

**FAYETTEVILLE CITY COUNCIL**

**MINUTES**

**JULY 9, 2007**

**7:00 P.M.**

**CITY HALL COUNCIL CHAMBER**

Present: Mayor Anthony G. Chavonne

Council Members 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: Dale E. Iman, City Manager

Stanley Victrum, Assistant City Manager

Kyle Sonnenberg, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Bobby Teague, Engineering and Infrastructure Director

Frank Simpson, Inspections Director

Candice H. White, City Clerk

Members of the Press

**INVOCATION - PLEDGE OF ALLEGIANCE**

The invocation was offered by Stanley Victrum, City of Fayetteville Assistant City Manager, followed by the Pledge of Allegiance to the American Flag.

**1. APPROVAL OF AGENDA**

Council Member Evans requested the addition of a closed session for personnel matters.

**MOTION:** Council Member Evans moved to approve the agenda with the addition of a closed session for personnel matters.

**SECOND:** Council Member Worthy

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

**2. PUBLIC FORUM:**

**A. Announcements and Recognition**

Council Member Kirby presented a Certificate of Appreciation to Patricia Lounsberry, part-time Area Coordinator for the Society of St. Andrew, for the hunger relief ministry provided by the organization.

**B. Comment Period**

Mike Lallier, 500 Willow Bend Lane, Fayetteville, NC 28303 complimented City staff for their efforts during the July 4th concert in Festival Park and thanked the Arts Council and the Fayetteville Chapter of the North Carolina Symphony for their contributions to the event's success.

Mayor Chavonne thanked Mr. Lallier for his sponsorship and his commitment to the 2008 July 4th event.

Jose J. Cardona, 233 Addison Street, Fayetteville, NC 28314 referenced a recent newspaper article related to progress in North Carolina and offered comments regarding BRAC, the Ethanol 85 plant, the school system and the transit system.

Richard M. Bordone, 1914 Merrimac Drive, Fayetteville, NC 28304 spoke regarding the condition of roads in the Wells Place subdivision. Mr. Bordeaux stated the area was annexed into the City last year and residents would like to request assistance with paving the roads in the neighborhood.

At the request of Mayor Chavonne, Mr. Iman provided information regarding the pavement management system used to evaluate streets throughout the city.

Leroy Chisolm, 2021 Penrose Drive, Fayetteville, NC 28304 spoke regarding the condition of roads in the Wells Place subdivision and asked Council to consider a special designation of Powell Bill funds to assist with paving of streets in the subdivision.

Delores H. Robinson, 2020 Penrose Drive, Fayetteville, NC 28304 spoke regarding the long-term residents of the Wells Place subdivision and the pride they have in their community. Ms. Robinson asked Council for assistance with paving roads in the Wells Place community. Richard King, 774 Buckland Drive, Fayetteville, NC 28312 invited citizens to the Fayetteville Guard indoor football championship game to be held in Fayetteville. Mr. King stated the nationally televised event would draw people to Fayetteville and promote the City of Fayetteville.

Imam Eronomy Mohammed, 2700 Murchison Road, Fayetteville, NC 28301 encouraged Council to consider having a recreational resort in the City of Fayetteville.

### **3. CONSENT:**

Council Member Evans requested that Item 3.C. be pulled for discussion.

Council Member Williams requested that Item 3.J. be pulled for discussion.

Council Member Haire requested that Item 3.G. be pulled for discussion.

Karen M. McDonald, City Attorney, requested that Item 3.I. be removed from the agenda.

**MOTION: Council Member Evans moved to approve the consent agenda with the exception of Items 3.C., 3.J. and 3.G. and the removal of Item 3.I. for future consideration.**

**SECOND: Council Member Worthy**

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

The following items were approved:

#### **A. Approve Minutes:**

- 1. Special Meeting held on June 7, 2007**
- 2. Regular Meeting held on June 11, 2007**
- 3. Special Meeting held on June 12, 2007**
- 4. Agenda Briefing Meeting held on June 21, 2007**
- 5. Regular Meeting held on June 25, 2007**

#### **B. North Carolina Department of Transportation Grant Resolution for Transit**

RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. R2007-039

**C.** Pulled at the request of Council Member Evans.

#### **D. Capital Project Ordinance Amendment 2008-1 (FY2007 Transit Capital Grant for Three Replacement Vans)**

This ordinance will appropriate \$100,000 for three replacement vans. The source of funds for this project is \$83,000 in Federal Transit Administration grant funds, \$8,000 in North Carolina Department of Transportation grant funds and a required local match of \$9,000 from the General Fund.

#### **E. Resolution of the City Council of the City of Fayetteville Designating the Finance Manager as a Deputy Finance Officer**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING THE FINANCE MANAGER AS A DEPUTY FINANCE OFFICER. R2007-040

**F. Due to the subsequent analysis of topographical data in the field it is recommended the assessment for 2240 Memory Street be reduced from a single family residential lot assessment (\$3,785) to a grinder pump assessment of \$550. The difference in the assessment amount is due to the fact that the owner will have to bear the cost of a grinder pump.**

**G.** Pulled at the request of Council Member Haire.

#### **H. Accept an offer to purchase a portion of vacant lot on Weiseger Street**

**I.** Removed from agenda at the request of Karen M. McDonald, City Attorney.

**J.** Pulled at the request of Council Member Williams.

#### **3.C. Special Revenue Project Ordinance 2008-1 (FY2007 Transit Planning Grant)**

This ordinance will appropriate \$292,300 for Transit planning activities. The source of funds for this project is \$233,840 in Federal Transit Administration grant funds, \$29,230 in North Carolina Department of Transportation grant funds and a required local match of \$29,230 from the

General Fund.

Council Member Evans inquired about the transit planning grant. Mr. Iman explained the special revenue project ordinance would ensure the city gets reimbursed for planning activities undertaken annually. Kyle Sonnenberg, Assistant City Manager, stated the local match would cover a variety of planning and operational activities related to transit planning. Council Members posed additional questions about the regional transit study.

**MOTION: Council Member Williams moved to approve special revenue project ordinance 2008-1 (FY-2007 Transit Planning Grant).**

**SECOND: Council Member Bates**

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

**3.G. Set a Public Hearing and Approve a Preliminary Resolution Requiring the Paving Without Petition of Certain Soil Streets**

Council Member Haire asked whether property owners would be assessed and whether they would be informed about the availability of assistance for payment of the assessment. Mr. Iman confirmed property owners would be assessed and stated information regarding payment assistance is provided at the time of the public hearings and also included in letters sent to property owners.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF OSCAR STREET FROM FAIRVIEW STREET TO BLACKWELL STREET; MILAN ROAD FROM NORTH STREET TO DEAD END; SEMINOLE DRIVE FROM GOINS DRIVE TO DEAD END; MEETING STREET FROM N. COOL SPRING STREET TO DEAD END; CHURCH STREET FROM THE CENTERLINE OF LAKELAND STREET SOUTHEASTERLY APPROXIMATELY 215.57 FEET; AND COMO STREET FROM THE CENTERLINE OF GOING DRIVE WESTERLY APPROXIMATELY 273.62 FEET. R2007-041

**MOTION: Council Member Haire moved to approve the preliminary resolution requiring the paving without petition.**

**SECOND: Council Member Worthy**

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

**3.J. 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. 2514 Camden Road (PIN 0426-81-1729); Darryl and Cherie Huggins**

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. NS2007-027

**2. 6466 Easthampton Road (PIN 9498-62-9513); Daine and Stephanie Locke**

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. NS2007-028

**3. 1023 Fledger Street (PIN 0427-90-7012); Freddie McDuffi**

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. NS2007-029

**4. 1229 Hamlet Street (PIN 0436-36-5390); Lloyd Baker, 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. NS2007-030

**5.203 Johnson Street (PIN 0418-49-0251);** Lee Geather Thomas, 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. NS2007-031

**MOTION: Council Member Williams moved to set a public hearing for Item 3.J. and all future requests for authorization to demolish properties and place a lien against the properties for the cost of that action.**

**SECOND: Council Member Haire**

Mrs. McDonald advised a statutory process was involved and recommended that Council pull Item 3.J. from the agenda and make a motion to direct the City Attorney to research whether a public hearing could be added to the statutory process for Item 3.J. and other properties having undergone the statutory process.

RESTATED MOTION: Council Member Williams moved to pull Item 3.J. and delay action in order to allow the City Attorney to research setting an additional public hearing for Item 3.J. and future requests for condemnation.

SECOND: Council Member Haire

Council Members offered comments and discussion followed.

**VOTE: FAILED by a vote of 3 in favor (Council Members Williams, Haire and Worthy) to 7 in opposition (Council Members Chavonne, Bates, Gonzalez, Massey, Kirby, Evans and Meredith).**

**MOTION: Council Member Gonzalez moved to approve Item 3.J.**

**SECOND: Council Member Bates**

**VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Williams and Haire).**

**4. FY 2006-2007 4th Quarter Update & Final Report on the City's Strategic Plan**  
Doug Hewett, Assistant City Manager, presented this item and provided an update on fourth quarter successes and the final report for the FY 2006-2007 Strategic Plan. Mr. Hewett noted items that would be ongoing and transition to the 2007-2008 Strategic Plan.

Mr. Iman and Mr. Hewett spoke to plans for Council updates and management of the Strategic Plan in 2007-2008 to include the policy agenda, the management agenda and the intergovernmental agenda. Questions and comments followed.

**MOTION: Council Member Kirby moved to accept the Strategic Plan update as provided.**

**SECOND: Council Member Worthy**

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

**5: BOARDS AND COMMISSIONS:**  
**APPOINTMENTS**

**AIRPORT COMMISSION – 3 vacancies – 8 nominations made – 3 appointments needed**

The nomination of Patrick J. Wachlter was withdrawn.

Upon a vote taken by Council, Dudley C. Miller, Ralph P. Hamilton and Roy B. Goforth were appointed to the Airport Commission.

**FAYETTEVILLE-CUMBERLAND HUMAN RELATIONS COMMISSION – 4 vacancies – 9 nominations made – 4 appointments needed**

The nomination of Catherine L. Ramos was withdrawn.

Upon a vote taken by Council, Frank Maness, Jr., Pamela Suggs Story, Shirley Chao and Crystal Moore-McNair were appointed to the Fayetteville-Cumberland Human Relations Commission.

**PUBLIC WORKS COMMISSION – 1 vacancy – 1 nomination made – 1 appointment needed**

Luis J. Olivera was appointed by acclamation to the Public Works Commission.

**PUBLIC WORKS COMMISSION RETIREMENT BOARD – 1 vacancy – 1 nomination made – 1 appointment needed**

Glenn B. Adams was appointed by acclamation to the Public Works Commission Retirement Board.

**JOINT STORMWATER ADVISORY BOARD – 2 vacancies - 4 nominations made – 2 appointments needed**

The nomination of James Jarvies was withdrawn.

Upon vote by Council, Charles A. Donnell and Don Stewart were appointed to the Joint Stormwater Advisory Board.

**APPOINTMENTS**

**BOARD OF ADJUSTMENT– 1 vacancy due to resignation of position expiring in August 2009 – 2 nominations made – 1 fill-in appointment needed**

Upon vote by Council, Colleen F. Astrike was appointed as a fill-in and David Helms was appointed as a fill-in Alternate to the Board of Adjustment.

**FAYETTEVILLE CITY PLANNING COMMISSION– 1 vacancy due to resignation of position expiring in July 2008 – 1 nominations made – 1 fill-in appointment needed**

Mr. Copenhagen was appointed by acclamation as a fill-in to the Fayetteville City Planning Commission.

**NOMINATIONS – Second Week**

**JOINT CITY AND COUNTY APPEARANCE COMMISSION – 2 vacancies – 1 nomination needed – 1 nomination made**

Bernadette R. Bogertey was nominated for a second term by Council Member Evans.

**FAYETTEVILLE-CUMBERLAND PARKS AND RECREATION ADVISORY COMMISSION – 3 vacancies – 0 nominations needed – 5 nominations made**

H. Dean Jones was nominated for a first term by Council Member Bates.

**FAYETTEVILLE CITY PLANNING COMMISSION– 4 vacancies – 1 nomination needed – 3 nominations made**

Thomas C. Dempster was nominated for a first term by Council Member Massey.

Mark Ledger was nominated for a first term by Council Member Gonzalez.

Debra L. Patillo was nominated for a first term by Mayor Chavonne.

**TAXICAB REVIEW BOARD– 3 vacancies – 1 nomination needed – 2 nominations made**

No nominations were made.

**FAYETTEVILLE CITY ZONING COMMISSION– 2 vacancies – 0 nominations needed – 2 nominations made**

John C. Crawley (Alternate) was nominated for a first term by Council Member Meredith.

Jeannie Nelson was nominated for a first term by Council Member Evans.

Peter A. Paoni was nominated for a first term by Council Member Williams.

**INFORMATION ONLY – No Action Needed**

**BOARD OF ADJUSTMENT**

**David R. Williford** – Second term expires. Not eligible for reappointment.

**6. Consider Closed Session for personnel matters.**

**MOTION:** Council Member Worthy moved to go into closed session for personnel matters.

**SECOND:** Council Member Meredith

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

The regular session recessed at 8:50 p.m.

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

**SECOND:** Council Member Worthy

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

The regular session reconvened at 10:00 p.m.

**INFORMATION ITEMS:**

1. Taxes for less than \$100.

There being no further business, the meeting adjourned at 10:02 p.m.