

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MAY 14, 2012
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1) (arrived at 7:05 p.m.); Kady-Ann Davy (District 2) (arrived at 7.13 p.m.); Darrell J. Haire (District 4); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others present:

Kristoff Bauer, Interim City Manager

Bradley Whited, Interim Assistant City Manager

Karen McDonald, City Attorney

Lisa Smith, Chief Financial Officer

Rusty Thompson, Engineering and Infrastructure Director

Ron McElrath, Human Relations Director

Kecia Parker, Real Estate Manager

Rebecca Rogers-Carter, Management Services Manager

Steven K. Blanchard, PWC CEO/General Manager

Pamela Megill, City Clerk

Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the Mayor and City Council.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to approve the agenda with moving Item 8.3 prior to Item 8.2.

SECOND: Council Member Haire

VOTE: UNANIMOUS (6-0)

RECOGNITION

Mr. Andrew Snyder of the NC Forest Service presented Mayor Chavonne with a plaque and stated the City of Fayetteville was recognized for being a Tree City USA for the tenth year in a row. Mr. Snyder stated Fayetteville was one of 3,400 cities in the nation to receive the award and had met the criteria by having a tree ordinance, a Tree Board, and a community program with an annual expenditure and the City recognized Arbor Day. Mayor Chavonne thanked Mr. Snyder on behalf of the Council and citizens of Fayetteville.

Mr. Johnny Lanthorn, Chair of the Joint Appearance Committee, announced the forthcoming Appearance Awards Program and provided a brochure to the Council Members. Mayor Chavonne stated the details of the program would be available on the City website.

5.0 PUBLIC FORUM

Mr. Dennis Thompson, Fayetteville, NC, requested the support of the Mayor and City Council to initiate a program at the state level that would identify drivers with a medical condition via vehicle registration/driving license registration.

Ms. Wendy Michener, Fayetteville, NC, expressed concerns and displeasure regarding the forthcoming closure of the post office. She requested the elected officials take some form of action to oppose the closing.

Mayor Chavonne stated that the City Council had already taken a course of action and the details were in the local newspaper several days ago.

Mr. Archie Barringer, 2271 Jenna Shane Drive, Fayetteville, NC 28306, stated he was representing the families of veterans interned at the Sandhills Veterans Cemetery and

requested the elected officials support a request for widespread improvements and repairs for the Sandhills Veterans Cemetery from the Department of Veterans Affairs.

6.0 CONSENT

MOTION: Council Member Haire moved to approve the consent agenda.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (8-0)

6.1 Adopt resolution authorizing the sale of personal property by public auction.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2012-017.

6.2 Capital Project Ordinance Amendment 2012-20 (stormwater drainage improvements).

The amendment appropriated an additional \$467,516.00 for stormwater drainage improvement projects.

6.3 Approve meeting minutes:

- March 5, 2012 - Work Session
- March 12, 2012 - Discussion of Agenda Items
- March 12, 2012 - Regular Meeting
- March 21, 2012 - Agenda Briefing
- March 26, 2012 - Discussion of Agenda Items
- March 26, 2012 - Regular Meeting
- April 4, 2012 - Strategic Planning Retreat
- April 10, 2012 - Special Budget
- April 10, 2012 - Regular Meeting

6.4 PWC - Bid Award - Contract for Rockfish Creek Outfall Rehabilitation Project awarded to Insituform Technologies, Chesterfield, MO, low bidder, in the amount of \$1,288,749.90.

Bids were received as follows:

Insituform Technologies (Chesterfield, MO).....	\$1,288,749.90
Am-Liner East, Inc. (Berryville, VA).....	\$1,312,805.40
Reynolds Inliner, LLC (Charlotte, NC).....	\$1,569,247.00
Improved Technologies Group, LLC (Knoxville, TN).....	\$2,198,149.00

6.5 Transfer maintenance of Middle Road to NCDOT.

7.0 PUBLIC HEARINGS

7.1 Adopt a resolution and order closing a portion of Finnegan Street.

Ms. Kecia Parker, Real Estate Manager, presented this item and stated a petition was received from a property owner adjoining an unopened portion of Finnegan Street requesting a portion of the street be permanently closed, which was authorized by general statute. She stated the street was currently not used as a public street or alley and there were utility easements in the portion requesting to be closed that would need to be reserved.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. David Rock, 308 Glenville Avenue, Fayetteville, NC, appeared in favor on behalf of his mother who was not opposed to the road closure.

Mr. Clifton Cameron, 1924 Finnegan Street, Fayetteville, NC, appeared in favor and stated he wanted to maintain a contiguous beautiful appearance at the end of Finnegan Street for years to come, and for the future residents of Finnegan Street. He stated he wanted to clearly delineate responsibility to himself for maintaining the property which he was already doing, and wanted to enhance the security of the neighborhood by finalizing a fence without disturbing Ms. Rock's access whatsoever to her beautiful backyard.

There being no one further to speak, the public hearing was closed.

RESOLUTION AND ORDER CLOSING A PORTION OF FINNEGAN STREET. RESOLUTION NO. R2012-018.

MOTION: Mayor Pro Tem Arp moved to adopt the resolution and order closing a portion of Finnegan Street while reserving utility rights.

SECOND: Council Member Bates

VOTE: UNANIMOUS (8-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Amending Chapter 6, Animals and Fowl

Ms. Karen McDonald, City Attorney, stated the County had been working for several months on revisions to the animal control ordinance. She stated the County Attorney presented the proposed changes to Council in February and the changes had subsequently gone back to the County. She stated the matter was scheduled for consideration and approval by the Board of Commissioners on May 21, 2012. She further stated Mr. Rick Moorefield, County Attorney, was present to discuss the proposed revisions. She advised the interest would be once the County approved the revisions to the animal control ordinance, the Council would also rescind its existing ordinance and adopt the County's ordinance such that it would be effective and enforceable in the municipal limits of the City of Fayetteville as well.

Mr. Rick Moorefield, County Attorney, stated that Dr. John Lauby, Cumberland County Animal Control Director, requested that Section 3-15 of the previous proposed draft be completely re-written. He explained that the existing ordinance provided that Animal Control could take action to abate any specified nuisance caused by an animal. He further explained enforcement was complaint driven. He stated the existing nuisance was extremely difficult to enforce because by the time Animal Control arrived at the location of the complaint, there was no nuisance occurring and complainants had generally been unwilling to testify in any enforcement action. He stated when the re-write of the ordinance commenced, he recommended and Dr. Lauby agreed that nuisance enforcement should be the sole responsibility of the complainant. He stated Dr. Lauby requested that the nuisance enforcement be modeled after the system in Brunswick County which makes nuisance enforcement the sole responsibility of Animal Control. He stated this would require significantly more officer-time because the officer would have to make the nuisance determination from his or her own observations, not from the report of a complaint. He reported Section 3-19(e), penalty for dog biting while at-large, had been eliminated and replaced with citing for the underlying violation of the dog being at-large. He further stated regarding the limits of dogs kept on residential premises in zoning classifications of 20,000 square feet or less, all existing dogs which were in compliance with the existing ordinance would be grandfathered under the new provision, and cats had been removed from the provision. He stated in reference to liability insurance requirements for owners of dangerous dogs, the existing ordinance required \$100,000.00 liability coverage, the attorney's office and Animal Control Director recommendation was to reduce that coverage to \$50,000.00. He stated ferrets would be included in the provision for rabies control and the pet licensing provision would sunset on December 31, 2012, and the New Hanover County style system would become effective on January 1, 2013.

A question and answer period ensued.

Mayor Chavonne announced the item would be brought back to the City Council for consideration and possible action at a future Council meeting after the County Commissioners took action on the ordinance on May 21, 2012.

8.3 Presentation of recommended City and PWC Fiscal Year 2013 Budgets and setting of public hearing on the budget.

Mr. Kristoff Bauer, Interim City Manager, and Mr. Steven Blanchard, PWC CEO/General Manager, presented this item with the aid of a power point presentation. Mr. Bauer announced through the budget chronicles webpage, citizens would have the opportunity to be a part of an open, transparent process that would help shape the upcoming fiscal year for the City of Fayetteville and the services provided to citizens. He provided an overview of the major initiatives which included RAMP, Police Data, and Compensation. He stated the balanced budget summary was provided that listed the total expenditure for all funds as \$187,867,000.00. He provided an overview for the General Fund revenue and expenditure. He also addressed funding impact services.

Mr. Steven Blanchard, PWC CEO/General Manager, provided details on the PWC FY 2012-13 recommended budget and stated the projected total was \$343,176,625.00. He listed the following commitment to support the City of Fayetteville:

- \$10,961,400.00 - Transfer from Electric Fund to City
- \$945,000.00 - City of Fayetteville Storm Drainage Issues
- \$975,000.00 - Street Lighting Upgrades
- \$1,800,000.00 - Underground Conversions and Gateway Improvements

A brief question and answer period ensued.

Mr. Bauer requested the Council send questions via e-mail to him in order for the questions to be posted to the budget chronicles on the City’s website.

MOTION: Council Member Fowler moved to set the date for the FY 2012-2013 budget public hearing for Tuesday, May 29, 2012, at 7:00 p.m.

SECOND: Council Member Bates

VOTE: UNANIMOUS (8-0)

8.2 FY 2012-13 Strategic Plan Adoption

Ms. Rebecca Rogers Carter, Management Services Manager, presented this item with the aid of a power point presentation. She provided an overview of the City’s Vision--great place to live, desirable neighborhoods, leisure opportunities for all, beauty by design, vibrant downtown, vibrant major corridors, Cape Fear River to enjoy, strong local economy, partnership of citizens and inclusive community with diverse cultures and rich heritage. She reviewed the mission of the City--financially sound, full range of quality municipal services, valued by our customers, dedicated workforce, cost-effective manner, well designed and well maintained infrastructure and facilities, engages its citizens, and a state and regional leader. She stated the core beliefs definition was serve with responsibility, ethics, stewardship, professionalism, entrepreneurial spirit, commitment and teamwork to create the acronym RESPECT. She stated the City of Fayetteville Goals to achieve by 2018 were as follows:

- Greater Tax Base Diversity – Strong Local Economy
- More Efficient City Government – Cost Effective Service Delivery
- Greater Community Unity – Pride in Fayetteville
- Growing City, Livable Neighborhoods – A Great Place to Live
- More Attractive City – Clean and Beautiful
- Revitalized Downtown – A Community Focal Point

Ms. Rogers-Carter provided an overview of the Policy Agenda, Management Agenda, Management in Progress, and Major Projects for fiscal year 2013 and detailed the respective priorities.

MOTION: Mayor Pro Tem Arp moved to adopt the FY 2012-2013 Strategic Plan.

SECOND: Council Member Haire

VOTE: UNANIMOUS (8-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for April 2012.

2011 Taxes.....	308,063.87
2011 Vehicle.....	375,454.55
2011 Taxes Revit.....	1,223.50
2011 Vehicle Revit.....	584.70
2011 FVT.....	43,762.75
2011 Transit.....	43,762.76
2011 Storm Water.....	9,995.80
2011 Fay Storm Water.....	19,991.52
2011 Fay Recycle Fee.....	20,207.32
2011 Annex.....	0.00
2010 Taxes.....	17,032.93
2010 Vehicle.....	11,153.44
2010 Taxes Revit.....	0.00

2010 Vehicle Revit.....	5.52
2010 FVT.....	2,288.85
2010 Transit.....	2,288.87
2010 Storm Water.....	206.72
2010 Fay Storm Water.....	413.45
2010 Fay Recycle Fee.....	329.48
2010 Annex.....	0.00
2009 Taxes.....	349.77
2009 Vehicle	1,332.81
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	0.00
2009 FVT.....	341.91
2009 Transit.....	341.91
2009 Storm Water.....	26.17
2009 Fay Storm Water.....	52.34
2009 Fay Recycle Fee.....	82.88
2009 Annex.....	0.00
2008 Taxes.....	284.09
2008 Vehicle	1,100.69
2008 Taxes Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	180.13
2008 Transit.....	100.15
2008 Storm Water.....	24.00
2008 Fay Storm Water.....	24.00
2008 Fay Recycle.....	42.00
2008 Annex.....	0.00
2007 and Prior Taxes.....	409.00
2007 and Prior Vehicle.....	2,093.86
2007 and Prior Taxes Revit.....	0.00
2007 and Prior Vehicle Revit.....	0.00
2007 and Prior FVT.....	435.00
2007 and Prior Storm Water.....	77.22
2007 and Prior Fay Storm Water.....	24.00
2007 and Prior Annex.....	62.06
Interest.....	25,732.13
Revit Interest.....	48.36
Storm Water Interest.....	504.40
Fay Storm Water Interest.....	924.80
Annex Interest.....	11.76
Fay Recycle Interest.....	925.09
Fay Transit Interest.....	1168.43
Total Tax and Interest.....	\$893,464.99

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 p.m.