

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
APRIL 8, 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, Deputy City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Lee Jernigan, Traffic Engineer
Patricia Bradley, Police Attorney
Karen Hilton, Planning and Zoning Division Manager
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Reggie Wallace, PWC Interim Chief Operating Officer
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Superintendent Larry Bellamy, Pastor of Rhema Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne, on behalf of the City Council, presented a proclamation in honor of the Child Advocacy Center's 20th Anniversary to Judge Elizabeth Keever, Chair of the Child Advocacy Center Board of Directors, and Ms. Roberta Humphries, Executive Director.

Council Member Hurst, Chair of the Fayetteville Beautiful Committee, announced the annual City-wide cleanup would be held on April 20, 2013, at 9:00 a.m. and volunteers could sign-up on the City's web site.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda with the addition of Item 7.5, adoption of Council Budget Guidelines.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Ms. Barbara White, with Alzheimers North Carolina, Inc., stated the organization was dedicated to providing education, support, and services to individuals with dementia, their families, health care professionals, and the general public while raising awareness and funding for research of a cause, treatment, prevention, and cure for Alzheimer's disease and related dementias.

Mr. Richard Hiatt, Communications and Development Director for Alzheimers North Carolina, Inc., announced the 2013 Fayetteville Alzheimer's Walk would be held on May 19, 2013, at 1:30 p.m. and would start at the Reid Ross Classical Middle and High Schools.

Pastor Katherine Washington-Williams, 4542 Raeford Road, Suite C, Fayetteville, NC, stated she was the current Commander of the NAVB (National Association for Black Veterans), an

organization that has been in existence since 1969. She requested meetings be set up with Council members to discuss veterans programs and requested assistance from the City for the organization.

Ms. Sharman Tober stated she was homeless and expressed concerns regarding a conversation that took place between herself and a police officer pertaining to her dogs.

Mr. John Malzone, 108 Hay Street, Fayetteville, NC, stated he was in total support of the MSD (Municipal Service District) tax and stated the new parking deck was glorious.

Mr. Bruce Arnold, 1908 Queen Street, Fayetteville, NC, stated he was “for” the MSD tax but not in agreement with monies being used to fund a City employee salary or parking enforcement.

6.0 CONSENT

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

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

6.1 Capital Project Ordinance Amendment 2013-27 (Grove Street Parking Lot Paving) and Budget Ordinance Amendment 2013-12 (General Fund).

Amendment 2013-27 revised the purpose of Capital Project Ordinance 2013-4, originally adopted on June 11, 2012, to fund property acquisition on B Street, to instead fund paving of the Grove Street Environmental Services parking lot. In addition, Amendment 2013-27 also appropriated an additional General Fund transfer of \$256,500.00, bringing the total project budget to \$412,000.00. Amendment 2013-12 appropriated \$256,500.00 from General Fund fund balance to transfer to the project.

6.2 Adoption of the Mayor and City Council Protocol and Code of Conduct and ordinance amending Section 2-3 of the Fayetteville City Code.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-3 OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2013-004.

6.3 Approve meeting minutes:

January 28, 2013 - Regular Meeting

February 4, 2013 - Work Session

February 11, 2013 - Discussion of Agenda Items

February 11, 2013 - Regular Meeting

February 22, 2013 - Strategic Planning Retreat

February 23, 2013 - Strategic Planning Retreat

February 25, 2013 - Discussion of Agenda Items

February 25, 2013 - Regular Meeting

March 4, 2013 - Work Session

6.4 Parks and Recreation - PARTF Resolution.

A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND (PARTF). RESOLUTION NO. R2013-017.

6.5 Proposed five-year lease for property.

The property located in the City of Fayetteville has approximately 3,704 square feet. The lease payment will be \$45,299.92 per year (\$12.23 per annual SF), \$3,774.99 per month for a term of five (5) years; renewable for successive three-year terms at lessor's option.

6.6 Resolution to establish a 2013 Outfall Rehabilitation State Revolving Loan Capital Project Fund and resolution accepting state revolving loan offer for the planning and design portion of the P.O. Hoffer Water Treatment Plant

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ESTABLISH A 2013 OUTFALL REHABILITATION STATE REVOLVING LOAN CAPITAL PROJECT FUND. RESOLUTION NO. R2013-018.

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. 2013-019.

7.0 OTHER ITEMS OF BUSINESS

7.1 Interlocal Agreement on sales tax distribution.

Mr. Ted Voorhees, City Manager, presented this item and advised he had provided a copy of the revised interlocal agreement on sales tax distribution to the Council. He stated the Cumberland County Board of Commissioners would vote on the method of sales tax distribution to be used in the County at their April 15, 2013, meeting. He further stated the County was offering the option of extending the current agreement, with the exception of the incorporated Eastover population, for three years.

MOTION: Mayor Pro Tem Arp moved to approve the interlocal agreement as presented by County Commissioners (existing sales tax agreement to remain in effect for an additional three fiscal years until June 30, 2016).

SECOND: Council Member Fowler.

VOTE: UNANIMOUS (10-0)

7.2 Reauthorization of the Downtown Municipal Services District to July 1, 2018.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and provided an overview regarding the creation and purpose of the Municipal Service District (MSD) for the downtown area. She then explained the reauthorization process. She stated each year the City establishes the tax rate for the MSD and identifies the proposed expenditures. She explained the tax rate had remained 10 cents per \$100.00 for several years and the revenues helped to support the downtown parking program and special projects such as bicycle racks, wayfinding, upgraded brick paving, and related streetscape projects. She stated the statutes do not set a time limit on how long a MSD may exist but City Council had chosen to limit the authorization for the Downtown MSD to five years. She further stated the current authorization of the MSD would expire June 30, 2013. She outlined the boundaries for the MSD and advised with very minor changes the boundaries had been the same since the initial creation of the MSD. She further advised that staff was not proposing any change to the existing boundaries. She cautioned that denial of a reauthorization of the MSD for the downtown area would eliminate the special revenue source for support of downtown projects and services. She stated for the parking garage alone, at least \$25,000.00 would have to be provided from the General Fund or another source. She stated other projects or services supported by the revenue during FY 2013 were parking enforcement, paver bricks, signage, a portion of the downtown manager's position, promotional materials, security cameras, and holiday decorations including replacement of flags. Council Member Fowler inquired if the resolution could be made more restrictive to include a condition that would stipulate the tax revenue was to be solely used for capital improvements. Ms. Karen McDonald, City Attorney, responded the legal office would have to research that request.

Council Member Fowler recommended the Council should listen to the citizens that were paying the MSD tax.

Council Member Davy stated that during the budget season such issues could then be addressed.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A MUNICIPAL SERVICE DISTRICT PURSUANT TO CHAPTER 160A, ARTICLE 23, OF THE NORTH CAROLINA GERNERAL STATUTES. RESOLUTION NO. R2013-020.

MOTION: Council Member Bates moved to adopt the resolution.

SECOND: Council Member Davy.

VOTE: UNANIMOUS (10-0)

7.3 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:

526 Durham Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2006. He further noted within the past 24 months there had been 3 calls for 911 service and 5 code violations with a pending assessment of \$430.95. He advised the low bid for demolition was \$1,700.00.

111 Kensington Circle

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on July 18, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. 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 7 calls for 911 service and 7 code violations with a pending assessment of \$163.78. He advised the low bid for demolition was \$3,100.00.

880 W. Orange Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on September 27, 2012. He further stated the owner appeared at the hearing and an 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 July 2011. He further noted within the past 24 months there had been no calls for 911 service and 5 code violations with a pending assessment of \$372.57. He advised the low bid for demolition was \$3,245.00.

717 Wilma Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on October 11, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2007. He further noted within the past 24 months there had been 2 calls for 911 service and 4 code violations with a pending assessment of \$290.25. He advised the low bid for demolition was \$1,645.00.

Brief discussion ensued.

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 (526 Durham Street, PIN 0437-38-5157). ORDINANCE NO. NS2013-013.

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 (111 Kensington Circle, PIN 0438-53-8323). ORDINANCE NO. NS2013-014.

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 (880 W. Orange Street, PIN 0437-59-3371). ORDINANCE NO. NS2013-015.

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 (717 Wilma Street, PIN 0438-07-1174). ORDINANCE NO. NS2013-016.

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

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.4 Amended Uniform Street and Thoroughfare Lighting Ordinance and street lighting information.

Mr. Lee Jernigan, City Traffic Engineer, and Mr. Reggie Wallace, Interim Chief Operating Officer, Electric Systems, PWC, presented this item with the aid of a power point presentation. Mr. Jernigan stated the Uniform Street and Thoroughfare Lighting Ordinance was adopted by Council in February 2010 and covers thoroughfare and residential street lighting in the City. He further stated the current ordinance was adopted when LED lighting was a relatively new technology for street lighting. He explained upon adoption of the amendment, the ordinance would adhere to national standards for new street lighting and provide more technical specifications for LED lighting. He further explained adoption of the ordinance amendment would not have an impact on the budget. He advised the current ordinance would require the City to pay for thoroughfare lighting and the new ordinance would allow for high pressure sodium lights or LED lights. He further advised the additional requirements were necessary for LED lights and to meet national standards as LED lights were becoming the preferred light source.

Mr. Wallace then provided an overview of PWC street lighting projects.

Mr. Jernigan stated the City would investigate all requests for additional street lights from residents and two of the four providers to the City (South River and Lumbee River EMC) would require neighborhood petitions prior to installing additional lighting. He further stated residents would have to pay for all of the additional installation costs and service costs in their monthly bills.

Mr. Wallace stated there was now in operation a small scale test of City-wide conversion to LED lights. He further stated this was a multi-year project to provide an upgrade to all areas. He explained the life of a LED light is much longer than the existing lights as the LED uses less energy and as a result, the cost of power is reduced.

Council Member Haire inquired how costs would be applied to residents that were outside of the PWC jurisdiction. Mr. Jernigan responded that the energy provider for the area would bill the residents based on the pay model which varies between the three other providers.

Council Member Crisp inquired who would pay for the lighting on the thoroughfares. Mr. Jernigan responded all thoroughfares serviced by PWC would be paid for by all the PWC serviced customers.

Council Member Applewhite inquired if the City could identify the neighborhoods and the providers that do not meet their lighting ordinance requirements. Mr. Jernigan responded the residents or the suppliers would need to notify the City of those shortcomings, as it would be very labor intensive for the City to make that kind of identification.

Mayor Chavonne inquired if residents could call Traffic Services for information on street lighting. Mr. Jernigan responded citizens were welcome to call for information.

Council Member Applewhite inquired if it would be possible to have handouts or fliers for Council members to take to various group meetings and suggested information could be posted to the City website.

Mayor Pro Tem Arp requested clarification on which companies would require a petition. Mr. Jernigan responded that residents would first need to contact the City to request the additional lighting and the City would then contact the provider and make them aware of the request. He further responded that South River and Lumbee River providers both require the petition and Progress Energy and PWC do not require a petition.

Mayor Pro Tem Arp inquired what the petition requirements were. Mr. Jernigan responded he would get that information from South River and Lumber River providers.

Council Member Fowler inquired if the City could get a comparison of the rates that all four providers were charging for monthly service costs per street light. Mr. Jernigan responded the

City would ask for that information.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 24, ARTICLE X, UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2013-005.

MOTION: Council Member Massey moved to adopt the ordinance.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.5 Adoption of City Council Budget Guidelines for FY 2014.

Mr. Ted Voorhees, City Manager, presented this item and stated the guidelines were earlier provided to the City Council for consideration, and Council was invited to contact the City Manager with specific suggestions. He stated the guidelines were now ready for adoption.

MOTION: Council Member Haire moved to approve the City Council Budget Guidelines for FY 2014.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:03 p.m.