

**FAYETTEVILLE CITY COUNCIL**

**MINUTES**

**APRIL 23, 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: Dale E. Iman, City Manager

Kyle Sonnenberg, Assistant City Manager

Stanley Victrum, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Lisa Smith, Chief Financial Officer

Jimmy Teal, Planning Director

Jerry Dietzen, Solid Waste Management Director

Victor Sharpe, Community Development Director

Frank Simpson, Inspections Department Director

Jackie Tuckey, Communications Manager

Candice White, City Clerk

Members of the Press

**INVOCATION - PLEDGE OF ALLEGIANCE**

The invocation was offered by Pastor Gary Norwood, Youth Pastor of the New Life Bible College, Fayetteville, NC, followed by the Pledge of Allegiance to the American Flag.

**ANNOUNCEMENTS**

Mayor Chavonne and Mayor Pro Tem Massey presented a Proclamation to the Fayetteville FireAntz for winning the Southern Professional Hockey League championship and President's Cup award on April 18, 2007. Mayor Chavonne proclaimed the week of April 23-27, 2007 to be Fayetteville FireAntz week in Fayetteville, NC. Mr. John Marks, Coach of the Fayetteville FireAntz, and Mr. Howard Bullard, Co-Owner, thanked Fayetteville for its support.

Mayor Chavonne announced the opening of Festival Park would take place on Friday, April 27, 2007 at 6:30 p.m. immediately followed by the beginning of the Dogwood Festival. Mayor Chavonne invited citizens to attend.

**1. APPROVAL OF AGENDA**

Mayor Chavonne requested Items 3 and 4 be reversed.

Mrs. Karen M. McDonald, City Attorney, requested the addition of a closed session for Consultation with Attorney.

**MOTION: Council Member Gonzalez moved to approve the agenda with the reversal of Items 3 and 4 and the addition of a closed session for Consultation with Attorney.**

**SECOND: Council Member Worthy**

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

**2. CONSENT**

Council Member Gonzalez requested Item 2.G. and Item 2.M. be pulled for discussion.

Council Member Williams requested Item P.7. and Item P.4. be pulled for discussion.

Council Member Haire requested Item P.2. and Item P.6. be pulled for discussion.

**MOTION: Mayor Pro Tem Massey moved to approve the consent agenda with the exception of Items 2.G., 2.M., P.7., P.4., P.2. and P.6.**

**SECOND: Council Member Gonzalez**

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

**A. Approve Minutes:**

1. Regular City Council meeting held on March 26, 2007
2. Special City Council meeting held on March 29, 2007
- B. Consideration of the 2007-2008 Community Development Annual Action Plan
- C. Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus

**RESOLUTION DECLARING PROPERTY EXCESS TO THE CITY'S NEEDS AND  
QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND  
COUNTY. RESOLUTION NO. R2007-019**

- D. Consider Advertisement of an Offer to Purchase Vacant City Lots on Mann Street for Upset Bids
- E. Release of Easement
- F. Cape Fear River Locks and Dams
- G. Pulled at the request of Council Member Gonzalez.
- H. Approve the initial zoning to R10 residential district or to a more restrictive zoning classification for property located on the south side of Clinton Road and west of Locks Creek Church Road. Containing 41.50 acres more or less and being the property of Floyd Properties and Development, Inc. as evidenced by map and legal description furnished by the City of Fayetteville and annexed by the City of Fayetteville on February 26, 2007. Case No. P07-18F.
- I. Approve the initial zoning to M2 industrial district for property located on the south side of Belt Boulevard. Containing 11.42 acres more or less and being the property of Hardy Management Company, LLC as evidenced by map and legal description furnished by the City of Fayetteville and being considered for annexation by the City of Fayetteville on February 26, 2007. Case No. P07-19F.
- J. Approve the rezoning from R10 residential district to C1P commercial district or to a more restrictive zoning classification for property located on the eastern side of the realigned Bingham Drive and north of Bingham Place. Containing 5.87 acres more or less and being the property of Raymond Carroll Thomas as evidenced by deeds recorded in Deed Books 7302 and 5124, Pages 747 and 803, Cumberland County Registry. Case No. P07-22F.
- K. Approve the rezoning from R6 residential district to P2 professional district or to a more restrictive zoning classification for property located on the western side of Devers Street. Containing 0.6 acres more or less and being the property of Vaughn Memorial Presbyterian Church. Case No. P07-23F.
- L. Approve the rezoning from AR agricultural/residential district to C1P commercial district or to a more restrictive zoning classification for property located on the northern side of Raeford Road and west of Cliffdale Road. Containing 3.83 acres more or less and being the property of William and Betty Mitchell. Case No. P07-24F.
- M. Pulled at the request of Council Member Gonzalez.
- N. Approve the rezoning from C1A commercial district to C1 commercial district or to a more restrictive zoning classification for property located on the southern side of Andrews Road and west of Ramsey Street. Containing 15.53 acres more or less and being the property of Brenda Lyons, Elaine Baker, Lynwood and Ora Rosser, Sherrill Collier and Clyde and Maybelle Culbreth. Case No. P07-27F.
- O. Approve a community street banner permit for Fayetteville Technical Community College for a total of ten banners to hang on Hull Road, Devers Street and Skye Drive for 180 days.
- P. 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. 222 Dallas Street (PIN 0436-02-4963); Douglas Musselwhite, 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. NS2007-021**

2. Pulled at the request of Council Member Haire.

3. 7643 Jericho Drive (PIN 9486-47-9036); William F. Judd

**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. NS2007-023**

4. Pulled at the request of Council Member Williams

5. 828 Little Avenue (PIN 0446-46-7384); Norman A. Rhone and Cynthia M. Rhone

**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. NS2007-024**

6. Pulled at the request of Council Member Haire.

7. Pulled at the request of Council Member Williams.

**2.G. Consider Amendments to Chapter 22 and Chapter 17 of the Fayetteville City Code**

At the request of Council Member Gonzalez, Mrs. Amanda Briggs, Assistant City Attorney, provided a detailed review of the proposed ordinance amendments to Chapter 22 and Chapter 17 of the Fayetteville City Code. In response to questions posed by Council Members regarding Chapter 22, Mrs. Briggs confirmed the upsetting of a private or public garbage receptacle would have to be observed in order for a civil penalty to be issued. Mrs. Briggs also explained that those responsible for enforcing the City's ordinances may give a warning before imposing a penalty. Mrs. Briggs provided further clarification in response to questions posed by Council Members and discussion ensued. In response to concerns expressed by Council Member Haire regarding the assessment of penalties for repeated victims of graffiti, Mrs. Briggs explained the City would remove graffiti at the property owner's expense only if the property owner failed to remove the graffiti within ten days.

Mrs. McDonald suggested that staff be allowed to make revisions to the proposed ordinance amendments as discussed and return them to Council for further review.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING  
CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF  
ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2007-017**

**MOTION:** Council Member Williams moved to delay action on the proposed ordinance amendments to give staff an opportunity to review and return to Council.

**SECOND:** Council Member Worthy

**FRIENDLY AMENDMENT:** Council Member Gonzalez suggested that Council set a timeframe for further review.

Council Member Williams did not accept the friendly amendment.

**VOTE:** FAILED by a vote of 5 in favor (Council Members Haire, Williams, Bates, Massey and Kirby) to 5 in opposition (Council Members Chavonne, Gonzalez, Evans, Meredith and Worthy).

**MOTION:** Council Member Worthy moved to approve items A.2., A.5. and B, direct staff to revise the remaining proposed ordinance amendments consistent with Council comments and return to Council within thirty days.

**SECOND:** Council Member Gonzalez

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

**2.M. Approve the rezoning from C1P commercial district and R10 residential district to C1 commercial district or to a more restrictive zoning classification for property located on the northwest corner of Sequoia Road and Hope Mills Road. Containing .42 acres more or less and being the property of David Faircloth. Case No. P07-25F.**

Council Member Gonzalez stated property owners in the area of the subject property had expressed concerns regarding the rezoning.

**MOTION: Council Member Gonzalez moved to set a public hearing for Case No. P07-25F.**

**SECOND: Council Member Kirby**

In response to a question posed by Council Member Williams, Mr. Teal stated the Zoning Commission held a public hearing in March 2007 and no one appeared in favor or in opposition. Mr. Teal further stated notices for the public hearing as requested by Council Member Gonzalez would be sent to the thirty-six property owners within five hundred feet of the subject property as had been sent for the public hearing before the Zoning Commission.

**VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Chavonne, Bates, Williams and Massey)**

The public hearing was set for May 29, 2007.

**2.P.2. 225 Jasper Street (PIN 0428-96-3591); Pamela Denice High**

Mr. Frank Simpson, Inspection Department Director, stated the property was vacant, covered with graffiti and fifty-one calls for service had been received by the Fayetteville Police Department since January 2003. Council Member Haire spoke to repairs completed by the property owner on the preceding Saturday and stated the property did not appear to have exterior structural damage. Mr. Simpson stated the Inspections Department brought their recommendation forward because the property was vacant and abandoned, contributed to blight in the neighborhood and created problems for the neighborhood. Mr. Simpson further stated the utilities had been disconnected since June 2004 and the property had been boarded since May 2006.

Council Members Gonzalez questioned why property owners were appealing to Council Members at the last minute and not working through the process with the Inspections Department. Mrs. McDonald stated property owners receive notification of hearings and information about the appeals process in accordance with the ordinance and statutory process. Mrs. McDonald advised that unless Council elects to amend the ordinance, the statutory process does not include appeals by property owners before the City Council. Mrs. McDonald cautioned that all property owners should be allowed the same opportunity to speak before the City Council to explain why they have or have not taken certain actions.

**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. NS2007-022**

**MOTION: Council Member Haire moved to give the property owner of 225 Jasper Street a thirty-day extension.**

**SECOND: Council Member Williams**

**VOTE: FAILED by a vote of 1 in favor (Council Member Haire) to 9 in opposition (Council Members Gonzalez, Williams, Bates, Massey, Chavonne, Kirby, Evans, Meredith and Worthy)**

**MOTION: Council Member Bates moved to accept the recommendation of the Inspections Department.**

**SECOND: Council Member Worthy**

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

**2.P.4. 617 Kellam Circle (PIN 0520-91-5778); Walter Grant, Jr. and Theresa L. Grant**

Mr. Simpson stated he visited the property earlier in the day after receiving a fax from the property owner, which outlined repairs made to the property. Mr. Simpson confirmed that the improvements had been made and stated he was not opposed to allowing an extension because it appeared as though the property owners planned to reside on the property.

**MOTION: Council Member Worthy moved to give the property owner of 617 Kellam Circle a thirty-day extension based on the given statement of facts as provided by the Director of the Inspections Department.**

**SECOND: Council Member Bates**

Council Member Williams and Haire expressed concern that Council Members were able to hear from some property owners and not others.

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

**2.P.6. 1928 Progress Street (PIN 0436-03-5927); Nurlean F. Hale**

**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. NS2007-025**

Mr. Simpson stated notices had been sent in 2004, 2006 and 2007 to secure the property and the property owner had responded by boarding up the property. Mr. Simpson stated the property has presented problems for the area and when he visited the property on the preceding Friday, it did not appear as though any repairs, other than a little interior painting, had been completed.

**MOTION: Council Member Evans moved to follow staff recommendation for demolition.**

**SECOND: Council Member Gonzalez**

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

**2.P.7. 7080 Raeford Road (PIN 9496-47-5919); Zarko Johnson**

**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. NS2007-026**

Mr. Simpson reviewed the condition of the property and noted it had received extensive fire damage prior to 2001. Mr. Simpson stated permits had been pulled from the County prior to the property being annexed into the City and the County had revoked the permits for lack of progress. Mr. Simpson provided a video review of the property. Pictures taken by members of the community were distributed to Council Members.

**MOTION: Council Member Worthy moved to follow staff recommendation for condemnation of the property.**

**SECOND: Council Member Gonzalez**

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

**3. PUBLIC HEARINGS:**

**A. Consider the rezoning from R10 residential district to P1 professional district or to a more restrictive zoning classification for property located on the southwest corner of Village Drive and Conover Drive. Containing .36 acres more or less and being the property of VU Properties, LLC as evidenced by deed recorded in Deed Book 6783, Page 89, Cumberland County Registry. Case No. P07-15F.**

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant wishes to develop the property for medical office uses. Mr. Teal further stated that City Council

set a public hearing for this case at the March 26, 2007 meeting. Mr. Teal stated the Zoning Commission recommends approval of P1 professional district.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:15 p.m.

Mr. Peter A. Paoni, 705 Marketview Court, Fayetteville, NC appeared in favor and stated no one had appeared in opposition at this meeting or during the Zoning Commission meeting. Mr. Paoni stated the corner is well suited for a medical office and neighboring property owners will hardly be aware of the property's professional use because of the location of the entrance and the privacy fence.

No one appeared in opposition and the public hearing closed at 8:17 p.m.

**MOTION: Council Member Bates moved to rezone the property to P1 professional as recommended by the Zoning Commission.**

**SECOND: Mayor Pro Tem Massey**

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

**B. Consider an application by Isabella Lovejoy for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances, Article IV, Section 30-107(24) to allow a daycare in a P2 professional district for property located at 469 Vancouver Drive. Containing .85 acres more or less and being the property of RJPC II, LLC. Case No. P07-20F.**

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the property is zoned P2 professional and requires a special use permit in order to operate a daycare at that location. Mr. Teal stated the Zoning Commission recommends approval of the special use permit with conditions.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:22 p.m.

Mrs. Isabelle Lovejoy, 211 Helen Street, Fayetteville, NC appeared in favor and stated she and her architect had worked closely with the City on the plans for the daycare. Mrs. Lovejoy stated the location is good for a daycare and parents, many of who work on McPherson Church Road, have told her that they will use the daycare because it is located near their employment.

No one appeared in opposition and the public hearing closed at 8:25 p.m.

Council Member Meredith asked Mrs. Lovejoy about conditions relative to the change in hours and number of children.

**MOTION: Council Member Meredith moved to follow staff recommendation for approval of the special use permit with modified conditions.**

**SECOND: Council Member Gonzalez**

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

**C. Consider approval of an infill project located at 319 Fairfield Road containing two lots with a single-family house on each lot. The size of each lot is .37 of an acre.**

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, median lot size requirements under the infill ordinance and facts of the case. Mr. Teal stated the Planning Commission held a public hearing and recommended approval; however, two individuals appealed the decision of the Planning Commission triggering the public hearing. Mr. Teal stated the Planning Commission recommends approval of the infill plan as submitted by the applicant.

Council Member Williams asked about the current value and estimated value if developed.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:35 p.m.

Mr. Rodney Baker, 216 Marshall Road, Fayetteville, NC appeared in favor and stated he and his family recently moved back to the area and were excited about the possibility of building a house in the neighborhood on a lot they could afford. Mr. Baker stated he and his family would be good neighbors.

Mr. Malcolm McFadyen, 1007 Canopy Lane, Fayetteville, NC appeared in favor and spoke on behalf of the property owner as his real estate agent. Mr. McFadyen stated after hearing concerns expressed at the public hearing before the Planning Commission, the property owner agreed to a nineteen-foot separation between the two houses. Mr. McFadyen reviewed setback footage and lot sizes and stated the fifty-year-old home on the property is near the end of its useful life.

Ms. Melene G. Hatcher, 2909 Mirror Lake Drive, Fayetteville, NC appeared in opposition and expressed concern about exceptions to guidelines she encountered while educating herself on the process. Ms. Hatcher asked Council Members not to give into the exceptions, abide by the R15 ordinance and protect the character and integrity of the neighborhood.

Ms. JoAnn W. Walters, 315 Fairfield Road, Fayetteville, NC appeared in opposition and provided a historical perspective about the neighborhood in which she has lived for fifty years. Ms. Walters expressed disappointment that the infill ordinance does not protect the character of neighborhoods and asked Council Members not to divide the property into smaller lots due to concerns that infill will spread throughout the neighborhood.

Mr. Duane Gilliam, 3209 Brechin Road, Fayetteville, NC, appeared in opposition and stated the real question before Council is how the property should be used and what is appropriate for the neighborhood. Mr. Gilliam expressed concern that a domino effect would ensue and stated subdividing subdivisions is not appropriate for the neighborhood. Mr. Gilliam asked Council to err on the side of caution and deny the request.

Mr. Chris Walters, 2330 Rolling Hill Road, Fayetteville, NC appeared in opposition and stated homes throughout the neighborhood are built appropriate to their lot size. Mr. Walters stated the house currently sitting on the property is not in a total state of disrepair as had been represented and is definitely livable.

Ms. Carol Morrison, 331 Fairfield Road, Fayetteville, NC appeared in opposition and expressed concern that if zero lot line development was permitted in the neighborhood, her father's home will be the next to go. Ms. Morrison stated the figures as represented were inaccurate and contain discrepancies. Mr. Morrison stated the neighborhood opposes the infill project.

The public hearing closed at 9:00 p.m.

Council Member Gonzalez asked if the developer had participated in a neighborhood meeting. Mr. Teal responded the meeting is not required for infill.

**MOTION: Council Member Kirby moved to deny the request for the infill project.**

**SECOND: Council Member Bates**

Council Member Williams stated he has not seen evidence from the neighborhood that property values will suffer.

Council Member Kirby stated the question is not whether property values will suffer but whether Council Members will abide by and adhere to the rules and regulations contained in the infill ordinance they approved.

**VOTE: FAILED by a vote of 5 in favor (Council Member Evans, Kirby, Massey, Bates and Haire) to 5 in opposition (Council Worthy, Meredith, Chavonne, Williams, Gonzalez)**

**MOTION: Council Member Williams moved to approve the plan for subdividing the lot into two lots and building a single-family house on each lot as recommended by the Planning Commission.**

**SECOND: Council Member Worthy**

Council Member Kirby cautioned Council about voting against its own infill ordinance. Council Member Kirby stated the lot is in an older established neighborhood and if Council approves the infill project, it will open up Pandora's Box because there are many big lots throughout the city that could be used for zero lot line development.

Council Member Williams stated the city needs a higher density use of its infrastructure to increase revenues unless it can be proved that it will result in a loss of property values.

Council Member Bates spoke in favor of keeping the neighborhood as it is and reducing the complexities of rules and regulations associated with ordinances.

Council Member Meredith stated lots less than 80% of median trigger infill and that is the reason the ordinance was put in place.

Mayor Pro Tem Massey stated the actual intent of the infill ordinance was to allow residents to protect their neighborhoods and to allow those who have lived in those neighborhoods for a long time to maintain their investments. Mayor Pro Tem Massey asked Council to exercise care if it begins to undercut the intent of infill.

**VOTE: PASSED by a vote of 6 in favor (Council Members Gonzalez, Haire, Williams, Chavonne, Evans and Meredith) to 4 in opposition (Council Members Bates, Massey, Kirby and Worthy).**

**D. Consider an amendment to the Fayetteville Code of Ordinances, Section 30, Zoning, to add a mixed-use conditional zoning district.**

Mr. Teal explained that the mixed-use conditional zoning district allows property owners the opportunity to have more than one type of use for their development. Mr. Teal stated the County has a mixed-use zoning district, but the City does not and the Planning Commission recommends approval of the mixed-use zoning district.

This is the advertised public hearing set for this date and time. There being no one to speak, the public hearing opened and closed at 9:10 p.m.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2007-016**

**MOTION: Council Member Bates moved to approve the mixed-use zoning district as recommended by the Planning Commission.**

**SECOND: Council Member Gonzalez**

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

**4. INTRODUCTION OF CHIEF BERGAMINE**

Mr. Dale E. Iman, City Manager, introduced newly appointed Chief of Police Tom Bergamine. Chief Bergamine expressed his appreciation for the confidence placed in him and stated it is an honor and privilege to serve the citizens of Fayetteville.

**5. SOLID WASTE COLLECTION SERVICE FOR WESTERN FAYETTEVILLE**

Mr. Doug Hewett, Assistant City Manager, presented this item and provided a brief overview of the proposed solid waste collection service for western Fayetteville. Mr. Hewett stated staff recommendation is to reject all bids received on the Residential Solid Waste Collection Services Request for Proposal (RFP) and authorize the City Manager to execute any and all necessary agreements to increase City staff to provide solid waste service beginning March 1, 2008 to the 16,322 households identified in the RFP.

Council Member Gonzalez asked if the proposed solid waste vehicles could be used to pick up recyclable materials. Mr. Jerry Dietzen, Solid Waste Management Director, confirmed they could be used to pickup garbage, recyclables and yard waste.

Council Member Worthy confirmed the funding figures as provided included benefits and retirement for all employees.

**A. Proposed Change to Solid Waste Service**

**MOTION: Mayor Chavonne moved to reject the bids and authorize the Solid Waste Department to increase its operations to serve the customers.**

**SECOND: Council Member Worthy**

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

**B. Budget Ordinance Amendment 2007-17 (Solid Waste Vehicles)**

This budget ordinance amendment will increase the budget appropriation for the Solid Waste Department by \$1,729,896 to purchase 12 solid waste vehicles to serve the customers previously served by contractors. The source of funding for this amendment is a fund balance appropriation. The financial plan for servicing these customers anticipates financing this equipment when it is received during Fiscal Year 2007/2008, with the financing proceeds being



used to restore the fund balance.

**MOTION:** Council Member Williams moved to adopt the budget ordinance amendment to provide funding for the purchase of the vehicles.

**SECOND:** Council Member Worthy

**FRIENDLY AMENDMENT:** Council Member Bates moved that the savings of \$300,000 be earmarked for recycling.

Council Member Williams did not accept the friendly amendment.

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

## **6. BOARDS AND COMMISSIONS**

### **APPOINTMENT**

**FAYETTEVILLE REDEVELOPMENT COMMISSION** – 1 vacancy – 1 nomination – 1 appointment needed

**MOTION:** Council Member Gonzalez moved to appoint Ronald Harrison.

**SECOND:** Council Member Worthy

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

## **7. Consider Closed Session for Consultation with Attorney**

**MOTION:** Council Member Bates moved to go into closed session for Consultation with Attorney.

**SECOND:** Council Member Worthy

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

The regular session recessed at 9:20 p.m.

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

**SECOND:** Council Member Bates

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

The regular session reconvened at 9:35 p.m.

**THERE WERE NO INFORMATION ITEMS.**

There being no further business, the meeting adjourned at 9:37 p.m.