

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JANUARY 14, 2013
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8) (via telephone); James W. Arp, Jr. (District 9)

Others Present:

Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Lee Jernigan, Traffic Engineer
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 Reverend John Hedgepeth, Northwood Temple Church.

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 the deferral of Item 8.1 to the January 28, 2013, City Council meeting and removal of Item 9.2.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Members Chavonne and Applewhite, on behalf of the City Council, presented a proclamation to Principal Myron Williams and the Seventy-First High School Girls and Boys Basketball Teams proclaiming November 3, 2012, to be a day to recognize and honor the Seventy-First High School Class of 1968.

Council Members Chavonne and Massey, on behalf of the City Council, presented a proclamation to Ms. April Maroschak, Cape Fear Valley Blood Services Director, proclaiming the month of January 2013 to be Blood Donor Month.

Council Members Chavonne and Arp, on behalf of the City Council, presented a proclamation to Ms. Karen Mantzouris, President of the CARE Board of Directors, extending appreciation to the CARE Clinic on the occasion of its celebration of "20 Years of Care".

Council Members Chavonne and Davy, on behalf of the City Council, presented a proclamation to Ms. Jean Harrison, 2013 Go Red for Women, Marketing and Publicity Chairperson, proclaiming February 1, 2013, as Wear Red Day.

5.1 Resolution of Respect in Honor of Former Mayor Beth Finch

Mayor Chavonne read the Resolution of Respect.

FORMER MAYOR BETH FINCH RESOLUTION OF RESPECT. RESOLUTION NO. R2013-001.

6.0 PUBLIC FORUM

Mr. Mark Muhammed (DeMarcus Lamont Brody), 2324 Regan Avenue, Fayetteville, NC 28301, expressed interest in making a million dollar donation to the City of Fayetteville.

Mr. David Gause, 115 Chase Street, Fayetteville, NC 28301, expressed concerns over property he owns in the Hope VI area.

Mr. Charles Evans, Cumberland County Commissioner, requested City Council place an item on a work session to discuss implementing a policy that would “Ban the Box” on employment applications.

Ms. Kathy Waddell, Human Relations Commission Chair, 1853 Geiberger Drive, Fayetteville, NC 28303, announced there was an upcoming Human Relations Commission Annual Banquet and stated the tickets were \$40.00 per person and could be purchased by contacting Mr. Ron McElrath.

Mr. Mitchel Guy, Human Relations Commissioner, invited everyone to attend the Annual Awards Banquet on March 21, 2013, at the Holiday Inn.

Pastor Wiley Hughes, Destiny Now World Outreach Church, invited everyone to attend the “First Responders Appreciation and Recognition Service and Luncheon” event.

7.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Items 7.3 and 7.13 and amending the recommended action of the Council Action Memo for Items 7.9 and 7.10 to reflect Council authorizing the PWC Chair and not the City Manager.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.1 Resolution appointing Johniece Gibson, Rochelle Roberts, Emily Robinson, and Diane Travis as Deputy Tax Collectors for the City of Fayetteville.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPOINTING DEPUTY TAX COLLECTORS. RESOLUTION NO. R2013-002.

7.2 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. R2013-003.

7.3 Pulled for discussion.

7.4 Approval of no parking ordinance on Sigman Street.

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2013-001.

7.5 Community Development - Revision of Citizen Participation Plan for use of Community Development Block Grant and HOME Investment Partnership Grant funds.

7.6 Staff recommends that Council authorize the City Manager to execute a contract for brokerage/marketing services for the sale of the Festival Park Plaza Building with Cushman & Wakefield/Thalimer, Raleigh, NC.

Requests for Proposals were sent to 37 firms with the following 3 firms responding:

Cushman & Wakefield/Thalimer (Raleigh, NC)

- Percent of Gross Value: 1.5% of the gross sales price
- Fixed Fees: Not to exceed \$6,000.00 per building or \$8,000.00 total if both properties are marketed simultaneously

Clift Commercial Real Estate Services (Fayetteville, NC)

- Percent of Gross Value: 4% of gross value negotiated on a co-brokerage transaction
- Fixed Fees: None stated

Grant-Murray Real Estate, LLC (Fayetteville, NC)

- Percent of Gross Value: 6% of the purchase price - split 50/50 with a buyer's agent
- Fixed Fees: None stated

7.7 Award contract for McNeill Circle storm drainage improvements to Lanier Construction Company, Snow Hill, NC, lowest responsive, responsible bidder, in the amount of \$1,622,364.20.

Bids were received as follows:

Lanier Construction Company (Snow Hill, NC)..... \$1,622,364.20
TA Loving Company (Goldsboro, NC)..... \$1,658,041.00
RF Shinn Contractor, Inc. (Marshville, NC)..... \$3,441,678.00

7.8 Approve award of contract for the purchase of seven police cars to Ilderton Dodge Chrysler Jeep, High Point, NC, sole bidder, in the amount of \$205,278.00.

The bid price included upfit which was installation of lights, cages, specialized seats, equipment mounts, and other specialized equipment. The responding vendor was the only one that had the resources to complete the upfit process.

7.9 Bid recommendation for Annexation Phase V - Project V, Area 12, Arran Lakes West Subdivision, to award contract to Utilities Plus, Inc., Linden, NC, lowest responsive, responsible bidder, in the total amount of \$3,298,442.76

Bids were received as follows:

Utilities Plus, Inc. (Linden, NC)..... \$3,298,442.76
Pipeline Utilities, Inc. (Raleigh, NC)..... \$4,021,424.40
State Utility Contractors (Monroe, NC)..... \$4,038,585.75
Billy Bill Grading (Fayetteville, NC)..... \$4,210,069.25
DeVere Construction Co. (Raleigh, NC)..... \$4,265,883.47

7.10 Bid recommendation for Annexation Phase V - Project V, Area 13, Shenandoah Subdivision, to award contract to DeVere Construction, Raleigh, NC, in the amount of \$2,859,899.50.

Bids were received as follows:

DeVere Construction (Raleigh, NC)..... \$2,859,899.50
State Utility Contractors, Inc. (Monroe, NC)..... \$2,864,944.30
Billy Bill Grading (Fayetteville, NC)..... \$3,525,570.50
Pipeline Utilities (Raleigh, NC)..... \$3,691,317.78
T.A. Loving Co. (Goldsboro, NC)..... \$4,006,665.22

7.11 Capital Project Ordinance Amendment 2013-23 (Linear Park).

The amendment appropriated an additional \$118,948.00 for the Linear Park project (an additional donation of \$117,925.00 and an additional investment income of \$1,023.00).

7.12 Approve meeting minutes:

October 1, 2012 – Work Session
October 8, 2012 - Discussion of Agenda Items
October 8, 2012 - Regular Meeting

7.13 Pulled for discussion.

7.14 PWC - Phase 5 Annexation Areas 14 and 15 - Preliminary assessment resolution. RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 14 AND 15 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT “A”. RESOLUTION NO. R2013-005.

7.15 Resolution accepting state revolving loan offer to construct the Little Rockfish River Outfall Rehabilitation Project.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ACCEPT A STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2013-006.

7.16 Series 2009B Revenue Bond Capital Project Fund. RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, CLOSING THE SERIES 2009B REVENUE BOND CAPITAL PROJECT FUND. RESOLUTION NO. R2013-007.

7.3 Adopt resolution of award for Sidewalks 2010 Hoke Loop Road Project.

This item was pulled for discussion.

Mr. Rusty Thompson, Engineering and Infrastructure Director, provided an overview and stated the City received funding from the North Carolina Department of Transportation (NCDOT) Safe Routes to School Division for construction of the project. He stated the NCDOT required that

Council adopt a resolution of award as part of the funding agreement.

Council Member Applewhite stated she had requested this item be removed from the consent agenda in order to highlight the great news for the community.

Council Member Crisp stated this was good news for the safety of their children and thanked Mr. Thompson, the Engineering staff, and the North Carolina Department of Transportation.

RESOLUTION OF AWARD OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - SIDEWALKS 2010 HOKE LOOP ROAD, NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TIP NO. SR-5001BD, WBS CON 40924.3.355. RESOLUTION NO. R2013-004.

MOTION: Council Member Applewhite moved to approve.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.13 Police Citizen Review Board - Adoption of ordinance and Rules of Procedure.

This item was pulled for discussion.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW SECTION 2-43, POLICE CITIZEN REVIEW BOARD, UNDER CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2013-001.

MOTION: Mayor Pro Tem Arp moved to approve the ordinance creating the Police Citizen Review Board and the Rules of Procedure.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 8 in favor and 2 in opposition (Council Members Applewhite and Bates)

8.0 PUBLIC HEARINGS

8.1 Case No. P12-55F. Request for Special Use Permit to construct a Child Daycare Facility in an SF-10 district on property located on the north west side of Lakewood Drive across from Meadowmont Lane, Containing a portion of a 48.6 acre tract and being the property of Hairr Family LLC.

This item was removed from the agenda and deferred to the January 28, 2013, City Council meeting.

9.0 OTHER ITEMS OF BUSINESS

9.1 North Carolina League of Municipalities (NCLM) Advocacy Goals Conference Voting Delegate

MOTION: Council Member Crisp moved to nominate Council Member Bates as the NCLM Advocacy Goals Conference Voting Delegate.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

9.2 Public Works Commission - Discussion of Term Limits

This item was removed from the agenda.

9.3 Uninhabitable Structures Demolition Recommendations

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and multiple photographs of the properties. He stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

206 Central Drive

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on June 13, 2012. He further stated the owner had not appeared at the hearing and a subsequent hearing order was issued to repair or demolish the structure within 60 days. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2011. He further noted within the past 24 months there had been 30 calls for 911 service and 8 code violations with a pending assessment of \$1,236.83 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

148 Kensington Circle

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure on August 16, 2012. He further stated the owner attended the hearing and a subsequent hearing order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in September 2009. He further noted within the past 24 months there had been no calls for 911 service and 3 code violations with a pending assessment of \$1,721.10 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

603 Link Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure on September 19, 2012. He further stated the owner had not appeared at the hearing and a subsequent hearing order was issued to repair or demolish the structure within 60 days. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2012. He further noted within the past 24 months there had been 149 calls for 911 service and 7 code violations with a pending assessment of \$586.50 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

1607 North Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on June 29, 2012. He further stated the owner had not appeared at the hearing and a subsequent hearing order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in February 2011. He further noted within the past 24 months there had been no calls for 911 service and 2 code violations with no outstanding assessments. He advised the low bid for demolition of the structure was \$1,395.00.

703 Pritchett Road

Mr. Shuford stated the structure was vacant and the subject of a fire on June 10, 2012, and was inspected and condemned as a dangerous structure on July 27, 2012. He further stated the owner had not appeared at the hearing and a subsequent hearing order was issued to repair or demolish the structure within 60 days. He noted to date there were no repairs to the structure and no record of utilities to the structure. He further noted within the past 24 months there had been 8 calls for 911 service and 10 code violations with a pending assessment of \$7,995.00 for lot cleanings and demolition of another structure on the property. He advised the low bid for demolition of the structure was \$1,500.00.

Council Member Haire inquired if the taxes were City or County taxes. Mr. Shuford replied the taxes listed was the total tax bill to include both City and County taxes.

Council Member Bates inquired if any progress had been made with regards to recouping monies spent on demolitions. Mr. Ted Voorhees, City Manager, stated an assessments clerk had recently been hired, and once the criteria had been developed, staff would be reporting back to Council with the findings.

Council Member Applewhite stated she had reviewed information regarding municipalities that had turned the land of former blighted properties into community gardens and inquired if staff could contact Fayetteville Community College to look into the possibility of such a plan being implemented in Fayetteville. Ms. Karen McDonald, City Attorney, clarified the City was not acquiring the properties, it was placing liens on the property as a result of the demolition of the structures.

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 (206 Central Drive, PIN 0438-42-7472). ORDINANCE NO. NS2013-002.

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 (148 Kensington Circle, PIN 0438-63-1705). ORDINANCE NO. NS2013-003.

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 (603 Link Street, PIN 0447-03-0775). ORDINANCE NO. NS2013-004.

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 (1607 North Street, PIN 0438-64-3087). ORDINANCE NO. NS2013-005.

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 (703 Pritchett Road, PIN 0407-23-1498). ORDINANCE NO. NS2013-006.

MOTION: Council Member Bates moved to adopt the ordinances authorizing demolition of the structures.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

10.0 CLOSED SESSION

10.1 N.C.G.S. § 143-318.11 Closed Session

MOTION: Mayor Pro Tem Arp moved to go into closed session to discuss a personnel matter.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:47 p.m. The regular session reconvened at 8:40 p.m.

MOTION: Mayor Pro Tem Arp moved to go into open session.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

11.0 ADMINISTRATIVE REPORTS

11.1 Monthly statement of taxes for November 2012.

2012 Taxes.....	\$16,345,594.35
2012 Vehicle.....	389,814.40
2012 Taxes Revit.....	15,681.02
2012 Vehicle Revit.....	500.17
2012 FVT.....	42,395.20
2012 Transit.....	42,395.26
2012 Storm Water.....	348,308.10
2012 Fay Storm Water.....	696,616.24
2012 Fay Recycle Fee.....	902,329.33
2012 Annex.....	0.00
2011 Taxes.....	22,145.42
2011 Vehicle.....	49,686.08
2011 Taxes Revit.....	100.57
2011 Vehicle Revit.....	0.00
2011 FVT.....	7,489.92
2011 Transit.....	7,489.93
2011 Storm Water.....	505.39
2011 Fay Storm Water.....	1,010.78
2011 Fay Recycle Fee.....	1,504.24
2011 Annex.....	0.00

2010 Taxes.....	5,213.86
2010 Vehicle.....	1,447.00
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	0.00
2010 FVT.....	483.19
2010 Transit.....	483.19
2010 Storm Water.....	153.75
2010 Fay Storm Water.....	307.49
2010 Fay Recycle Fee.....	315.49
2010 Annex.....	0.00
2009 Taxes.....	1,306.18
2009 Vehicle.....	774.29
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	0.00
2009 FVT.....	258.73
2009 Transit.....	258.73
2009 Storm Water.....	24.00
2009 Fay Storm Water.....	48.00
2009 Fay Recycle.....	76.00
2009 Annex.....	0.00
2008 and Prior Taxes.....	850.61
2008 and Prior Vehicle.....	1,685.55
2008 and Prior Taxes Revit.....	0.00
2008 and Prior Vehicle Revit.....	0.00
2008 and Prior FVT.....	358.71
2008 and Prior Transit.....	80.99
2008 and Prior Storm Water.....	24.00
2008 and Prior Fay Storm Water.....	48.00
2008 and Prior Fay Recycle Fee.....	84.00
2008 and Prior Annex.....	6.00
Interest.....	12,646.82
Revit Interest.....	10.71
Storm Water Interest.....	91.30
Fay Storm Water Interest.....	177.33
Annex Interest.....	1.18
Fay Recycle Interest.....	243.83
Fay Transit Interest.....	1,099.80
Total Tax and Interest.....	\$18,902,125.13

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:42 p.m.