watt system.
11. SCANA Energy Marketing would sell unneeded power off-system to produce revenue for PWC and could buy power for PWC when market price was below cost to generate.
12. Plant would be fueled by the clean fuel of choice for the future - natural gas.
13. SCANA, at its cost, would build The Carolinas Pipeline from its existing SCPC system in South Carolina to Fayetteville and become an interstate pipeline.
14. Pipeline alone would be an investment of \$90 million by SCANA in Fayetteville and eastern North Carolina.
15. High pressure gas pipeline would make Fayetteville and eastern North Carolina the only part of North Carolina connected to gas supplies from both Transco and Southern Natural Gas resulting in a competitive advantage.
16. There would be vast US reserves of gas (55 to 75 years by EIA, NPC, and GRI estimates), and the 5-year price trend would be downward.

Mr. Gibbes stated a gas pipeline would equal growth in Fayetteville and eastern North Carolina. He also stated a partnership with SCANA would mean experience in public/private partnerships, experience in energy management, support for education and community projects, economic development incentives and experience of producing low costs, reliable energy, and award-winning customer services.

A discussion was held regarding how the management of the partnership would be set up, the method of SCANA's marketing of excess power, the competitive sell of energy, the question of whether the City should be in the generating business and the buyout provisions of the proposed contracts.

Mr. Tom Kilgore made the presentation for CP&L. Mr. Kilgore stated that CP&L had provided electrical service to PWC for over 30 years. He reviewed the history of his corporation noting their merger with North Carolina Natural Gas in July of 1999.

Mr. Kilgore stated the advantage of contracting with CP&L for the gas pipeline would be that it would be a quicker, bigger, and cheaper pipeline; there would be no impact on residential rates; it would be less volatile and would reduce the deregulation exposure. He also stated that CP&L used a combination of power sources to include coal, gas, and nuclear power because it was more economical and it eliminated dependency on any one supplier.

A discussion was held regarding the timeliness of and the motivation for CP&L's current offer, the accurateness of the cost projections for mega watts used by PWC in the year 2000 versus CP&L's figures, CP&L's proposal that the City could have ownership in a generating plant to be built in Richmond County or in eastern Cumberland County instead of at the Butler Plant site.

Mr. Kilgore stated their bids had been updated about three weeks ago when CP&L realized they were not going to get the contract and the City was probably going to build under their system and be able to supply their own gas. He pointed out that he did not think it was a good business decision to be dependent on one type of fuel at one site for electrical generation. He also stated gas prices are volatile and that factor should be strongly considered when making

any decision to build a power plant.

Further discussion was held regarding the bidding process and what was the best scenario for supplying power in the Fayetteville area.

MOTION: Councilmember Talbot moved to adjourn.

SECOND: Councilmember Haire

VOTE: UNANIMOUS (Councilmember Fogleman excused)

The meeting was adjourned by Mayor McBryde.

REGULAR MEETING

NOVEMBER 6, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

NOVEMBER 6, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (at-large); Bobby Hurst (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5) (arrived at 7:37 p.m.); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8)

Absent: Anne D. Fogleman (at-large) (excused), Rollin Shaw (District 9) (excused)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Jimmy Teal, Chief Planning Officer

Faith Thompson, Assistant to the City Manager - Customer Focus

Kai Nelson, Business Services

Carl Milazzo, Police Attorney

Pete Piner, Chief Operating Officer - Fire

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Lisa Smith, Chief Financial Officer

Philip Cannady, Interim Police Chief

Frank Simpson, Inspections Director

Ben Brown, Chief Development Officer

Mike McNair, Community Development and Housing Manager

Joe Boyd

Nicole Wright, Deputy City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Janis Holden-Toruño of the Baha'i Community of Fayetteville followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor McBryde announced the character education concept for November is integrity.

RECOGNITION

Mr. James L. Whitcomb, Acting Senior Community Builder/Coordinator of the North Carolina HUD Department, presented Mayor McBryde with the 2000 HUD Best Practice Award for the City's Downtown Loan Pool activities. Mr. Whitcomb noted that this was one of 12 award winners from the Southeast/Caribbean Region.

1. APPROVAL OF AGENDA

MOTION: Councilmember Worthy moved to excuse Councilmembers Shaw and Fogleman from the meeting and excuse Councilmember Robertson until he arrived.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Councilmembers Fogleman, Shaw, and Robertson excused)

City Manager Roger Stancil requested to remove Item 2.H, approve resolution authorizing condemnation of a drainage easement off Faison Avenue, from the agenda because the issue had been resolved without a need for condemnation.

Mr. Stancil requested to add Item 2.K, award fire truck purchase to Pierce Manufacturing, to the consent agenda noting the purchase of the demonstration fire truck would save the City \$50,000.00.

2. CONSENT:

Mayor Pro Tem Pitts requested to pull Item 2.J from the consent agenda.

MOTION: Councilmember Kendrick moved to approve the consent agenda with the exception of Item 2.J.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmembers Fogleman, Shaw, and Robertson excused)

The following items were approved:

A. Approve minutes of regular meeting of September 18, 2000.

B. Approve tax refunds greater than \$100.

Name Year Basis City Refund

St. James Lutheran Church 1998-1999 Corrected Assessment \$825.18

Patterson, Clarence Edward 1995-1999 Clerical Error 821.16

Midtown Tavern 1999 Corrected Assessment 329.02

Byrd, Herbert 1999 Corrected Assessment 227.96

Total \$2,203.32

C. Refer to the Transportation Committee to review the Strict and Fair Enforcement Program to assist with increased vehicle congestion problems within the city of Fayetteville. (Requested by Councilmember Talbot)

D. P00-39F. Approve the initial zoning to R15 Residential District or to a more restrictive zoning classification for an area located on the eastern side of Fields Road southwest of Cedar Creek Road. Containing 52.25 acres more or less and being the property of the City of Fayetteville as evidenced by map and legal description furnished by the City of Fayetteville.

E. P00-43F. Approve the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification for an area located on Owen Drive near Trailwood. Containing 1.1 acres more or less and being the property of I.C. Smith, Jr. as evidenced by map and legal description furnished by the City of Fayetteville.

F. P00-44F. Approve the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification for an area located at 2900 Ramsey Street. Containing .16 acres more or less and being the property of Karen Elsom as evidenced by deed recorded in Deed Book 640, Page 245, Cumberland County Registry.

G. P00-46F. Approve the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification for an area located on Barges Lane. Containing .32 acres more or less and being the property of St. James Properties LLC as evidenced by deed recorded in Deed Book 4938, Page 781, Cumberland County Registry.

H. Approve resolution authorizing condemnation of a drainage easement off Faison Avenue.

This item was pulled by City Manager Roger Stancil because it had been resolved.

I. Adopt resolution declaring cost, ordering preparation of preliminary assessment roll and calling for public hearing for Phase III-A Area: Cottonade, Ponderosa, Summerhill, Bonnie Doone, Four Seasons and Horseshoe Road.

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL. RESOLUTION NO. R2000-109.**

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

K. Award fire truck purchase to Pierce Manufacturing.

J. Adopt ordinance approving demolition of property located at 1177 Sun Valley Drive. (Owner: Frank Pratt)

Mayor Pro Tem Pitts pulled this item. He inquired if the person was aware of what was happening. Mr. Frank Simpson, Inspections Director, stated that the notice had been published because Mr. Pratt could not be located.  
**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. NS2000-023.**

MOTION: Councilmember Worthy moved to approve.

SECOND: Councilmember Kendrick

VOTE: Passed by a vote of 7 in favor to 2 in opposition (Councilmembers Haire and Pitts) (Councilmembers Fogleman, Shaw, and Robertson excused)

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

3. PUBLIC HEARINGS:

A. Consider adoption of a resolution closing a portion of Prestwick Drive from Wagoner Drive westerly to Dead End.

Mr. Robert Barefoot, Chief Operating Officer-Engineering and Maintenance, presented this item. This is the advertised public hearing set for this date and time. The public hearing opened at 7:20 p.m.

Ms. Karen Felton, 323 Wagoner Drive, Fayetteville, NC; Nutan R. Parikh, 327 Wagoner Drive, Fayetteville, NC, Connie Sanders, 319 Wagoner Drive, Fayetteville, NC; Robert E. Hody, 3528 Prestwick Drive, Fayetteville, NC; Joseph F. Kelly, 3421 Regiment Drive, Fayetteville, NC, Catherine Christianson, 3525 Prestwick Drive, Fayetteville, NC, spoke in favor.

Rodney B. Davis, 202 Fairway Drive, Fayetteville, NC, spoke in opposition.

The public hearing closed at 7:35 p.m.

RESOLUTION AND ORDER CLOSING A PORTION OF PRESTWICK DRIVE. RESOLUTION NO. R2000-110.

Councilmember Robertson arrived at 7:36 p.m.

MOTION: Councilmember Kendrick moved to adopt the resolution.

SECOND: Councilmember Robertson

VOTE: Passed by a vote of 9 in favor to 1 in opposition (Councilmember Talbot) (Councilmembers Fogleman and Shaw excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

B. Consider construction of storm sewer and drainage improvements to the following:

City Manager Roger Stancil presented this item. Mr. Stancil stated that something had to be done with the dams and the question was who pays and what is the equitable way to distribute the cost. Mr. Stancil presented the following recommendations:

1. Take no action and let the State order the dams to be breached. The City would then make the necessary repairs to allow the road to continue to function. This could result in reduced property values.
2. City pays 100 percent of all costs. Results in dam being repaired and property values remaining intact.
3. City pays one-third and property owners pay two-thirds (current proposal).
4. City pays one-half and property owners pay one-half. Reduces the property owners' assessment and increases City costs.
5. City pays three-quarters and property owners pay one-fourth. Reduces property owners' assessment and increases City costs.
6. Assess by land served. Redistributes assessment based on total amount of property owned. City pays one-third, property owners pay two-thirds. This would maintain property values and repair the dams.

City Attorney Robert Cogswell explained the City can legally make an assessment when abutting property has been benefited by a project to construct, reconstruct, extend or otherwise build or improve storm sewers and drainage systems or when a determination has been made in the difference in the value of the land served by a project before and after the project using the appraisal standards and rules which had been adopted by the County at its last evaluation. Mr. Cogswell explained this does not have to be 100 percent of the value added, but it has to be an equal rate per dollar of value added. He noted that if the project cost exceeds the total amount of the value added, the property owner would have the advantage and the City would not recoup all of its cost.

Mr. Cogswell stated he was concerned about breaching the dams because some property owners wanted to keep the lake filled and if there were no longer a lake available, it was his opinion the City might be held liable for damages through an inverse condemnation claim.

A discussion was held regarding the determination of value in this situation. Councilmember Massey requested an explanation from an appraiser on how this type value would be determined.

1. The Lakes Dam and Lake

This is the advertised public hearing set for this date and time. The public hearing opened at 7:51 p.m.

Ms. Sandra Copper, 545 Old Farm Road, Fayetteville, NC, and Charles F. Weber, 230 Sawtooth Drive, Applewood Builders, Inc., Fayetteville, NC, appeared in favor of the dam being repaired without the landowners being assessed.

Mr. L. Stacy Weaver, Jr., Attorney, appeared on behalf of the Eden family. Mr. Weaver stated he could not separate how the City could maintain the street above the dam and not be responsible for the part that supports the street. He also stated that the Eden's wetland property would not be benefited from repair to the dam and he would be presenting a professional appraisal to this effect at the next hearing.

Mr. Michael A. Stone, Attorney and resident, 521 Old Farm Road, Fayetteville, NC, appeared on his own behalf and as a representative of the community. Mr. Stone expressed his opinion that the City was responsible for the repairs to both the road and dam and the City had been placed on notice years ago. Mr. Stone further stated that the City had violated federal law by draining the lake and had created a nuisance by neglecting their duty to maintain the road.

He stated the City needed to decide what it was going to do on this issue and the Council needed to decide how it was going to deal with the problem.

The public hearing closed at 8:13 p.m.

MOTION: Councilmember Talbot moved that this be delayed for 30 days for the staff to react to the comments, which had been made.

SECOND: Councilmember Smith

Mr. Stancil stated he felt there had been unfounded accusations thrown out and as far as he knew, the City had been informed in 1998 and the administration had been working with the Council since that time. Mr. Stancil stated he would like to have direction on what the Council wanted the staff to respond to.

Councilmember Massey stated he felt that a history of the events at issue with explanation as to what had been done should be forthcoming to the Council. He also requested a look be taken at where the City could go in order to comply with federal regulations, treat the citizens fairly, and maintain the integrity of our communities.

Councilmember Milligan requested that a response be prepared to the accusation that the City had been notified six years previously there was a problem with the dam.

Councilmember Robertson requested information on the improperly installed guardrails.

Councilmember Hurst requested background information on the Tallywood Lake Dam.

Councilmember Worthy stated this property had been annexed in 1996 and he wanted to know why Item 2 would not be applicable.

Councilmember Kendrick stated the serious allegations of Attorney Stone amounted to charges of dereliction of duties by the City Manager and the City Attorney and it was his opinion it should be addressed by both parties and a response should be prepared for the Council.

Mayor Pro Tem Pitts requested a detailed, chronological history of the events which had been referred to and that these attorneys from the City and the community get together and come up with something more amicable.

VOTE: UNANIMOUS (Councilmembers Fogleman and Shaw excused) (Councilmember Robertson's vote was counted in the affirmative)

2. Devonwood Lower Dam and Fleetwood Lake.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:34 p.m.

Mr. L. Stacy Weaver, Jr., Attorney, appeared on behalf on Ms. Ann Welch and Ms. Mary Plummer. Mr. Weaver stated their property was not marketable and would not be benefited by the project and therefore could not be assessed.

Mr. Jerome W. Gunderson, 214 McFadyen Drive, Fayetteville, NC, and Ms. Augusta Knight, 206 McFadyen Drive, Fayetteville, NC, appeared in opposition to the assessment of the property owners. The public hearing closed at 8:50 p.m.

MOTION: Councilmember Talbot moved to defer for 30 days.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmembers Fogleman and Shaw excused)

3. Mirror Lake Dam and Lake

Mr. Carl Barrington, Attorney, 213 Dick Street, Fayetteville, NC, appeared in opposition to the assessment of the property owners for repairs to Mirror Lake Dam. Mr. Barrington stated the City had repaired that dam after the flood of 1989 and had bore the cost. Mr. Barrington stated the Lake has water now and will have water when the Lake is repaired, and therefore there would be no benefit to the property owners. He stated the property owners would not pay for the repair and a declaratory act would be filed if necessary.

Mr. Alfred Cleveland, Attorney, Fayetteville, NC, appeared in opposition of the assessment. Mr. Cleveland stated the City had complete control of the dam when it made repairs in 1989 and the City had had ownership for over 40 years.

The public hearing closed at 9:03 p.m.

MOTION: Councilmember Talbot moved to delay for 30 days.

SECOND: Councilmember Haire

VOTE: UNANIMOUS (Councilmembers Fogleman and Shaw excused)

4. Consider request from Retired Senior Volunteer Program for additional funding.

MOTION: Councilmember Worthy moved to approve the \$200.00 request from RSVP.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS (Councilmembers Fogleman and Shaw excused)

5. Consider request to City Planning Commission to hold a public hearing to consider Conditional Use permitting for industrial and commercial zoning.

Mr. Jimmy Teal, Chief Planning Officer, presented this item. Mr. Teal stated that the Planning Commission suggested that the City Council consider conditional use zoning for the City, but limited to only commercial and industrial zoning districts. Properties zoned residential or professional would not be eligible for conditional use zoning. The planning staff concurred with this recommendation from the Planning Commission.

The staff's recommendation is for the City Council to request the Planning Commission to hold a public hearing on the issue of conditional use zoning. The City Council will also be required to hold a public hearing on this issue before any action can be taken to adopt an ordinance allowing conditional use zoning.

Councilmember Kendrick stated his opposition to the recommendation because it would allow spot/contract zoning to become legal.

MOTION: Councilmember Robertson moved to approve and follow the staff's recommendation.

SECOND: Councilmember Massey

A discussion was held.

Councilmember Massey withdrew his second to the motion and the original motion died for lack of a second.

6. Consider resolution approving Annexation Report for Area 4A, Tiffany Pines, Warrenwood, Rollingwood & Pleasant Acres.

Mr. Jimmy Teal, Chief Planning Officer, presented the Annexation Report for Area 4A. Mr. Teal stated all requirements had been met and his recommendation was to approve the report.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ADOPTING THE PHASE 4A ANNEXATION REPORT (TIFFANY PINES, WARRENWOOD, ROLLINGWOOD AND PLEASANT ACRES NEIGHBORHOODS). RESOLUTION NO. R2000-111.

MOTION: Councilmember Worthy moved to approve the report and adopt the resolution.

SECOND: Councilmember Haire

A discussion was held regarding the fact that no increase in the number of police officers had been recommended for the newly annexed area. A question was also raised about the impact of the lifting of the curfew, which was in effect for this area. Interim Police Chief Cannady stated that due to good planning, the current number of police officers would be adequate without placing a burden on the existing law enforcement personnel and the current laws would take care of any juvenile problems.

VOTE: Passed by a vote of 9 in favor to 1 in opposition (Councilmember Robertson) (Councilmembers Fogleman and Shaw excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

7. Consider follow-up on Police policies, procedures and morale.

City Manager Roger Stancil presented this item. Mr. Stancil stated balance in discipline and morale issues has always been a difficult task, but the Fayetteville Police Department was well trained and equipped to handle matters in a timely manner.

Mr. Stancil stated he felt there needed to be public communication on how policing is done and how it affects the public, and that the Police Department needed to be more accessible to the citizens.

Mr. Stancil pointed out that the Police Department is part of the community and not just enforcers. He said that Interim Police Chief Cannady was working hard to communicate and establish an open door policy for the Police Department while at the same time balancing the safety of the officers and effective law enforcement of constitutional rights and public confidence in the Police Department.

Mr. Stancil stated a decision had been made to hire Mr. John Memory with a goal of doing a research project on the role of race and officer discretion in the Fayetteville Police department. The project would last approximately 12 months and would progress into internal procedural training and public education. The first step would be for Mr. Memory to apply for a grant of approximately \$40,000.00 from the Governors Crime Commission study fund to finance the project.

Mayor Pro Tem Pitts stated that after reviewing the employee survey, he had a genuine concern about the employees' answers. Mr. Pitts inquired when another survey would be done in order to measure changes that had been made.

Mr. Stancil stated management had a commitment to all employees and changes had been made in the department, and it was his intention that the survey would be done every two years.

Mayor Pro Tem Pitts stated that the Police Department was a unique department and had been a source of turbulence. As a result, he would like to hear from the rank and file to see if the things that had been implemented had made a change. Mayor Pro Tem Pitts stated he felt that waiting until 2002 was too late for the Police Department.

Mr. Stancil stated he did not want to do a survey of just a select group of employees because all employees were

important.

Councilmember Robertson inquired about the turnover rate in the Police Department. Mr. Stancil stated it was currently 15 to 17 percent annually with a goal of reducing it to 10 percent annually.

Councilmember Massey wanted to know what criteria had been used in determining that Mr. Memory was the best qualified researcher and had there been an RFP done to solicit this contract.

Mr. Carl Milazzo, Police Attorney, informed the Council that he, Chief Hansen, and Chief Cannady had discussed the issue of there being a lack of good empirical research on police discretion and race, and some of the information out there was only useful to draw inferences but not to be used for strategical planning purposes in training, for public education, for deployment, or for policies or procedures.

Mr. Milazzo stated he contacted three other people. He had known Dr. Memory personally along with two of the other people. Mr. Milazzo stated he had Dr. Memory come meet with the staff for compatibility purposes after determining that in his opinion he was the best qualified candidate.

Mr. Milazzo stated the Crime Commission had a deadline of January for the grant and he was recommending Dr. Memory because of his location and because he had the background to help apply for that grant.

Councilmember Massey inquired what kind of information Mr. Milazzo wanted Dr. Memory to collect which would be particular to urban policing.

Mr. Milazzo stated Dr. Memory would be the one to answer that question because he was the expert in that area.

Interim Police Chief Cannady stated that he had discussed Dr. Memory's knowledge and qualifications with Mr. Milazzo because Mr. Milazzo was highly respected in the law enforcement arena for his knowledge and he would be teaching a course on this same subject in Los Angeles in a couple of weeks.

Dr. Memory presented the Council with his written resume and his background. He stated his first goal was to have the Council and the Police Department to trust him as a researcher and professional. Dr. Memory reviewed his publications and academic background and stated he had expertise on patrol policing, description and data on crime, quantitative and qualitative research methodology, and he was current on all subjects. Dr. Memory stated he was also familiar with Fayetteville, NC.

Dr. Memory stated there needed to be policy development, procedure development, training, public meetings for input from the community, and an intellectual integrity in order for the project to be completed.

Interim Police Chief Phil Cannady stated the research would provide training and education for both the officers and the public. Chief Cannady played a video, which will be used as a tool to inform the public about what the Police Department is about.

Lt. Katherine Bryant presented the following statistics on excessive force complaints, which had been lodged by the citizens against the Fayetteville Police Department.

#### Excessive Force Complaints by Citizens

Race	1998	1999	2000*
White	5	9	1
Black	17	4	8
Other	2	0	2
Total	24	13	11
Sustained		1	0

\*2000 numbers are as of October 30, 2000.

Lt. Bryant stated that after an internal investigation, only one excessive force complaint had been sustained. A discussion was held regarding the appearance and interpretation of the data in the chart.

Councilmember Massey stated that in certain communities the perception was that the dispensing of justice may not be fair and he felt this data substantiated some of the comments he had received.

After viewing the status used to investigate the internal process used to investigate an excessive force claim, Lt. Bryant presented the following factors for consideration in the overall picture:

- 1 Population increases through annexation should be considered. The types of areas that we have annexed have been identified as high crime areas that have required saturation patrols and problem solving policing efforts.
- 1 In 1996 the City annexed Bunce Road, in 1998 Bonnie Doone, and in 1999 Lafayette Village and Gallup Acres.
- 1 As our population increases so does our customer base.
- 1 Total calls for service for the year through September 2000 stand at 136,395.
- 1 Officers have issued 14,123 traffic citations, 10,116 warning citations, made 1,170 arrests for Part I crimes and 5,498 arrests for Part II crimes, and investigated 9,678 traffic accidents.
- 1 Officers have arrested 1,589 people on outstanding warrants.

1 Officers have arrested 1,600 people on Orders for Arrest. These were people who did not show up for court the first time they were arrested.

1 Given these numbers, add in the numerous citizen encounters with the Police Department that go undocumented and unaccounted for, and the opportunity for use of force situations is phenomenal.

Chief Cannady reviewed specific programs and incentives that are currently being used to maintain good morale in the Police Department.

Chief Cannady stated there had been and are currently issues that had to be dealt with in the Department, but a good faith effort was being made by all to do just that. He stated that the bottom line was that the department had had some angry people on a lot of various issues and from his position as Interim Chief, it had been quite a challenge to create a balance between what is right for the Department and the City of Fayetteville and what meets the needs of the employees and the public. Chief Cannady stated the Department needed the Council's support, the City's support, and the public's support.

Mayor Pro Tem Pitts inquired as to what Chief Cannady had implemented as new morale boosters. Chief Cannady stated that the first issue had been the immediate concerns of the employees, which had resulted in the creation of the open door policy, and the implementation of the retention and disciplinary review focus groups.

Mayor Pro Tem Pitts asked Chief Cannady what gauge would he use to determine his success because in his experience, he had found that if a person was not happy at home, he would not be happy in outside dealings.

Chief Cannady stated the gauge he would use would be employee input, the reduction in the volume of internal investigations and grievances, and the retention of officers.

Councilmember Milligan expressed her support for the Police Department.

8. Consider response from Cumberland County on proposed Joint City-County Human Relations Commission.

City Manager Roger Stancil stated the County had proposed an allocation of costs at 20 percent of the Human Relations Department cost excluding the director's salary to be effective January 1, 2001. He stated this would be approximately \$17,682.00 for the period of January 1, 2001, to May 30, 2001. Mr. Stancil stated he did not feel this was an adequate proposal.

MOTION: Councilmember Robertson moved to refer this to the City and County Managers to develop a more equitable proposal.

SECOND: Councilmember Talbot

Mayor Pro Tem Pitts inquired as to a time frame. Mr. Stancil said he thought 30 days would be adequate.

VOTE: Passed by a vote of 8 in favor to 2 in opposition (Councilmembers Milligan and Kendrick) (Councilmembers Fogleman and Shaw excused)

9. Consider power supply options

A. Consideration of request to address City Council from Carolina Power and Light regarding their corporate plans for the Fayetteville Area.

Mr. Tom Kilgore, President of Energy Ventures, stated CP&L had been a good supplier to the City of Fayetteville for 90 years but now would become a competitor because they were withdrawing their offer.

Mr. Kilgore stated the natural gas franchise would remain the same.

B. Consideration of request to address City Council from Request to address City Council from SC Pipeline Corporation.

Mr. A.H. Gibbes, President of South Carolina Pipeline Corporation, stated he was present to answer any questions the Council might have.

Councilmember Milligan expressed her concerns about accepting this proposal and stated she could not support it at this time.

Mayor Pro Tem Pitts stated there had been no negotiation on the part of the City in this matter and the City had accepted what had been thrown out there with no bargaining power in the process. Mr. Pitts stated he could not sign off on this as it is right now and in his opinion, this deal was happening too soon.

Councilmember Worthy stated he was committed to SCANA and felt they had a good faith effort to the citizens of Fayetteville, PWC, and the City of Fayetteville.

Councilmember Haire said he was in support, but he agreed with Mayor Pro Tem Pitts about the timeframe. Councilmember Haire stated he felt PWC was responsible for the lack of Council's information.

Councilmember Milligan stated the future was not foreseeable and that the Council should be guardians of the trust for the public and she asked every Council member to read the memo of action prior to any vote.

Councilmember Kendrick requested that the City Manager be allowed to give his recommendation before any vote was taken.

Councilmember Robertson inquired of Sandy Saunders, a member of the Public Works Commission, if there had been negotiations between PWC and SCANA. Mr. Saunders stated the Commission had voted not to renew the contract with CP&L a year ago. They had also made it known that PWC was interested in generating power. SCANA had offered PWC the ability to generate power.

Mr. Saunders further stated that the Public Works Commission had been working on the proposal the same six weeks that the Council had and it was his opinion that this had been adequate because a leak in the information could have hindered the negotiations.

Councilmember Smith stated there was a need to move forward and go in to this partnership because it was a good deal.

Mr. Gibbes stated he felt SCANA had shown good faith when they decided to share the risk factor with a 40 to 60 percent ratio instead of the City paying the full cost as the City had originally discussed.

Mr. Stancil stated this deal would not be final until the contracts came back to the Council for approval sometime in December. He stated the City staff would negotiate on behalf of the Council the following issues:

1. The collaboration of information that the Council had.
2. The opportunity for public discussion.
3. The continuation of the gathering of information.
4. A briefing would be done on each document with the Council having the right to withdraw, cancel or determine what they want to do at any time.
5. The negotiation of how to dispose of an uneconomic plant to consist of how much and under what circumstances.
6. What would happen if regulatory approvals were not received?
7. Litigation questions.
8. What would happen if the Local Government Commission did not give approval?
9. Who would share the cost?
10. How would excess generation be sold?
11. Question of alternative fuels and fuel mix in the future.
12. How would the issue of all facilities being on one site be addressed?

Mr. Stancil recommended the Council adopt the resolution authoring PWC to enter into the memorandum of understanding with the definitive agreement being returned for review by the Council by December 31.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE FAYETTEVILLE PUBLIC WORKS COMMISSION TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH SCANA CORPORATION. RESOLUTION R2000-112.**

**MOTION:** Councilmember Talbot moved to adopt the resolution authorizing PWC to (A) enter into the memorandum of understanding substantially in the form provided; (B) subject the execution of the memorandum of understanding by PWC to the City Manager's approval and acceptance should the memorandum of understanding require changes; and (C) require a definitive agreement to be made available to the City Council in sufficient time to be reviewed by the Council.

**SECOND:** Councilmember Haire

Councilmember Kendrick stated he did not think he had had enough time to review the memo of understanding and he wanted to state to CP&L that he was shocked at their withdrawal from the proposal and he personally looked at that as another threat.

Councilmember Kendrick stated his concern was what was this going to do to our community. He asked Mr. Stancil what would be the maximum amount the City would have invested if on January 15 the Council said no. Mr. Stancil stated it would be a total of \$640,000.00, which would be charged to the City's electric fund plus the additional cost of the consultants.

Councilmember Hurst stated he wanted to go on record as being in support of the partnership with SCANA and if everyone stood together, he thought it would definitely be for the good of Fayetteville.

Mayor McBryde expressed his opposition to the agreement.

**VOTE:** Passed by a vote of 8 in favor to 2 in opposition (Councilmembers Pitts and Milligan) (Councilmembers Fogleman and Shaw excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

C. Recommendations from City Manager

10. Report from City-County Liaison Committee.

Councilmember Talbot, Vice Chairman of the City-County Liaison Committee, presented this item. He referred to the September 28, 2000, minutes of the City-County Liaison meeting regarding the City and County 911 systems,

the joint venture for a regional transportation system, and a joint Human Relations Commission.

Councilmember Worthy reviewed the October 26, 2000, meeting minutes.

11. Consider resolution in support of a Cape Fear River Aquarium. (Requested by Mayor Pro Tem Pitts)

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IN SUPPORT OF A CAPE FEAR RIVER AQUARIUM. RESOLUTION NO. R2000-113.**

**MOTION:** Mayor Pro Tem Pitts moved to adopt.

**SECOND:** Councilmember Robertson

**VOTE:** UNANIMOUS (Councilmembers Fogleman and Shaw excused)

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

12. Update on Interbasin Water Transfer. (Requested by Councilmember Robertson)

Councilmember Robertson pulled this item from the agenda and asked that it be placed at the next information meeting.

13. Discussion of the possibility of merging the Fayetteville Police Department and the Cumberland County Sheriffs Department into one Metro Policing Department. (Requested by Councilmember Robertson)

Councilmember Robertson stated this was a conceptual idea and all he was asking was that a consultant be searched out that could help guide the Council through the process.

**MOTION:** Councilmember Robertson moved to search for a consultant to get models for the Council's review.

**SECOND:** Councilmember Worthy

Mayor McBryde asked Councilmember Robertson if he were aware of the County Commissioners' action on this item at their morning meeting, which stated they would only join in this study if the City agreed to merge the Police Department under the Sheriff's Department. He stated their motion and unanimous decision had been to ask us to share in the cost of the study that would merge law enforcement under the Sheriff's Department, not a study of a joint venture.

Councilmember Robertson stated that all he was asking for was models, and if that was what the way it turned out, then the Council would have a choice about what they would do.

Mayor McBryde suggested that perhaps the people who were helping find the Police Chief could come up with some models for review.

Councilmember Robertson stated he would like to have several models presented at a joint session to be held between the Commissioners and the Council.

Mayor McBryde asked Councilmember Robertson if he would have any objections to having the recruiting people do this. Councilmember Robertson stated he had no objection as long as they were qualified.

**SUBSTITUTE MOTION:**

Councilmember Smith stated she would like to have the study be done to merge City and County government departments collectively and not just the Police Department.

Mayor McBryde asked City Attorney Robert Cogswell if this was the opposite. Mr. Cogswell stated it expanded the motion.

**SECOND:** Councilmember Worthy

Mayor McBryde asked if the funding was to be done by the City alone or was the funding to come from other sources.

Councilmember Smith stated that she was talking about working with the County and would make that a part of her motion.

**FRIENDLY AMENDMENT:**

Councilmember Robertson moved to ask the City Manager to talk with the County Manager and bring something back in two weeks.

Mayor Pro Tem Pitts inquired if this was for the whole gamut because if it were, two weeks was not enough.

Councilmember Robertson stated he had meant that the two-week deadline be used to find a consultant and determine the cost.

Councilmember Massey stated he understood the intent of the friendly amendment to mean expanding from metro policing to metro government and finding models of metro government for review by the City and County.

Mayor Pro Tem Pitts stated he thought the proper form for discussing all of this would be a joint meeting with the County Commissioners which would give the two managers more time to get the information being requested.

Councilmember Hurst stated he agreed with Mayor Pro Tem Pitts because he thought it would be more economical and he would like to keep the metro police issues out of the search for a Police Chief.

Councilmember Massey stated he felt Councilmember Smith's motion would allow everyone to realize there is no

one opposed to metro government, as much as it is that a decision be made as to how it is done in order to protect the citizens. Councilmember Talbot stated there was a lot of ground to be covered on this issue.

Councilmember Talbot stated he felt this should be taken to the Council's retreat to be thoroughly discussed and then it should be brought out into a joint session with the County. Councilmember Talbot stated there was a lot of ground to be covered on this issue.

Councilmember Kendrick stated he had no problem with looking at merger of the City and County but he had a problem with the County Commissioners stating they would only look at mergers as long as they have it. He stated that he felt a joint retreat should be held with the Council and County Commissioners with merging being the topic of discussion.

Mayor McBryde stated he felt that the Council needed to define their own position before meeting with the County Commissioners.

MOTION: Councilmember Talbot moved to discuss this at the retreat.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Councilmembers Fogleman and Shaw excused)

#### 14. APPOINTMENTS ON FINAL NOMINATIONS:

A. Historic Resources Commission - 5 vacancies; 6 nominations; 5 appointments needed (Attachment 1)

Mr. C. John Malzone was appointed to fill the Category 3 vacancy.

Mr. David J. Gutierrez was appointed to fill the Category 4 vacancy.

Mr. Bruce A. Arnold was appointed to fill the Category 5 vacancy.

Ms. Susan Shereff and Mr. Laney H. Clark were appointed to second terms to fill the Category 6 vacancies.

B. Parks and Recreation Advisory Commission - 3 vacancies; 4 nominations; 3 appointments needed (Attachment 2)

Ms. Ann Griffin Spiesberger, Mr. Bobby Hill, and Mr. John Smith were appointed to the Parks and Recreation Commission.

C. Planning Commission - 1 vacancy; 2 nominations; 1 appointment needed for term expiring in July 2002 (Attachment 3)

Mr. Fred Farmer was reappointed to a second term.

D. Zoning Commission - 1 vacancy; 1 nomination; 1 appointment needed for term expiring in December 2001 (Attachment 4)

Mr. Charles Evans was appointed to the fill-in term.

E. Board of Adjustment - 1 alternate vacancy; 2 nominations; 1 appointment needed for term expiring in August 2003 (Attachment 5)

Mr. Tom Keith was appointed.

F. Appearance Commission - 2 vacancies; 2 nominations; 2 appointments needed for terms expiring in December 2000 (Attachment 6).

Mr. Bradley Swarts was appointed to the Civil Engineer vacancy. Ms. Anne Adams was appointed to the at-large vacancy.

#### NOMINATIONS:

A. Fair Housing Board - 2 At-Large vacancies; 2 nominations needed

No nominations were made at this time.

#### 15. ADMINISTRATIVE REPORTS

A. Position vacancy report.

B. Set scheduling dates for multiculturalism training.

Dates were set of November 28, 2000, and January 19, 2001.

C. Report on responses to public forum concerns.

16. Consider closed session to discuss property acquisition.

17. Consider closed session to discuss litigation.

MOTION: Councilmember Talbot moved to go into closed session to discuss property acquisition and litigation.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmembers Fogleman and Shaw)

The closed session began at 12:13 p.m.

#### INFORMATION ITEMS:

1. Thank you note from City Clerk, Janet Jones.

2. Report of tax refunds less than \$100.

Name	Year	Basis	City Refund
Machuga, Stephan M.	1999	Military Non-resident	\$77.54
Dabney, Henry Lee, Jr.	1999	Military Non-resident	44.14
Harshbarger, Donald Wayne	1999	Military Non-resident	72.20
Sosa, Marta Ivette Hiraldo	1999	Military Non-resident	83.50
Total			\$277.38

3. Response from NCDOT regarding removal of the NC 210-route designation off Murchison Road between Fort Bragg and Fayetteville.
4. Letter from Time Warner Cable regarding changes to programming services and rates.
5. Copy of letter from Mayor to Garrison Commander of Fort Bragg concerning proposed public-private venture regarding a personal effects storage facility on Fort Bragg.
6. Information letter regarding increase in fee for commercial solid waste franchise.
7. Copy of letter from Interim Police Chief to Second Baptist Church regarding homecoming parade.
8. Information on Yadkin Road Traffic Study.
9. Information on Jordan Lake Water Supply Storage Allocation - Round Three.
10. Information on Citizens Informational Workshop on November 15, 2000, to discuss extending Lake Valley Drive on a new location from Yadkin Drive to Skibo Road.
11. Parks and Recreation Advisory Commission - minutes of August 28, 2000.
12. FAEDC - minutes of September 19, 2000 and President's September Activities Report.

MOTION: Councilmember Milligan moved to adjourn the meeting.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Councilmembers Fogleman and Shaw excused)

The regular session resumed and adjourned at 12:20 a.m.

REGULAR MEETING

NOVEMBER 20, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

NOVEMBER 20 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Bobby Hurst (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5) (arrived at 7:37 p.m.); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Frank Simpson, Inspections Director

Ben Brown, Chief Development Officer

Craig Hampton, Special Projects Manager

Lisa Smith, Chief Financial Officer

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Victor Sharpe, Planning Services Manager

Janet Jones, City Clerk

Amanda Little, Assistant City Attorney

Tom McNeill, PWC, Special Projects Director

Mick Noland, PWC, Chief Operations Officer of Water Resources

Jason Brady, Public Information Officer

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Imam Adam K. Beyah of Masjid Omar Ibn Sayyid followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

Councilmember Milligan announced the Dickens Holiday to be held on Friday, November 24, 2000, in the Downtown area.

Mayor McBryde announced the character education concept for November is integrity.

1. APPROVAL OF AGENDA

MOTION: Councilmember Smith moved to approve the agenda.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

2. CONSENT:

MOTION: Councilmember Shaw moved to approve the consent agenda.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

The following items were approved:

A. Approve minutes of regular meeting of October 2, 2000.

B. Approve water and/or sanitary sewer annexation agreement between Hornaday Construction Company and the City of Fayetteville, acting through its Public Works Commission, for extension of utilities to serve property on Andrews Road, identified as Cumberland County PIN #0531-01-7741.

C. Adopt Capital Project Ordinance Amendment 2001-3 (Fayetteville Urban Signal System).

On October 27, 1997, City Council approved the municipal agreement with the NCDOT for the traffic signal system upgrade. The total cost of the project is approximately \$7,000,000.00, which will be paid by NCDOT (\$6,167,000.00) and the City (\$833,000.00) The Council has previously appropriated \$278,439.00 for this project. This project amendment is necessary to appropriate \$250,000.00 that is included in the FY2001 General Fund budget for the signal system. Including this amendment, City Council has appropriated \$528,439.00 for this project.

3. PUBLIC HEARING:

A. P00-45F. Consider revisions and amendments to the Fayetteville Code of Ordinances, Chapter 27, Subdivision, Article I, Sections 27-1(m), 27-4(a), 27-4(b), 27-4(b)(1), 27-5(a); Article II, Sections 27-10(g)(4), 27-10(j), 27-10(j)(3)(b), 27-12(b)(6), 27-12(c)(6)(d); and Article III, Section 27-15(a), to be amended for clarification and consistency with the General Statutes.

Mr. Victor Sharpe, Planning Services Manager, presented this item noting that the Planning Department had worked with the local surveyors to update the City's subdivision ordinance. Mr. Sharpe reviewed the proposed changes and recommended adoption of the ordinance.

A lengthy discussion was held with councilmembers strongly expressing their opposition to the change, which would allow required storm water detention/retention facilities to be accepted as fulfilling the park, recreation, or open space requirements. The consensus of the Council was that it did not protect the neighborhood nor did it guarantee there would be park land with a development.

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 7:28 p.m.

MOTION: Councilmember Fogleman moved to refer this ordinance and in particular Section 27-12(b)(6) back to the staff for further review.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

B. Consider adoption of a resolution confirming assessment roll and levying assessments for the Phase III-A Annexation areas: Cottonade, Ponderosa, Summerhill, Bonnie Doone, Four Seasons and Horseshoe Road.

Mr. Tom McNeill, PWC Special Projects Director, presented this item. Mr. McNeill stated the Phase III-A annexation project resulted in over 24 miles of sanitary sewer mains with 1,764 service laterals having been installed at a cost to date of \$14,135,535.00. This amount did not include an additional \$2.8 million in water system improvements. Although the average sanitary sewer cost per service was \$8,013.00, PWC's recommendation to Council as set forth in the Preliminary Assessment Roll was \$2,815.00 for a typical single-family residential lot. This amount included both the main and lateral charge with the balance of the cost being shared between the City and PWC. In addition, PWC agreed to waive the facility investment fee of \$500.00 for those property owners being assessed that apply for service prior to December 29, 2000. For other than single-family residential lots, the assessment will be computed based on a unit price of \$25.39 per front foot with a 90-foot minimum and the appropriate lateral charge.

Mr. McNeill explained the terms of the assessment would be for ten years with an interest rate based on the current T-bill rate of 5.66 percent. Mr. McNeill gave the example of a first-year payment amount of \$321.34 which would be a monthly payment of \$30.70, that could be added to the PWC monthly bill payment.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:39 p.m. The following appeared in opposition to the cost of the assessments having to be paid by the property owners: Richard

King, 774 Buckland Drive, Fayetteville, NC, and L.A. Barner, 337 Rhew Street, Fayetteville, NC.

There was no one further to speak and the public hearing closed at 7:47 p.m.

A discussion was held regarding the street repairs in the area.

**RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATIONS OF SANITARY SEWER COLLECTION SYSTEMS. RESOLUTION NO. R2000-114.**

**MOTION:** Councilmember Fogleman moved to adopt the resolution.

**SECOND:** Councilmember Shaw

**VOTE:** UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

4. Consider appeal of condemnation by Bruce and Manula Arnold regarding property located at 225 Franklin Street.

Mr. Frank Simpson, Inspections Director, presented this item. Mr. Simpson recommended the Council uphold the order to remove dangerous portions of the roof within 60 days and repair and/or replace the roof within 120 days. He presented a videotape of the building as it currently appears. Mr. Simpson stated that the conditions that exist constituted a fire, health, and safety hazard, and rendered the building dangerous to life, health, and other property.

Mr. Simpson expressed his concern regarding the City's liability because of its awareness that the building is a fire threat. City Attorney Robert Cogswell stated that the City could be liable if the City were aware and did nothing and if the City did not see a problem that existed, then constructive notice could apply.

An in-depth discussion was held regarding extending the time frame for completion of the repairs, methods of saving the roof, the need for boarding up the building, and the City's liability.

Mr. Bruce Arnold stated he had purchased the property to prevent the destruction of the building. He stated he had boarded the windows and the premises were inspected twice a day. He stated that if the roof was removed in its entirety, the plaster walls would deteriorate and the loss of the roof would equal loss of the creditability of the property as a contributing property.

Mr. Arnold requested that the Council give him 12 months to find a buyer and at the end of 12 months he would use his 401K funds to do the repairs.

Mrs. Molly Arnold requested at the Council give them a 12-month delay. She stated the building is structurally sound and it was just the roof system in question.

Mayor Pro Tem Pitts suggested that Mr. Arnold get a statement from a structural engineer that the building would fall inward then perhaps the building would not have to be torn down. Mr. Arnold stated he did not believe he could get such a statement.

Councilmember Smith stated that an extension of 12 months would mean that if it was not taken care of during that time, there would be no need to come back to the Council for an extension.

**MOTION:** Councilmember Smith moved to extend the time frame to 12 months and if it were not taken care of in that time frame, there would be no need for this to come back to the Council.

**SECOND:** Councilmember Haire

A discussion was held regarding the time frame of the extension, the owner's efforts to sell the property, the intent of the property owners, the interim solution of the owners, the immediate addition of 4' x 4' boards to the roof by the owners, and the Council's wish to be fair with both the property owners and the Inspections Department.

City Attorney Robert Cogswell stated he wanted to clarify for the record that Mr. and Mrs. Arnold now have 12 months to repair the roof and not 12 months plus 60 days, and if the roof is not repaired and it is not resolved, the City would follow the same course as in any other case.

Councilmember Milligan inquired what would happen if the building were sold. Mr. Cogswell stated the conditions set out would go with the building.

**VOTE:** Passed by a vote of 9 in favor to 3 in opposition (Councilmembers Fogleman, Kendrick, and Milligan)

5. Consider approval of purchase of Tyson property located in the vicinity of Johnson Street and Blanton Road for future park space.

**MOTION:** Councilmember Fogleman moved to authorize the purchase.

**SECOND:** Councilmember Haire

**VOTE:** UNANIMOUS

6. Consider the following matters related to purchase of mobile data computers:

A. Award of Purchase Contract to Carolina Telephone & Telegraph Company ("Sprint"), Wake Forest, NC, for the immediate purchase of 30 each Vision Mobile Data Pilot Program software licenses in the amount of \$115,733.33.

B. Award of Purchase Contract to Carolina Telephone & Telegraph Company ("Sprint"), Wake Forest, NC, for additional future purchases of up to 125 each Vision Mobile Data Pilot Program software licenses, subject to grant

appropriation in the amount of \$383,856.00.

C. Approve allowance of exemption to the competitive bidding laws as specified in N.C.G.S. 143-129 (f) for Vision Mobile Data Pilot Program software licenses.

MOTION: Councilmember Robertson moved to award contracts and approve A, B, and C.

SECOND: Councilmember Hurst

VOTE: UNANIMOUS

7. Consideration of the following matters related to the Cape Fear & Yadkin Valley Depot renovation project:

A. Adopt resolution approving phase two funding for the Cape Fear & Yadkin Valley Depot renovation project.

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2000-115.

B. Authorize City Manager to negotiate and execute, subject to NCDOT approval, a contract for architectural and engineering services for the renovation of the Depot.

MOTION: Councilmember Fogleman moved to adopt the resolution and authorize the City Manager to negotiate and execute, subject to NCDOT approval, a contract for architectural and engineering services for the renovation of the Depot.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

8. Refer to the Buildings, Property and Facilities Committee discussion of City property including the Market House and Beldon-Horne House. (Requested by Councilmember Nat Robertson)

MOTION: Councilmember Robertson moved to refer this item to the Property and Facilities Committee.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

9. APPOINTMENTS:

A. Fair Housing Board: two vacancies - two nominations needed.

Councilmember Haire nominated Mr. James Hoffman. Councilmember Talbot nominated Mr. Fred Norman.

10. Consider closed session to discuss property acquisition.

MOTION: Councilmember Robertson moved to go into closed session to discuss property acquisition.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

The closed session began at 9:00 p.m. and the regular session resumed at 9:12 p.m.

INFORMATION ITEMS:

1. Statement of taxes collected for the month of October 2000, from the Cumberland County Tax Administrator.

2000 Taxes	\$413,440.23
2000 Vehicle Taxes	227,911.57
2000 Revit	679.90
2000 Vehicle Revit	521.59
2000 FVT	27,573.19
2000 Storm Water	75,893.54
1999 Taxes	34,912.34
1999 Vehicle Taxes	36,725.64
1999 Revit	0.00
1999 Vehicle Revit	0.31
1999 FVT	5,061.46
1999 Storm Water	2,561.62
1998 Taxes	8,533.66
1998 Vehicle Taxes	1,030.94
1998 Revit	0.00
1998 Vehicle Revit	0.00
1998 FVT	205.25
1998 Storm Water	725.95
1997 Taxes	3,852.44
1997 Vehicle Taxes	268.22
1997 Revit	0.00
1997 Vehicle Revit	0.00

1997 FVT 79.73  
 1997 Storm Water 355.10  
 1996 & Prior Taxes 29,835.11  
 1996 & Prior Vehicle Taxes 258.87  
 1996 & Prior Revit 2.85  
 1996 & Prior Vehicle Revit 0.00  
 1996 & Prior FVT 70.72  
 1996 Storm Water 339.20  
 Interest (21,119.49)  
 Interest (Revit) 10.71  
 Interest (Storm Water) 576.08  
 Fayetteville Discount 15.80  
 Revit. Discount 0.00  
 Total Collections \$850,322.53

2. Information from Interim Police Chief regarding use of force investigations.
3. Copy of letter to the County Manager regarding a joint meeting with the County Board of Commissioners.
4. Status of on-going annexation projects in Phase IIIA & IIIB areas.
5. Information on Public Comment Meetings regarding the 2002-2008 Transportation Improvement Program (TIP).
6. PWC - minutes of October 25, 2000.
7. FACVB - minutes of October 12, 2000.

MOTION: Councilmember Fogleman moved to adjourn the meeting.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

The regular session resumed and adjourned at 9:13 p.m.

INFORMATION MEETING

NOVEMBER 27, 2000

FAYETTEVILLE CITY COUNCIL

INFORMATION MEETING

CITY HALL COUNCIL CHAMBER

NOVEMBER 27, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (at-large); Anne D. Fogleman (at-large); Bobby Hurst (at-large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5) (arrived at 7:37 p.m.); Mark C. Kendrick (District 6); Curtis Worthy (District 7) (arrived at 7:24 p.m.); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Jimmy Teal, Chief Planning Officer

Ben Brown, Chief Development Officer

Jerome Brown, Transit Director

Lisa Smith, Chief Financial Officer

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Mick Noland, PWC, Chief Operations Officer of Water Resources

Janet Jones, City Clerk

Jason Brady, Public Information Officer

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Councilmember Massey followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor McBryde announced the character education concept for November is integrity.

1. APPROVAL OF AGENDA

MOTION: Councilmember Kendrick moved to approve the agenda.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

MOTION: Councilmember Massey moved to excuse Councilmember Worthy until he arrived to include the first vote.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

## 2. PUBLIC FORUM

Ms. Gretta Reese, 1721 Bridger Street, Fayetteville, NC, thanked the Council for feedback on the food bank and requested that something be done about toilets on Ray Avenue, dirty streets, and the procedure for lost bus passes.

Mr. Clinton Harris, 4713 Watauga Road, Fayetteville, NC, addressed the Council regarding the census results, and the uncertainty of the congressional second district. He requested the Council to become active in this issue.

Mr. Iman Eronomy Mohammed, 1207 Murchison Road, Fayetteville, NC, stated that because of his religious beliefs, he was coming before the powers to be to speak on solutions to problems. He suggested economic development on Murchison Road, to paint the train station, to put more hotels downtown, to support a high-speed train from Raleigh to Fayetteville, and to save 7,000 to 8,000 jobs at Fort Bragg.

Ms. Joyce Malone, 156 Spaulding Street, Fayetteville, NC, thanked the Council and the Police Department for their work on the Jasper Street area. Ms. Malone requested security be maintained.

Councilmember Worthy arrived at 7:24 p.m.

Mr. Jesse Kirkland, 2200 Lake Avenue, Fayetteville, NC, thanked the Police Department for all of their help and support in the Jasper Street area. He requested that the yard trash be picked up.

Ms. Katherine Ward, 7120 Calamar Drive, Fayetteville, NC, stated that on September 27, 2000, she had requested some public information and the public information laws of North Carolina stated that all public information held by this organization belongs to the public and that she should be able to request it for free or the actual cost to reproduce.

Ms. Ward stated that on October 12, 2000, she had received a letter stating the cost will be \$16,000.00 to retrieve the information because the City did not have the internal resources and information systems to retrieve 12 months of E-mail of the department heads.

Ms. Ward stated she was the City's former network administrator of the Information Systems Department until October 1, 2000, and she knew it could be done internally. Ms. Ward stated she was insulted that she had been told a company would have to be brought in to get the information at a cost of \$16,000.00, and as a matter of fact, the retrieval of this information was started while she was an employee of the City.

Ms. Ward stated she knew it took 20 minutes to restore backup and she had requested 12 tapes times 18 people which would have taken less than a day to retrieve the information that had been requested.

Ms. Ward stated that she was also here because the law states who pays for the separation of public and confidential information and she had been informed that she would receive a statement later as to how much it would cost her to separate the confidential from the open material.

Ms. Ward read the following: "that the law says if separation is necessary after the following dates, the agency or government maintaining the records must bear the cost . . . cities of 10,000 or more or counties as 25,000 or more after June 1997. Ms. Ward stated she should not have to pay the cost of separating the information.

Ms. Ward stated that the law suggests that any fees charged must be in some fashion described by law, therefore any schedule ought to be formally adopted either by the governing board or the custodian. She stated she was asking the Council if their fee was \$16,000.00 for her to get her requested information.

Mayor McBryde stated the staff would come back with a report.

Mr. Charles Matthews, 3618 Tin Drive, Fayetteville, NC, requested that greenways, waterways, and walkways be placed in all neighborhoods throughout the City and that more planning be done for the whole City of Fayetteville.

Mr. William Jordan, 1015 Arsenal Avenue, Fayetteville, NC, requested that the Council not destroy the house at 827 Arsenal Avenue because of its historical significance. He asked that consideration be given to moving the house and the museum and the Real Estate Division work together to save the house.

## 3. CONSENT:

MOTION: Councilmember Fogleman moved to approve the consent agenda.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS

### A. Adopt PWC FY 2000 Budget Amendment #2.

It was recommended by our auditor, Cherry, Bekaert & Holland, that a budget amendment be adopted to reflect the increase in Purchased Power for June 2000 that was paid for in July 2000. The \$1.6 million increase in Purchased Power caused the FY 2000 Electric Fund expenses to be over budget. The Electric Operating Fund is increased by \$1.6 million and is offset by \$1.6 million in the Electric Fund Retained Earnings account.

B. Approve Railroad Encroachment Agreement with Norfolk Southern Corp/Fiber Optic Communication Cable for Fayetteville Urban Area Signal System Project.

4. Consider Enhancement Agreement in amount of \$1,270,287.00 for Cape Fear River Trail.

Mr. Robert Barefoot, Chief Operating Officer - Engineering and Maintenance, presented this item. Mr. Barefoot reviewed the agreement and recommended accepting the \$1,270,287.00 for the development of the first phase of the Cape Fear River Trail. He explained that this grant along with a \$250,000.00 PARTF grant and the \$250,000.00 City matching funds would be used to construct the first phase of the River Trail, which would be between the Fayetteville Soccer Complex at Methodist College and Clark Park off of Sherman Drive.

Mayor Pro Tem Pitts inquired about a projected time frame. Mr. Barefoot stated that the bids would be underway in the Spring/Summer of 2001 and the construction possibly would be started by August of 2001.

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2000-116.

MOTION: Councilmember Fogleman moved to approve the agreement.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

5. Update on Interbasin Water Transfer. (Requested by Councilmember Robertson)

Mr. Mick Noland, PWC, Chief Operations Officer of Water Resources, presented this item. Mr. Noland gave an in-depth review of the background on the Interbasin Water Transfer request, what it involved, and some of the issues associated with the Cary-Apex request.

Mr. Noland stated that the Lower Cape Fear Water and Sewer Authority had been actively participating in this issue and had requested also that a hearing be held in Wilmington in addition to the one to be held in Fayetteville.

Mr. Noland stated that the immediate needs were not in danger, but the worst case scenario in Cumberland County would be long-term needs and a 50-year plan needed to be developed to deal with both salt water intrusion and the fact that people will be looking at the Cape Fear River for surface supply.

A question and answer period ensued. Mr. Noland stated that the three options, which needed to be considered in regards to this transfer request, were as follows:

1. The first option would be to approve the grant application request for the additional 16 million gallons bringing the total of gallons used to 27 million gallons; or
2. The second option would be to disapprove the application; or
3. The third option would be to compromise and approve the application allowing the transfer for a 10-year period of time with a treatment facility being built which would return the water back to its original source.

Mr. Noland stated he thought the compromise would ensure our needs in the long haul and to him it simply meant if you use it put it back.

A discussion was held regarding the feasibility of using deep-water wells as a water supply. Mr. Noland stated he did not feel they would supply an adequate amount of water.

6. Presentation of Minority Business Program for Fiscal Year 2000. (Requested by Councilmember Worthy)

Councilmember Worthy requested that this item be put off until the first of the year 2001.

7. Presentation and acceptance of FY1999-2000 Audit of Financial Statements and Schedules.

Mr. Eddie Burke of Cherry, Bekaert and Holland presented this item. Mr. Burke stated the City had received a "clean opinion" on the audit report, which represented the highest assurance level.

He presented a review of assets, liabilities, governmental fund variances, the revenues and the operating costs. A complete copy of this audit report is on file in the Finance Director's office at City Hall, 433 Hay Street, Fayetteville, NC.

Mr. Burke reviewed the management letters and stated that his company had to disclose any disagreement with management, and for the record there had been a disagreement with an accounting policy that the Public Works Commission had attempted to adopt during this particular fiscal year.

Mr. Burke also stated his firm was required to disclose if the City or any of its departments consulted with an outside accountant on a accounting matter, and PWC had hired an outside consultant relative to an accounting policy. Mr. Burke stated his firm disagreed with the conclusion reached by PWC's outside accountant.

Councilmember Milligan inquired if management at PWC had adopted the change in the accounting policy as it was presented, what would the impact had been to the statement of revenues and expenditures.

Mr. Burke replied instead of losing money this year, it would have turned it around to where they would have made money and they would have shown a net income versus a net loss.

Councilmember Milligan inquired if PWC had had a deficit instead of making money.

Mr. Burke stated PWC had a net loss of \$1.3 million and that at the end, they had concurred with the policy recommended by his firm.

Councilmember Milligan asked Mr. Burke, based on his professional expertise, why would PWC even suggest this kind of action.

Mr. Burke stated he could not answer that question.

Councilmember Milligan inquired if it was unusual for an accounting firm to have a finding where there was a disagreement with management to the point that it is reported to the governing body. Mr. Burke stated this was the first time his firm had had to report such an incident.

Councilmember Milligan inquired as to what was PWC's reaction to the SAS 61 letter. Mr. Burke stated that PWC did not think it needed to be reported.

Councilmember Milligan asked if PWC had gone against Mr. Burke's firm's advice and made their own decision, would that decision have had an adverse effect on the City and if so, how.

Mr. Burke stated if an agreement had not been reached on a particular policy, his firm would have issued a qualified opinion on the City's financial statements.

Councilmember Milligan asked if that would have affected the City's credit rating and interest rates when it borrowed money. Mr. Burke stated he did not believe the City would have been in any position to issue any bonds or borrow any more money.

Councilmember Milligan asked Mr. Burke if he had any recommendations for the future. Mr. Burke replied that if any accounting policy was looked at in the future, it would be in everyone's interest to get the City Manager and Finance Department involved early making sure a proper evaluation of the policy was done.

Councilmember Milligan stated these issues needed to be addressed by the Council.

Councilmember Worthy asked Mr. Burke to restate his firm's position so the general public would understand. Mr. Burke stated he had issued an unqualified opinion of the City of Fayetteville's financial statements, which could be relied on to reflect that the City of Fayetteville was financially sound.

Councilmember Hurst asked for clarification on the fact that one of the management letters said there was no need for an audit adjustment but on the next page it stated there was an adjustment.

Mr. Burke explained that his firm had made the adjustment to change it to their recommended procedure.

MOTION: Councilmember Robertson moved to accept the audit report.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

Mayor Pro Tem Pitts asked Mr. Burke to explain the context of the disagreement.

Mr. Burke reviewed pages 64 and 65 of the audit report and summarized that the issues were (1) the amount of contributed capital that could be amortized and (2) where those figures would be placed on the audit statement.

Mr. Burke stated that the effect would have been the operating income would have been higher and the way it was, the operating income was lower plus the adjustment that was made was not a component of net income at all.

Councilmember Worthy stated that the short of it was that instead of adequately depreciating the items, they started doing a 179 deduction and expensed something that should have been amortized.

Councilmember Robertson requested Mr. Stancil to meet with PWC, and Mr. Blanchard, and try to hammer out what the differences were and to come back to the Council with a report.

Mayor McBryde stated he did not think a motion was necessary.

Mayor Pro Tem Pitts stated he felt that the concept was that something improper had been done and he felt that PWC should have their chance to present their side of the issue and respond.

Councilmember Massey stated he did not sense anything improper had been done but rather that there had been a professional disagreement about how things should be done and at some time a decision had to be made about how things would be done and what he saw was that a discussion and debate was held, a decision was made, and then the proper adjustment had been done.

INFORMATION ITEMS:

1. NCLM - Letter of appreciation and an adopted resolution.
2. FAEDC - Minutes of October 17, 2000.
3. Information only (no nomination required) for December vacancies on the following: Fayetteville Appearance Commission; Personnel Review Board
4. Planning Department - October Monthly Report (inserted in packet).

MOTION: Councilmember Kendrick moved to adjourn the meeting.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The meeting adjourned at 9:10 p.m.

REGULAR MEETING

DECEMBER 4, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

DECEMBER 4, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Anne D. Fogleman (At-Large); Bobby Hurst (At-Large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5) (arrived at 7:15 p.m.); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Absent: Marshall Pitts, Jr. (At-Large)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

John B. (Ben) Brown, Jr., Chief Development Officer

Steve Blanchard, PWC, General Manager

Janet Jones, City Clerk

Jason Brady, Public Information Officer

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Randy White, Trinity Baptist Church, followed by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

Mayor McBryde announced the character education concept for December was caring.

Mayor McBryde welcomed Dr. Suzan Cheek, former Councilmember, and her public administration class from Methodist College.

Mayor McBryde extended condolences to the family of Mr. Maurice Downs. Mr. Downs had served as City Clerk for the City of Fayetteville for 32 years.

1. APPROVAL OF AGENDA

MOTION: Councilmember Hurst moved to excuse Mayor Pro Tem Pitts from the meeting.

SECOND: Councilmember Smith

VOTE: UNANIMOUS (Mayor Pro Tem Pitts excused)

MOTION: Councilmember Fogleman moved to approve the agenda.

SECOND: Councilmember Shaw

VOTE: UNANIMOUS (Mayor Pro Tem Pitts excused)

2. CONSENT:

MOTION: Councilmember Fogleman moved to approve the consent agenda.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS (Mayor Pro Tem Pitts excused)

The following items were approved:

A. Approve Capital Project Ordinance Amendment 2001-4 (Cape Fear River Trail).

This amendment was necessary to appropriate the \$1,270,287.00 Federal TEA-21 grant (Transportation Equity Act of the 21st Century) for construction of Phase I of the Cape Fear River Trail. The grant agreement was approved by City Council at its November 27 meeting. The local match required for this grant was previously appropriated on August 16, 1999, upon receipt of the State PARTF (Parks and Recreation Trust Fund) grant. The PARTF grant (\$250,000.00) along with the City's local match (\$250,000.00) will be used to fund the local match requirements for the TEA-21 grant (\$500,000.00 total match).

The funds will be used to construct a 10-foot wide trail from Riverdell Drive to Eastwood Avenue (3.2 miles) and complete the trail from the Soccer Complex to Clark Park (.9 miles). Enhancements will also be made to the natural trail features.

B. Approve Capital Project Ordinance Amendment 2001-5 (Cape Fear & Yadkin Valley Railway Depot - Visitor

Center and Transportation Museum).

This amendment was necessary to appropriate the second federal grant award associated with the rehabilitation of the Cape Fear & Yadkin Valley Railway Passenger Depot. The City was originally awarded a \$1,367,490.00 Federal TEA-21 grant through NCDOT for Phase I of the project. Council accepted this grant on April 17, 2000. The City received an additional TEA-21 grant award of \$422,188.00 for the transportation museum and visitor center component of Phase II. Council accepted this grant on November 20, 2000. Both of these grants require a 20 percent local match, which totals \$447,420.00. This match will be met by pledges from PWC and the County (\$80,000.00 each for four years). The first \$160,000.00 (PWC and County) of this pledge was received during fiscal year 2000.

C. Approve tax refunds in excess of \$100.00.

Name	Year	Basis	City Refund
Evans Metropolitan African Methodist Episcopal Zion Church, Trustees	1995-1999	Corrected Assessment	\$570.54
Total			\$570.54

3. Consider cancellation of City Council meetings on December 25, 2000, and January 1, 2001.

MOTION: Councilmember Kendrick moved to cancel the City Council meetings on December 25, 2000, and January 1, 2001.

SECOND: Councilmember Massey

VOTE: UNANIMOUS (Mayor Pro Tem Pitts excused)

4. Consider presentation from Ad Hoc Committee on Dog Ordinance.

Mr. Leon A. Goldstein presented the Ad Hoc Dog Ordinance Committee report on animal control. The presentation included a report on the management of dogs and cats in the City of Fayetteville and the Committee's recommendations for improving public safety.

Mr. Goldstein presented the following Committee findings:

1. The list of pet numbers is too low for Cumberland County, the animals are taxed but not licensed, and there was no differential in the tax rate.

Mr. Goldstein explained that licensing would provide systematic information on pet population, ensure rabies vaccination compliance, identify ownership, and promote spaying and neutering.

2. Cumberland County Animal Control has systemic deficiencies in management, oversight, and objectives.

3. The mission of Cumberland County Animal Control is to dispose of stray and unwanted pets. The mission is out of sync with current animal control practices.

Mr. Goldstein stated the Model Ordinance has a mission to promote public health and safety and represents the morals of the community through the humane care and protection of all of its animals and to eliminate the disturbing and atrocious need for disposing of countless number of animals each year.

4. The new Cumberland County Animal Control Ordinance does not serve the best interests of the Fayetteville citizens in pet population management, public safety, and the public order and quality of life.

Mr. Goldstein reviewed the differences in the ordinance he was recommending for approval.

5. Cumberland County Animal Control Ordinance authorizes shooting stray dogs, which contravenes the Capital NACA report finding.

6. Cumberland County Animal Control Ordinance authorizes tethering dogs, which increases the probability of child injury or death by dog bite.

7. The City of Fayetteville must take the lead in animal control policy to protect citizens and their property, to set standards of stewardship, to reduce the number of stray animals, and to prepare for future growth.

Mr. Goldstein stated the committee was opposed to (1) using firearms to destroy animals that had been determined to be a nuisance and (2) to the tethering of dogs.

Mr. Goldstein presented the following Committee recommendations:

1. Adopt the Fayetteville Animal Control Ordinance to be effective July 1, 2001.

2. Appoint immediately a City Animal Control Board to prepare a public information and education program.

3. Negotiate contracts for enforcements and shelter operations.

MOTION: Councilmember Fogleman moved to adopt the ordinance.

SECOND: Councilmember Shaw

Councilmember Shaw stated she felt the Council would like a chance to look this ordinance over and to discuss the expenses involved. She also stated she felt the County should be engaged in the discussion.

AMENDED MOTION:

Councilmember Shaw moved to follow the motion but to also have a time frame when Council can work on a

committee basis with the ordinance.

Mayor McBryde ruled the amended motion was an opposite motion and could not be allowed.

Councilmember Haire stated he could not support the motion. He felt the issue needed to be studied more because the ordinance dictated to the pet owners how to take care of their pets and would create a lot of expense for the owners.

Councilmember Talbot stated the City must assume leadership.

AMENDED MOTION:

Councilmember Talbot moved to amend the original motion to approve to add 30 days for the staff and City and County managers to react and to work together.

Councilmember Fogleman withdrew the original motion. A discussion was held regarding the City having its own animal control program.

MOTION: Councilmember Fogleman moved to send this back to the staff for the City Manager to discuss with the County Manager and bring it back in 30 days.

SECOND: Councilmember Shaw

Councilmember Massey stated he was opposed to the one-size fits all mentality, and he felt thought should be given to the effects this ordinance would have on all socio-economic groups.

Mr. Goldstein stated the cost of pets was going to become an individual responsibility.

A discussion was held regarding the use of the microchip for permanent identification and the cost of the penalties. Mr. Goldstein stated the higher penalties dealt only with selected cruelty prohibition and fighting dogs.

VOTE: PASSED by a vote of 6 in favor (Councilmembers Fogleman, Robertson, Talbot, Shaw, Hurst, and Milligan) to 5 in opposition (Councilmembers Worthy, Smith, Massey, Haire, and Kendrick) (Mayor Pro Tem Pitts excused)

Councilmember Kendrick requested that cost figures be given to the Council for budget purposes and that the lengthy process for barking dogs be restudied for simplification.

Mayor McBryde requested that the Councilmembers contact Mr. Stancil to discuss their concerns in order that Mr. Stancil could prepare for his meeting with the County Manager.

5. Presentation on Implementing Processes to Improve Service, Quality, and Cost.

City Manager Roger Stancil presented this item. Mr. Stancil stated everyone wanted the City to be the best and in order to reach this goal he would like to improve the service and quality of business performed by the City by using Resource Management Corporation (RMC), a consulting firm. Mr. Stancil stated that Research Management Corporation's approach is to engage employees in the organization, which would be beneficial to all. Mr. Stancil recommended proceeding with the contract with RMC.

Mr. Stancil introduced Richard Smith of RMC. Mr. Smith stated six years ago RMC had been formed with the unique outlook of being in partnership with dynamic organizations in the pursuit of operating excellence and world class performance. Mr. Smith explained the partnership approach was to create change from within and to produce rapid results that would be permanent and self-perpetuating.

Mr. Smith stated the three major themes in the project would be enabling, facilitating, and the development of permanent processes.

Councilmember Kendrick inquired about the cost of the project. Mr. Stancil stated it would cost about \$26,000.00 a week for 30 weeks or around \$780,000.00.

A discussion was held regarding the improvement of services, the savings the City would make, and a three-to-one return the City would realize.

Mr. Smith stated that at about eight weeks, his firm would be able to identify where the improvements were coming from. The results would be showing up and he stated he would be able to give the rate of return at that point.

Councilmember Worthy asked Mr. Stancil if he was satisfied with the process set up and the backup presentation given to him by PWC. He inquired if Mr. Stancil was recommending that this was the way to proceed with our City. Mr. Stancil stated he was satisfied with what he had seen and this was his recommendation.

MOTION: Councilmember Worthy moved to accept the proposal as set out by the City Manager.

SECOND: Councilmember Shaw

Councilmember Robertson stated he could not support this because of the bad timing, the fact that PWC had its first loss in its annual report, the fact that taxes had just been increased to provide services, and the cost would be close to three-quarters of a million dollars. Councilmember Robertson stated the Council holds the keys to this savings.

VOTE: PASSED by a vote of 9 in favor to 2 in opposition (Councilmembers Robertson and Massey) (Mayor Pro Tem Pitts excused)

6. Discussion of noise buffer at the Cliffdale Road and All American Expressway Interchange. (Requested by

Councilmember Kendrick)

Councilmember Kendrick inquired whether the final plans for noise abatement had been completed for the Cliffdale Road and All-American Expressway area. City Manager Roger Stancil stated the City had hired Mr. Walter Moorman, Jr., as a landscape architect, and he was currently working with the North Carolina Department of Transportation and developing the final plan. Mr. Stancil stated an updated information sheet was being prepared for the neighborhood and it was anticipated that planting would begin in the spring.

Discussion was held regarding the sound barriers along the remainder of the All-American Expressway.

Mr. Stancil reminded the Council that a vote had previously been taken approving this project and the funding had been allocated for a joint project with the North Carolina Department of Transportation.

#### 7. APPOINTMENTS:

A. Fair Housing Board - 2 nominations made, 2 appointments needed:

MOTION: Councilmember Shaw moved to appoint Mr. James Hoffman and Mr. Fred Moorman to the Fair Housing Board.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS (Mayor Pro Tem Pitts excused)

B. Appearance Commission: 8 Vacancies: 6 At Large; 1 Architect: 1 Engineer - 8 Nominations needed.

The following at-large nominations were made:

Bettye Pringle was nominated by Councilmember Smith.

Martha Bramble was nominated for reappointment by Councilmember Milligan.

Anne Adams, Doug Bryson, and Ellen Jordan were nominated by Councilmember Talbot for reappointment.

Lily Carter Johnson was nominated by Councilmember Worthy.

Steve Farber was nominated by Councilmember Shaw.

The following specialty nominations were made by Councilmember Robertson: Gordon Johnson was nominated for the architect vacancy and Brad Swarts was nominated for the engineering vacancy.

C. Personnel Review Board: 3 Vacancies - 3 nominations needed.

City Attorney Robert Cogswell reviewed the changes made on the requirements for membership on this Board noting one member shall be a Human Resource Director or Assistant Director with an organization, corporation, or temporary employment service company; and one member shall be a supervisor or manager of employees in an organization similar in size to the City work force, and four members shall be citizens at-large.

The Council decided to fill the Human Resources Director vacancy at this point in time and to do the supervisor provision when next year's vacancies occur.

The following nominations were made:

Wesley Reese Shore, Jr., was nominated for an at-large position by Councilmember Milligan.

Mickey McClain was nominated for the Human Resources Director vacancy by Councilmember Robertson.

Mr. Ben Chisholm was nominated for an at-large position by Councilmember Haire.

#### 8. ADMINISTRATIVE REPORTS

A. Status of the discussion on Dams.

City Manager Roger Stancil reported that meetings were being held with the attorneys involved in this issue. He stated the City was doing an inventory of other dams located in pending annexation areas for more adequate information. He noted to Council that he had just learned of the possibility of federal funds, which might be available for projects of this type.

Mr. Stancil stated he would like to come back with a report around the eighteenth after talking with the neighbors.

Councilmember Haire inquired if the public would be allowed to use the waters for boating, swimming, and picnicking if it was determined the City owned the dams. He also asked about the availability of parking around the areas.

Mr. Stancil replied this was one of the issues that was being discussed and some of the property owners did not want the public using the facilities.

B. Update on Joint Human Relations Discussions.

Mr. Stancil stated he had discussed his memo and suggestions with County Manager Martin. Mr. Martin had replied he needed more time to come up with solutions and he would get back to Mr. Stancil as soon as possible.

C. Update on Law Road.

Councilmember Robertson expressed his concern about the fact citizens in the Law Road area felt deceived because this had been in the Bond Road Improvement package, and the citizens had thought the entire road and not

just a block was going to be improved.

Councilmember Robertson inquired as to what could be done when folks believed the City had changed a bond improvement project after it had been voted on.

Mr. Stancil stated this was a decision that the Council had made after public discussion in March of 1997 and if the Council wished to revisit the issue, it should be sent to the Transportation Committee.

Councilmember Milligan stated that the citizens in that area were concerned about the traffic pattern and she felt it needed to be looked at also.

MOTION: Councilmember Milligan moved to refer this item back to the Transportation Committee.

SECOND: Councilmember Robertson

Councilmember Worthy stated we need to keep in mind there are other like issues throughout the City and a look needs to be taken at all of them.

VOTE: UNANIMOUS (Mayor Pro Tem Pitts excused)

INFORMATION ITEMS:

1. Report on tax refunds less than \$100.

Name	Year	Basis	City Refund
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Umerah, Amarka	1996-1998	Corrected Assessment	\$62.58
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Dawes, Cedric Leroy & Lisa	1999	Military Non-resident	21.42
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Total		\$84.00	
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2. Information on public hearing on Jordan Lake Water Supply Storage Allocations (Round 2) and Proposed Increase in Interbasin Transfer.

3. Letter of appreciation from Margaret Matthews.

4. Cape Fear Botanical Garden - minutes of November 16, 2000.

5. Monthly Report - Office of Professional Standards.

MOTION: Councilmember Worthy moved to adjourn the meeting.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS (Mayor Pro Tem Pitts excused)

The meeting adjourned at 9:00 p.m.

JOINT SPECIAL MEETING WITH PUBLIC WORKS COMMISSION

DECEMBER 18, 2000

FAYETTEVILLE CITY COUNCIL AND

PUBLIC WORKS COMMISSION

JOINT SPECIAL MEETING

CITY HALL COUNCIL CHAMBER

DECEMBER 18, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (At-Large); Anne D. Fogleman (At-Large); Bobby Hurst (At-Large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6) (arrived at 7:35 p.m.); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

John B. (Ben) Brown, Jr., Chief Development Officer

Jimmy Teal, Chief Planning Officer

Victor Sharpe, Planning Services Manager

Kathy Kem, Planner II

Lisa Smith, Chief Financial Officer

Robert Barefoot, Chief Operating Officer - Engineering and Maintenance

Steve Blanchard, PWC, General Manager

Janet Jones, City Clerk

Jason Brady, Public Information Officer

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by District Elder Jerry Swinney, New Bethel Pentecostal Holiness Church, followed

by Mayor McBryde leading in the Pledge of Allegiance to the American Flag.

MOTION: Councilmember Worthy moved to excuse Councilmember Kendrick until he arrived.

SECOND: Councilmember Massey

VOTE: UNANIMOUS

Mayor McBryde stated the Council would go into the Special Meeting with PWC.

1. Future power supply options.
2. Consideration of canceling Memorandum of Understanding between the City of Fayetteville, acting by and through its Public Works Commission, and SCANA Corporation

Mr. Sandy Saunders, Chairman of the Public Works Commission, stated that at their afternoon meeting, the Commission had voted to recommend to the City Council that the Memorandum of Understanding with SCANA be terminated and they would also like for Council to give them direction as to how to proceed.

MOTION: Councilmember Fogleman moved to approve the Public Works Commission's recommendation to terminate the Memorandum of Understanding.

SECOND: Councilmembers Milligan and Shaw

Mr. Saunders explained that the Commission's recommendation was based on new information that had been received from SCANA regarding estimated cash flow. Mr. Saunders stated it was his understanding that if on September 1, 2001, permits had not been issued, PWC would be obligated for \$13 million and the monies could not be borrowed or floated as bonds and in addition, if the pipeline was not approved by August 2, 2002, PWC would be obligated for \$50,000,354.00 for the power plant.

In response to questions from Councilmember Massey, Mr. Davis, a consultant with Booth and Associates, explained that since approval of the Memorandum of Action, a study had been done on the details of the agreements which defined the obligations of PWC over the full agreement with focus being placed on cash flow and financing. Mr. Davis stated it had been learned that bonds could not be issued on an interim basis and the funds would be limited to internal financing and PWC's funds would not be adequate enough to handle the risk involved. Mr. Davis noted that all regulatory approvals would be required before there could be any issuance of bonds.

Councilmember Talbot stated he felt the program was worth approving and pursuing.

Councilmember Milligan stated she agreed with PWC's recommendation.

Mayor Pro Tem Pitts expressed his concern about the Council's history of making quick decisions on multi-million dollar projects without properly studying the issues.

Mayor Pro Tem Pitts inquired if a definite impasse had been reached. Mr. Davis replied that everyone had worked diligently to make it work but it was his opinion that the two sides were so far apart that without concessions they had tried to address the two sides could not be brought together.

Councilmember Shaw stated that the staff had made their recommendation and if they felt the risk was there, she did not see how the Council would be qualified enough to make the decision.

Councilmember Hurst stated that to him the risks involved in the two approvals were not too great and he felt that to pass up a partnership between PWC and SCANA would destroy an opportunity for Fayetteville and Eastern North Carolina to develop.

Councilmember Smith stated she agreed with Councilmember Hurst, that this was great opportunity for the City of Fayetteville and she thought there was a need to look at the positive side.

Councilmember Robertson inquired of Mr. Barry Gibbes, President of South Carolina Pipeline Corporation, what his view was of the situation. Mr. Gibbes stated that he felt all negotiations had been done in a businesslike and good faith dialog, but at this point it was his opinion that it would not be possible to conclude definitive agreements by January 15, 2001.

Councilmember Haire inquired as to where PWC would go if the Memorandum of Understanding was disapproved. Mr. Saunders stated they would go back into negotiations to build a power supply to be in effect when the CP&L contract expired in 2004.

Councilmember Haire inquired of Mr. Gibbes if the time pressures were relieved would it make a difference. Mr. Gibbes stated that both partners would be equally willing to move forward and he did not know if the problem could be solved, but SCANA was willing to try to continue the dialog.

Councilmember Kendrick asked Roger Stancil as City Manager to state what his recommendation was now that the facts had changed. Mr. Stancil stated that based on PWC's staff recommendation and belief, it was not a bad thing to terminate the Memorandum of Understanding that was being worked on and to continue to work with SCANA on the project of power supply for the City of Fayetteville.

A discussion was held regarding the extension of the deadline, what the extension would cost, and what could be

done to mitigate the exposure of the City and PWC because of the January 15 deadline.

Councilmember Kendrick stated that he had concern that the City Manager and PWC were not supportive of a power generating potential. Mr. Stancil stated he was excited about the potential of generating power, but this particular Memorandum of Action was unaffordable for the City and PWC.

Councilmember Massey stated he could not support the motion and he felt the City and PWC needed to be proactive because deregulation was coming and the City was at risk if the City did nothing and it was at risk if the project was done.

Mayor Pro Tem Pitts asked if it was possible to come to a reasonable agreement by January 15, 2001. Mr. Stancil stated he felt it would be impossible to meet that goal. Mr. Gibbes stated that short-term goals would have to be set and PWC needed to go to the Local Government Commission and see where they stand. He stated he thought it would be difficult to meet the goal.

Mayor Pro Tem Pitts stated he was reluctant to do anything because this was knee-jerk politics and the City had to get away from doing this type of business.

Mr. Saunders stated the projected costs would come out of PWC's General Fund and other funds would be in jeopardy as a result.

Mayor Pro Tem Pitts stated he did not feel a vote should be taken tonight.

Councilmember Shaw stated what the Council was hearing was the hard cold facts of business reality, and the bottom line was PWC was sweating this decision.

MOTION: Councilmember Shaw called the question.

VOTE: FAILED by vote of 7 in favor (Councilmembers Fogleman, Kendrick, Talbot, Shaw, Smith, Haire, and Milligan) to 5 in opposition (Councilmembers Pitts, Robertson, Worthy, Massey, and Hurst) City Attorney Robert Cogswell stated a two-thirds vote was required to call the question and the vote fell short.

Further discussion was held regarding extending a negotiation time until January 15, 2001. Mr. Stancil recommended to terminate the Memorandum of Understanding and to authorize the City to negotiate with SCANA for the extension of time for the definitive agreements and the options for mitigating the cost to the City of Fayetteville or to negotiate an amendment to the current Memorandum of Understanding.

Councilmember Fogleman stated that was not her motion.

Mr. Saunders stated that PWC's recommendation was to terminate the Memorandum of Understanding and to go forward and look at new ways of doing things.

Councilmember Talbot stated he did not want to see this die at this time.

Mayor McBryde called for a vote on the motion to follow PWC's recommendations.

VOTE: PASSED by a vote of 7 in favor with Mayor McBryde casting the tie-breaking vote (Mayor Pro Tem Pitts' vote was in the affirmative because he did not cast a vote and other councilmembers voting in the affirmative were Councilmembers Fogleman, Robertson, Kendrick, Shaw, and Milligan) to 6 in opposition (Councilmembers Worthy, Talbot, Hurst, Smith, Massey, and Haire)

MOTION: Councilmember Shaw moved to adjourn the special meeting.

SECOND: Councilmember Talbot

VOTE: UNANIMOUS

The special meeting adjourned at 8:52 p.m.

REGULAR MEETING

DECEMBER 18, 2000

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

CITY HALL COUNCIL CHAMBER

DECEMBER 18, 2000

7:00 P.M.

Present: Mayor Milo McBryde

Councilmembers Marshall Pitts, Jr. (At-Large); Anne D. Fogleman (At-Large); Bobby Hurst (At-Large); Betty Milligan (District 1); Mable C. Smith (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Nat Robertson (District 5); Mark C. Kendrick (District 6); Curtis Worthy (District 7); Donald G. Talbot (District 8); Rollin Shaw (District 9)

Others Present: Roger L. Stancil, City Manager

Robert C. Cogswell, Jr., City Attorney

Kai Nelson, Director of Business Services

John B. (Ben) Brown, Jr., Chief Development Officer  
Jimmy Teal, Chief Planning Officer  
Victor Sharpe, Planning Services Manager  
Kathy Kem, Planner II  
Lisa Smith, Chief Financial Officer  
Robert Barefoot, Chief Operating Officer - Engineering and Maintenance  
Steve Blanchard, PWC, General Manager  
James Rose, PWC Chief Administrative Officer  
Janet Jones, City Clerk  
Jason Brady, Public Information Officer  
Members of the Press

1. APPROVAL OF AGENDA

City Attorney Robert Cogswell requested to add Item 9.B, a closed session to discuss litigation, Williams vs. City of Fayetteville and Reaves vs. City of Fayetteville.

Mr. Cogswell also requested to add Item 2.Q, amendment to Section 2-28(b) of Ordinance No. S2000-014 approved on September 25, 2000. The change would make the term of two years for three members rather than two members.

MOTION: Councilmember Worthy moved to approve the agenda as presented.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

2. CONSENT:

Councilmember Shaw requested to pull Item 2.L for discussion.

MOTION: Councilmember Shaw moved to approve the consent agenda with the exception of Item 2.L.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

The following items were approved:

- A. Approve minutes of information meeting of September 25, 2000
- B. Approve minutes of information meeting of October 23, 2000.
- C. Approve minutes of regular meeting of November 6, 2000.
- D. Approve minutes of regular meeting of November 20, 2000.
- E. Approve minutes of information meeting of November 27, 2000.
- F. Adopt resolution approving an installment financing contract with Wachovia Leasing Corporation for Police, Fire and General Vehicles and Equipment.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT PURSUANT TO N.C.G.S. SECTION 160A-20. RESOLUTION NO. R2000-117.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- G. Adopt ordinance amending Chapter 20, Motor Vehicles and Traffic, establishing 45 mph speed limit on that portion of Andrews Road currently inside City limits.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES, TRAFFIC SCHEDULE NUMBER 8 - SPEED CONTROL. ORDINANCE NO. NS2000-024.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

- H. Approve Municipal Agreement with N.C. DOT for traffic signal at intersection of Ames Street and Bragg Boulevard.

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2000-118.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- I. Approve condemnation action to obtain right-of-way for street improvement at Fort Bragg Road and Barrington Cross.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY, TRAFFIC SIGNAL IMPROVEMENT AT BARRINGTON CROSS AND FORT BRAGG ROAD. RESOLUTION NO. R2000-119.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

- J. Adopt demolition ordinance for property located at 217 Preston Avenue. (Owner: Renee D. Moore)

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. NS2000-025.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

K. Adopt demolition ordinance for property located at 329 Harrison Avenue. (Owner: Warren L. Moses, 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. NS2000-026.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS2000.

L. Pulled for discussion by Councilmember Shaw.

M. Approve Annexation Agreement with Gillis Development Corporation for utility extensions to serve Raeford Road Estates, identified as Cumberland County PIN #9486-37-7386. (PWC)

N. Approve Annexation Agreement with BG Properties, LLC, for utility service to serve their industrial park property on Airport Road, identified as Cumberland County PIN #0435-24-0049, PIN #0435-24-6224, and PIN #0435-34-5435. (PWC)

O. Approve agreement with Sprint PCS for antenna attachment at PWC Bedrock Drive elevated water storage tower. (PWC)

P. Approve Lease Agreement with Bragg Federal Credit Union for space in the Robert C. Williams Business Center. (PWC)

Q. Amendment to Section 2-28(b) of Ordinance No. S2000-14 approved on September 25, 2000, to change the term of three years for three members rather than two members.

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF FAYETTEVILLE, AMENDING A NEW SECTION 2-28, PUBLIC ART COMMISSION; COMPOSITION AND RESPONSIBILITIES. ORDINANCE NO. S2000-016.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

L. Refer the following items to the Council Development Committee:

1. Discussion of balance between development and preservation regarding downtown economic development projects/activities.

2. Staff Briefing regarding development activities in the "center city industrial park".

Councilmember Shaw pulled this item for discussion. She inquired if the whole City Council would have input on the items being referred. She asked to be advised of the Committee's meeting date and time.

MOTION: Councilmember Shaw moved to approve.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

3. PUBLIC HEARINGS:

A. P00-41F. Consider revisions and amendments to the Fayetteville Code of Ordinances, Chapter 32, Zoning, to create in its entirety Article VIII B, Tree Preservation Regulations, for the purpose of establishing an ordinance to enhance the livability and beauty of the City while promoting and protecting the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City of Fayetteville on publicly owned property.

Ms. Kathy Kem, Planner II, presented this item. Ms. Kem reviewed the highlights of the proposed ordinance, noting the ordinance would apply to public property only.

A discussion was held with councilmembers inquiring about irrigation systems, the watering schedule used on plants until they were established, the removal of trees for replacement plants, and the pruning of the trees.

Councilmembers Hurst, Robertson, and Haire expressed their concern that the ordinance was another step toward the government telling private property owners what they must do with their own property.

This is the advertised public hearing set for this date and time. There was no one present to speak either in favor or opposition and the public hearing opened and closed at 9:32 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE CREATING ARTICLE VIII B, PUBLIC TREE PRESERVATION ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2000-017.

MOTION: Councilmember Kendrick moved to follow the recommendations of the Planning Department and to approve the ordinance.

SECOND: Councilmember Fogleman

VOTE: PASSED by a vote of 9 in favor to 3 in opposition (Councilmembers Robertson, Smith, and Haire)

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S2000.

B. P00-47F. Consider an amendment by reference to the Fayetteville Code of Ordinances, Chapter 32, Zoning, Article XIII, Section 32-82, to amend guidelines for altering, restoring, moving, or demolishing properties designated as landmarks or within historic districts.

Mr. Victor Sharpe, Planning Services Manager, presented this item. Mr. Sharpe stated the revised ordinance would incorporate by reference the design guidelines for Fayetteville's Historic District and Local Landmarks Booklet.

Mr. Sharpe explained this would not add any additional costs and the guidelines would be the same as the ones currently being used.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:40 p.m. Mr. Lonnie M. Player, Jr., 230 Green Street, Fayetteville, NC; and Ms. Michelle Michael, 52 Albemarle Place, Asheville, NC, appeared in favor of the guidelines being incorporated.

Mr. Iman Eronomy Mohammed, 1720 Eldridge Street, Fayetteville, NC, inquired as to how the Committee would respond on how to assist in renovating the E.E. Smith home. He inquired if there was an appeal process.

Mr. Sharpe explained that the property would need to be designated as a local landmark and if Mr. Mohammed would meet with him, he would discuss the process required to obtain the certification.

There was no one further to speak and the public hearing closed at 9:47 p.m.

A discussion was held on the process to be used when a property owner disagreed with the decision which had been made by the Historic Resources Commission and wanted to appeal to the Board of Adjustment for final adjudication.

Councilmember Talbot inquired if a property owner in the Historic District could be excluded from the guidelines if he did not wish to participate.

Mr. Sharpe replied all properties in the district and/or local landmarks would be under the guidelines, and if an owner wanted to do something different, he would have to go before the Historic Resources Commission and get their decision. An appeal of that decision would then have to go before the Board of Adjustment for a final determination.

Further discussion was held regarding a need for more flexibility by the Historic Resources Commission, the signage requirements for the Downtown area, and the \$100.00 fee currently charged when an appeal is made to the Board of Adjustment.

Mayor McBryde called for a vote on the motion which passed by a vote of 8 in favor to 4 in opposition (Councilmember Robertson, Smith, Massey, and Haire)

Councilmember Worthy requested that the fee schedule to appeal to the Board of Adjustment be brought back to the Council by the City Manager.

C. P00-49F. Consider an application by Alice Smith for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 32-24(3), to allow an adult day care in a P2 Professional District for an area located at 201 Moore Street. Containing .12 acres more or less and being the property of Alice & Beverly Smith as evidenced by deed recorded in Deed Book 3568, Page 362, Cumberland County Registry.

Ms. Kathy Kem, Planner II, presented this item. Ms. Kem stated this was a request for a Special Use Permit to operate an adult activity center. She reviewed the site plan, current land use, current zoning, and the current 2010 Land Use Plan. Ms. Kem stated the Zoning Commission recommended approval but the Planning staff had no recommendations because the decision needed to be based on evidence presented in support of the findings of fact.

A discussion was held regarding parking and the bars on the window. Ms. Kem stated the parking was adequate.

This is the advertised public hearing set for this date and time. The public hearing opened at 10:12 p.m.

Ms. Alice Smith, 4300 Graymar Place, Fayetteville, NC, was sworn in by the City Clerk. She appeared in favor of the Special Use Permit and requested the Council's approval for an adult day care activity center for handicapped and homeless persons. Ms. Smith stated no one would be spending the night and vocational training would be provided.

There was no one else to speak and the public hearing closed at 10:15 p.m.

Councilmember Milligan inquired if Ms. Smith owned the group home on Kinlaw Road. Councilmember Milligan stated it was not well cared for and she did not want to see the same thing on Moore Street. She stated she could not support the Special Use Permit.

Ms. Alice Smith challenged Councilmember Milligan on the appearance of the home on Kinlaw Road.

Councilmember Worthy stated this permit had nothing to do with Kinlaw Road because it was downtown and there were no houses around it and he supported Ms. Smith's effort.

Councilmember Kendrick inquired if a homeless shelter and an adult day care center were the same thing. Ms.

Kem stated that a day care facility does not have overnight accommodation and a homeless shelter does.

Ms. Smith stated this was not a homeless shelter but was for handicapped people who were in need of this type of service. Ms. Kem stated that Ms. Smith would have to meet the criteria of the state statutes for adult day care facilities before she could open.

MOTION: Councilmember Smith moved to approve the Special Use Permit with the following findings of fact: that such use shall fit in with the character of the area in which such use is to be located and that such use is not detrimental to the surrounding neighborhood.

SECOND: Councilmember Worthy

VOTE: PASSED by a vote of 11 in favor to 1 in opposition (Councilmember Milligan)

D. Consider a resolution of the City Council of the City of Fayetteville to establish a procedure to review basic cable rates and equipment.

City Attorney Robert Cogswell presented this item. Mr. Cogswell explained the need to establish a procedure to have the Council review basic cable rates and equipment. Mr. Cogswell explained that if the City's consultant found an error, the City would be advised and the error would be forwarded to the FCC. If an error was found, monies could be refunded to subscribers. Mr. Cogswell stated about one-fourth of the time the consultants had found errors.

Mr. Cogswell recommended the Council adopt the resolution. This is the advertised public hearing set for this date and time. There was no one present to speak in favor or in opposition and the hearing opened and closed at 10:30 p.m.

MOTION: Councilmember Robertson moved to reject the proposed cable rate guidelines and proposal to review basic cable rates.

SECOND: Councilmember Kendrick

A discussion was held regarding the cost of legal fees to pursue reviewing the cable rates versus the fees the cable users would be reimbursed.

VOTE: FAILED by a vote of 12 in opposition to 0 in favor.

MOTION: Councilmember Talbot moved to approve and adopt the resolution.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO ESTABLISH A PROCEDURE TO REVIEW BASIC CABLE RATES AND EQUIPMENT COSTS. RESOLUTION NO. R2000-120.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R2000.

4. Consider recommendation of the Once & For All Vision Plan Management Team to engage the NC State Urban Design Assistance Team to update the "vision" plan.

MOTION: Councilmember Fogleman moved to approve.

SECOND: Councilmember Robertson

VOTE: UNANIMOUS

5. Report from Transportation Committee

Councilmember Kendrick, Chairman, presented the Transportation Committee's report. He announced that Mr. Rusty Thompson will be the City's new Traffic Engineer.

A. Update report on Center City Industrial Park.

B. Consider the upgrade and/or improvement of NC Highway 210, aka Murchison Road, as a major and/or primary thoroughfare.

Councilmember Kendrick reported that the North Carolina Department of Transportation staff would develop sketches of proposed improvements and report back to the Committee in 90 days.

C. Review of the Strict and Fair Enforcement Program to assist with increased vehicle congestion problems within the City of Fayetteville

The Police Department and North Carolina Department of Transportation made reports and the Committee requested to be kept abreast of the traffic concerns.

D. Review of a petition requesting "that the City Council erect a sign at the Hay Street Exit off of Martin Luther King Freeway directing travelers to the Historic Haymount section of the City".

The Committee recommended that there be a delay on any action until the design of the museum sign was submitted and then there could be coordination on both signs.

E. Consider a sign directing traffic to downtown historic district at intersection of I-95 and NC 87.

The Committee asked the staff to check on NCDOT's policy on signs for downtown areas on interstate highways and whether a sign could be placed on the I-95 location. A report will be given at a later date.

F. Follow-up reports:

1. Elizabeth Street: Committee requested staff to investigate improvements for Roxie Avenue and Cape Center Drive intersection.

The Committee asked the staff to look at a plan to improve the intersection of Cape Center Drive and Roxie Avenue and to report back in 90 days.

2. Parking on Fort Bragg Road: staff report to Transportation Committee in 90 days on alternatives.

The Committee agreed to honor Mr. Robert Barefoot's request to have more time for Mr. Thompson to examine the situation. The Committee requested the staff report back in 90 days.

3. Traffic-calming initiatives: Staff report to Transportation Committee in 90 days on alternatives.

The staff and Committee discussed several ideas and suggestions during the meeting. The staff will bring proposals back to the Transportation Committee at the next meeting.

4. FSU crosswalk: All crosswalks are completed as requested by FSU.

Councilmember Kendrick reported the crosswalks had been installed and the Fayetteville State University representatives were satisfied with the locations.

6. Presentation and update on fiber optic project.

Mr. James Rose, PWC Chief Administrative Officer, stated that after a feasibility study of a municipal ownership of a fiber communications system, PWC had followed the recommendations and had constructed a system that would meet the internal needs of PWC, the communication needs of other governmental units with any excess capacity being made available to external users until it was needed by PWC.

Mr. Kai Nelson, Director of Business Services, stated that four issues needed to be considered before the City makes any decisions on providing telecommunication services outside of their own infrastructure needs. The issues are as follows:

- 1) To assess legal (federal, state, and local) constraints in providing telecommunication services beyond internal and governmental use;
- 2) To review market and business plan options to include customer assessments;
- 3) To develop organizational structures for providing services; and
- 4) To develop City and PWC financial returns.

Mr. Nelson stated two actions needed to be taken tonight by the Council. The first action was the approval of a lease with AIT for excess fiber cable for the connection of the County Department of Social Services with AIT's computer center on Ramsey Street. The second issue was to approve researching the legal constraints involved in City/PWC providing telecommunication services beyond internal and governmental use.

MOTION: Councilmember Fogleman moved to approve the leasing of fiber to AIT for the connection of the two facilities.

SECOND: Councilmember Milligan

VOTE: UNANIMOUS

MOTION: Councilmember Talbot moved to direct the staff to assess the legal constraints in providing telecommunication services beyond the internal governmental uses by February 15, 2001.

SECOND: Councilmember Worthy

VOTE: UNANIMOUS

7. Update by staff on Franchise Agreement with Time Warner Cable. (Requested by Councilmember Robertson)  
This item was pulled by Councilmember Robertson.

8. APPOINTMENTS:

A. Appearance Commission: nominations for 8 vacancies - 6 At-Large, 1 Architect, 1 Engineer  
No nominations were made.

B. Memo regarding Appearance Commission

Mr. Brad Swarts was declared ineligible for the engineering position because he is an architect.

C. Personnel Review Board: nominations for 3 vacancies

Councilmember Robertson withdrew his nomination of Mr. Mickey McGinn for the Human Resource Director vacancy. No nominations were made.

D. Consider nominations for the newly established Public Arts Commission

The Arts Council nominated Mr. Jesse Byrd, Jr., Mr. Greg Hathaway, and Mr. Harvey Jenkins.

The Museum of Art nominated Mr. Tom Grubbs, Mr. Henry Parfitt, and Mr. Walter Vick.

A discussion was held regarding the residency of Mr. Tom Grubbs and the consensus of the Council was Mr. Grubbs was ineligible because he did not live within the City limits.

MOTION: Councilmember Massey moved to send this to the Policy Committee.

SECOND: Councilmember Worthy

Further discussion was held regarding the need to follow the Council's current policy on residency.

Councilmember Worthy withdrew his motion.

MOTION: Councilmember Worthy moved to vote on the five with the exception of Mr. Tom Grubb.

SECOND: Councilmember Kendrick

VOTE: UNANIMOUS

9. ADMINISTRATIVE REPORTS:

A. City Position Vacancy Report.

B. Closed session to discuss litigation.

MOTION: Councilmember Fogleman moved to go into closed session to discuss litigation, Williams vs. City of Fayetteville and Reaves vs. City of Fayetteville.

SECOND: Councilmember Smith

VOTE: UNANIMOUS

The closed session began at 11:12 p.m. The regular session resumed at 11:25 p.m.

INFORMATION ITEMS:

1. Thank you note from Beverly Downs.

2. Statements of taxes collected for the month of November 2000, from the Cumberland County Tax Administrator.

2000 Taxes	\$570,539.07
2000 Vehicle Taxes	250,080.88
2000 Revit	1,647.73
2000 Vehicle Revit	323.67
2000 FVT	28,128.55
2000 Storm Water	43,712.11
1999 Taxes	27,693.00
1999 Vehicle Taxes	28,098.67
1999 Revit	5.51
1999 Vehicle Revit	38.28
1999 FVT	3,833.05
1999 Storm Water	2,297.88
1998 Taxes	6,114.82
1998 Vehicle Taxes	1,129.03
1998 Revit	0.00
1998 Vehicle Revit	0.00
1998 FVT	192.79
1998 Storm Water	613.53
1997 Taxes	1,691.83
1997 Vehicle Taxes	329.75
1997 Revit	0.00
1997 Vehicle Revit	0.00
1997 FVT	65.27
1997 Storm Water	200.42
1996 & Prior Taxes	1,877.79
1996 & Prior Vehicle Taxes	1,290.10
1996 & Prior Revit	0.00
1996 & Prior Vehicle Revit	0.00
1996 & Prior FVT	112.87
1996 Storm Water	319.25
Interest	8,659.31
Interest (Revit)	5.43
Interest (Storm Water)	513.81
Fayetteville Discount	0.21
Revit. Discount	0.00
Total Collections	\$979,514.61

3. Information for Boards and Commissions: Appointment for January 2001: NC Fireman's Relief Fund - 1

vacancy.

4. Report on responses to Public Forum questions/concerns.
5. Status of on-going annexation projects in Phase IIIA & IIIB areas.
6. FACVB - minutes of November 9, 2000.

MOTION: Councilmember Talbot moved to adjourn.

SECOND: Councilmember Fogleman

VOTE: UNANIMOUS

The meeting adjourned at 11:30 p.m.