

FAYETTEVILLE CITY COUNCIL

MINUTES

OCTOBER 8, 2007

7:00 P.M.

CITY HALL COUNCIL CHAMBER

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Lois A. Kirby (District 5); Paul Williams (District 6); Curtis Worthy (District 7); Juanita Gonzalez (District 8); Wesley A. Meredith (District 9)

Others Present: Stanley Victrum, Assistant City Manager

Karen M. McDonald, City Attorney

Lisa Smith, Chief Financial Officer

Jimmy Teal, Planning Director

Victor Sharpe, Community Development Director

Frank Simpson, Inspections Director

Kyle Garner, Planner

Steve Blanchard, PWC CEO/General Manager

Luis J. Olivera, PWC Commissioner

Wilson A. Lacy, PWC Commissioner

Terri Union, PWC Commissioner

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Rev. Arnold Coley, Chaplain with the Fayetteville Police Department, followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Council Member Kirby moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

A. Announcements and Recognitions

Mayor Chavonne and Council Member Bates presented a proclamation to Charles Luther and Jackie Blue, Fayetteville-Cumberland Advisory Council for People with Disabilities, proclaiming October 2007 as Disability Awareness Month.

Mayor Chavonne and Council Member Gonzalez presented Certificates of Appreciation to Gentlemen's Association of Harris Place members Leonard Dixon, Joseph Holmes, Luis Bowen, Calvin Jordan, Vencient T. Smith, Andrew Daniels, Rick Powell and Edward Beard. Certificates were awarded in absentia to Fredrick Whitaker and Jill Patrick.

Mayor Chavonne and Council Member Meredith presented a proclamation to Rev. Laura Lupton, 2007 Crop Hunger Walk Coordinator, and participants of Crop Hunger Walk proclaiming October 21, 2007 as Crop Hunger Walk Day.

Mayor Chavonne and Council Member Worthy presented Certificates of Recognition and firefighter's medallions to fire fighters Frank Kocsis, Christopher (Scott) Cannon, Steven M. Clark, Stephen O. Lucas, and Captain Robert T. Brinson and Station 3, B Shift, Fire Department personnel. Fire Chief Nichols presented firefighters with letters of commendation and Fire Department Chief's coins.

Mayor Chavonne encouraged citizens to vote in their district primary elections.

Council Member Kirby refuted misinformation as broadcast on a local television station related to the City of Fayetteville banning the name of Jesus from prayer.

B. Comment Period

Mayor Chavonne informed citizens that results of the survey gauging interest in a proposed plan for financing Rayconda Dam repairs and information regarding how the city

handled similar breaches would be reported and discussed at the October 22, 2007 meeting.

Ronnie Peele, 210 Rivenoak Drive, Fayetteville, NC 28303 expressed concern for a bill he received from the city for mowing services and asked Council to dismiss the charges.

Richard French, 5100 Palmetto Lane, Fayetteville, NC 28304 expressed the need for a recreation facility for youth in the Douglas Byrd area.

Allen (Chip) K. Grammer, 7606 Siple Avenue, Fayetteville, NC 28304 stated the city set a precedence with their handling of the Vanstory dam and the Rayconda community is requesting equitable treatment.

Gerald Ellison, 2000 Galax Drive, Fayetteville, NC 28304 stated the city annexed the Rayconda dam when it annexed the Rayconda properties and tax base.

Alice Watkins, 2116 Pinewood Terrace, Fayetteville, NC 28304 stated issues associated with repairs to the Rayconda dam are dividing the Rayconda community.

Henry Hobson, 7813 Kennybunk Drive, Fayetteville, NC 28304 asked the city to handle the Rayconda dam repairs the same as it handled dam repairs in other subdivisions within the city.

Linda Miller, 112-4 Spring Street, Fayetteville, NC 28305 expressed concern for banning prayer in the name of Jesus.

Pat Huthwaite, 7720 Kennybunk Drive, Fayetteville, NC 28304, President of the Rayconda Homeowner's Association, spoke to past efforts with the county and city to repair the Rayconda dam.

Richard Wagner, 2074 Loganberry Drive, Fayetteville, NC 28304 stated responsibility for repairs to the Rayconda dam were assumed by the city when the Rayconda community was annexed in 2005.

Willie Milligan, 4795 Grays Creek Church Road, Hope Mills, NC 28348 stated the city did not list the repairs needed at 633 Robeson Street and he would like another opportunity to repair the structure.

Wilhelmenia McKinnon, 729 Ashburton Drive, Fayetteville, NC 28301 requested an extension so the repairs at 633 Robeson Street could be identified and completed.

Randy Baker, 7702 Ancon Drive, Fayetteville, NC 28304 stated as stewards of the land, Council should direct the city to fund repairs to the Rayconda dam.

Becky Elledge, 7708 Ancon Drive, Fayetteville, NC 28304 asked Council to support the Rayconda community.

Bert Kinkead, 2114 Ancon Drive, Fayetteville, NC 28304 asked that repairs to the Rayconda dam be given the same consideration as repairs to dams in other communities within the city.

Harry J. Altman, 1929 Culpepper Lane, Fayetteville, NC 28304 asked Council for an up or down vote in support of the reconstruction of Rayconda dam.

Lee O'Briant, 2118 Pinewood Terrace, Fayetteville, NC 28304 stated the Rayconda community was adopted by the city when it was annexed and asked that the city fund repairs to the community dam.

Glenn Greene, 2002 Bedloe Street, Fayetteville, NC 28304 asked that repairs to the Rayconda dam be given the same consideration as repairs to dams in other parts of the city.

Clinton Harris, 4713 Watauga Road, Fayetteville, NC 28304 expressed the need for an indoor Olympic-sized swimming pool in the Douglas Byrd area.

William Wright, 2094 Loganberry Drive, Fayetteville, NC 28304 stated the Rayconda community needs the city's help with repairs to the dam.

Joseph Levister, 7876 Ancon Drive, Fayetteville, NC 28304 stated the city was aware of problems associated with the dam when Rayconda was annexed and therefore the city is responsible for repairs to the dam.

Betty Perry, 1952 Culpepper Lane, Fayetteville, NC 28304 stated the city annexed the Rayconda community as is and is therefore responsible for repairs to the dam.

Freddy Rivera, 1946 Culpepper Lane, Fayetteville, NC 28304 asked that the city take financial responsibility for repairs to the Rayconda dam.

Vicki Castro, 7721 Siple Avenue, Fayetteville, NC 28304 asked that the city take care of the Rayconda community and fund repairs to the dam.

Judith Lee, 2114 Ancon Drive, Fayetteville, NC 28304 asked that the city provide resolution to problems associated with repairs to the Rayconda dam.

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

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

3. CONSENT:

Council Member Worthy requested Item 3.K. pulled.

Council Member Haire requested Items 3.L.3. and 3.L.8 pulled for discussion.

MOTION: Council Member Worthy moved to approve the consent agenda with the exception of Items 3.K., 3.L.3 and 3.L.8.

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

A. Approve Minutes:

1. Agenda Briefing Meeting held on September 20, 2007

B. Tax Refunds Greater Than \$100

C. Special Revenue Project Ordinance 2008-06 (FY 2008 Operation Ceasefire Grant

This ordinance will establish the budget for the Project Safe Neighborhood (PSN) Anti-Gang: Operation Ceasefire Grant for fiscal year 2008. The grant was awarded by the North Carolina Department of Crime Control and Public Safety, Division of the Governor's Crime Commission. The grant will provide \$84,300 to fund the Ceasefire Coordinator and Gun Tracer position salaries as well as travel, supplies and other operating costs of the program.

**D. Resolution to Accept \$1 Million from NCDOT for the Cape Fear River Trail Phase 2
RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. R2007-057**

E. Consider Offer to Purchase Vacant City-owned Lots on Vanstory Street for Upset Bids

F. Approve Sign Permit for the Fayetteville FireAntz's Season Opening Home Hockey Game on Friday, October 26, 2007.

G. Approve Sign Permit for the Fayetteville Fire Department's Annual "Change Your Clock-Change Your Battery" Promotion

**H. Municipal Agreement with the NCDOT for Inspection of City Maintained Bridges
RESOLUTION PASSED BY THE TOWN COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. R2007-056**

I. Renewal License Agreements with Sprint Corporation

J. Fiber Lease Agreement with FRC, LLC

K. Pulled by Council Member Worthy.

L. The following properties are found to contribute to blight in the neighborhood.

After notice to the owners and their failure to repair or demolish the properties themselves, this action authorizes the City to demolish the property and place a lien against the property for the cost of that action.

1.1925 Bain Drive (PIN 0428-84-0576/0428-84-0602); Mary & A. B. Morgan, Heirs

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-044

2.6722 Baldoon Drive (PIN 9497-79-1976); Frank Eugene Morton, 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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-045

3. Pulled by Council Member Haire.

4.314 Chance Street (PIN 0437-58-2199); Delos Investments, LLC

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-047

5.5200 Hodge Street (PIN 0419-30-8470); I & J Investments, Benner Jones & Daniel Ivey

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-048

6.300 Jasper Street - SHED ONLY! (PIN 0428-96-6453); Amie Lee Jerald & Emily Patricia Chisley

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-049

7.893 Marsh Street (PIN 0437-79-9381); Robert Earl Helms & Dorothy M. Helms

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-050

8. Pulled by Council Member Haire.

9.739 Southern Avenue (PIN 0436-49-1241); Lizzie Mae James, Heirs c/o Harold Laymont James

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-052

10.1928 Westhill Drive (PIN 0416-72-3858); Roseanne M. Maurelis

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-053

3.K. Resolution Proclaiming October 7-13, 2007 Public Power Week in Fayetteville, NC

Wilson A. Lacy, PWC Commissioner, thanked Council for their continued support and pledged PWC's ongoing support of the city of Fayetteville. Steve Blanchard, PWC CEO/General Manager, asked Council to support October 7-13, 2007 as Public Power Week.

RESOLUTION PROCLAIMING OCTOBER 7-13, 2007 PUBLIC POWER WEEK IN FAYETTEVILLE, NORTH CAROLINA. R2007-055

MOTION: Council Member Worthy moved to officially recognize and proclaim October 7-13, 2007 as Public Power Week.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

3.L.3. 214 Brookwood Avenue (PIN 0438-63-2719); Charles W. Cooper

Frank Simpson, Inspections Director, provided a video and an overview of the findings of fact. Mr. Simpson stated a permit was issued, repairs to the property were started but ceased

and the structure is still under dangerous conditions. Mr. Simpson responded to questions.

**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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE
NO. NS2007-046**

MOTION: Council Member Bates moved to deem 214 Brookwood Avenue as contributing to blight in the neighborhood and action be taken to demolish.

SECOND: Council Member Meredith

Council Member Williams inquired about public hearings for properties to be demolished. Karen M. McDonald, City Attorney, reviewed the appeals process and stated in this case, the property owners did not avail themselves of the appeal to the Board of Appeals on Buildings and Dwellings. Mrs. McDonald advised Council meetings are not the appropriate forum for discussions or appeals; however, Council could direct staff to redesign the process if so desired. Mrs. McDonald stated the issue in these matters is whether properties meet the standards as set by state law and whether all property owners are afforded the same opportunity. Mrs. McDonald further stated it is incumbent on property owners to avail themselves of the process involved. Discussion followed and consensus of Council was to revisit the process at an upcoming work session.

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

3.L.8. 633 Robeson Street (PIN 0437-10-7728); Bertha Ann Milligan-Walker and Wilhelmena McKinnon

Mr. Simpson provided a video and an overview of the findings of fact. Mr. Simpson stated the property owners were given ninety days to repair the structure but no repairs occurred and no appeal was submitted. Mr. Simpson responded to questions regarding the appeals process and stated the building inspector is obligated to enforce the ordinance as enacted by the Council.

Mrs. McDonald advised under the process, all property owners are notified in writing of the administrative appeals process involving the Board of Appeals on Buildings and Dwellings and also notified that they have ten days in which to appeal the building inspector's decision or the order becomes final. Additional questions followed and Mrs. McDonald explained standards used for a structure that is vacant and abandoned versus standards used for a structure that does not meet the minimum housing code.

**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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE
NO. NS2007-051**

MOTION: Council Member Gonzalez moved to approve the condemnation of 633 Robeson Street.

SECOND: Council Member Bates

Discussion ensued with reference to questions and concerns expressed by property owners and enforcement of the ordinance.

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

4. BOARDS AND COMMISSIONS

NOMINATIONS – Second Week

HISTORIC RESOURCES COMMISSION – 5 vacancies (3 Category 6-At Large; 1 Category 1- Licensed/Registered Architect; 1 Category 2- Historic Preservationist, or Cultural or Social Historian) – 3 nominations made – 2 nominations needed

Kenneth Suggs and Warren Jackson were nominated for a first term Category 6 – At Large position by Council Member Gonzalez.

Katherine Marable was nominated for a second term Category 6 - At Large position by Council Member Evans.

Susan Sherref was nominated for a first term Category 2 – Historic Preservationist or Cultural or Social Historian position by Council Member Kirby.

WRECKER REVIEW BOARD– 1 vacancy (1 disinterested person who is not a licensee, wrecker owner or operator, or a City employee to serve as Chairman) – 1 nomination made – 0 nominations needed

The nomination of James Y. Jarvies was withdrawn and no further nominations were made.

INFORMATION ONLY – No Action Needed

FAIR HOUSING BOARD – 3 vacancies due to terms expiring in November 2007

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