

**FAYETTEVILLE CITY COUNCIL**  
**MINUTES**  
**SEPTEMBER 8, 2008**  
**7:00 P.M.**  
**GILMORE RECREATION CENTER**

1600 Purdue Drive

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3)(arrived 7:10 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Member William J. L. Crisp (District 6)

Others Present: Dale E. Iman, City Manager

Kyle Sonnenberg, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

B.E. (Benny) Nichols, Fire/Emergency Management Chief

Lisa Smith, Chief Financial Officer

Jimmy Teal, Planning Director

Victor Sharpe, Community Development Director

Adolph Thomas, Community Relations Specialist

Jackie Tuckey, Communications Manager/Public Information Officer

Steven Blanchard, PWC CEO/General Manager

Mick Noland, PWC Water Resources Chief Operations Officer

Joe Callis, PWC Business Planning Manager

Gloria Wrench, Purchasing Manager

Candice H. White, City Clerk

Members of the Press

**INVOCATION - PLEDGE OF ALLEGIANCE**

The invocation was offered by Rev. Franklin Daniels, Christ United Methodist Church, followed by the Pledge of Allegiance to the American Flag.

**1. APPROVAL OF AGENDA**

**MOTION:** Council Member Meredith moved to approve the agenda.

SECOND: Council Member Hurst

**VOTE: UNANIMOUS (9-0)**

**2. PUBLIC FORUM:**

**A. Announcements and Recognition**

Mayor Chavonne and Council Member Meredith, on behalf of the City Council and City of Fayetteville, presented a proclamation to the Cumberland Lodge #5, Knights of Pythias, and proclaimed September 9, 2008 to be Cumberland Lodge #5 Day in recognition of their 137 year anniversary.

Mayor Chavonne announced the formal public hearing on rezoning case number P08-49F for property located at the end of Quality Drive and Sheed Avenue would be held on Monday, September 22, 2008

**B. Comment Period**

Mayor Chavonne opened the public comment period.

Jessie Bellflowers, 3819 Sturbridge Drive, Hope Mills, NC 28348 expressed concern for the lack of ethics training for city employees and elected officials.

Mayor Chavonne stated the City of Fayetteville has had a Code of Ethics for quite some time and elected members of City Council receive training in ethics. Mayor Chavonne further stated the City Manager has been working with ethics training for employees for a number of months. Jose J. Cardona, 233 Addison Street, Fayetteville, NC 28314 referenced the recent flooding of Festival Park and stated the area was not suitable for construction of the Museum of Art. Mr.

Cardona offered comments in support of the city's recycling program and expressed concern for BRAC's effect on area schools.

Joann Adams, 210 Central Drive, Fayetteville, NC 28301 expressed concerns associated with a burned church in the 1200 block of Hillsboro Street, abandoned and boarded up structures throughout the city, and criminal activity in her area.

Dale E. Iman, City Manager, stated the City had been monitoring the church but because the church had no assets, taxpayers would end up paying the low bid amount of \$85,000 for the demolition. Mr. Iman further stated other options were being considered. Mr. Iman stated city police were regularly monitoring the surrounding neighborhoods and arrests had been made. Mr. Iman briefly explained state regulations regarding vacant and abandoned buildings. Anita McDonald, 3427 Java Drive, Fayetteville, NC 28311 expressed concerns associated with the recent amendment to Chapter 27 of the Fayetteville Code of Ordinances as it relates to the parking of recreational vehicles.

Mayor Chavonne stated as a result of citizen feedback, Council would be reviewing the ordinance.

Sheila D. Hotchkiss, 1107 Hillsboro Street, Fayetteville, NC 28301 expressed concern for a bus stop that was removed from the public library and relocated to a bank thereby imposing a hardship on the elderly who frequented the library and found it difficult to walk the additional distance.

Jasmine Williams, 1107 Hillsboro Street, Fayetteville, NC 28301 expressed concerns regarding F.A.S.T. bus routes and schedules.

Mr. Iman stated changes had been made to some of the routes and some of the bus stops had been combined in an effort to get the bus routes on a timely schedule.

Mayor Chavonne stated Council pledged to increase funding for the transit system in order to bring the city's transit system up to the state average and an analysis of the transit routes would be available in a few months.

Robert R. Renegar, 2339 Rolling Hill Road, Fayetteville, NC 28304 expressed concern for stormwater runoff into Blounts Creek and asked that City Council not consider the public hearing for rezoning case number P08-49F scheduled for their September 22, 2008 meeting until they approved the stormwater ordinance in January 2009.

Randall Ballen, 3813 Raeford Road, Fayetteville, NC 28304 stated peddlers should not be compared to panhandlers as they pay taxes and provide revenue to state and local governments. Mr. Ballen further stated there is a need for Police patrol on Friday nights and on weekends in order to apprehend itinerant merchants and roadside vendors who would be in violation of the city's proposed ordinance.

Gwen York, 625 Cordial Loop, Fayetteville, NC 28314 requested that City Council allocate funds for domestic violence in order to train law enforcement in the handling of victims and associated issues.

### **3. CONSENT:**

Mayor Chavonne stated Council Member Crisp was unable to attend the meeting and he would request Item 3.F. pulled on his behalf.

**MOTION: Council Member Meredith moved to approve the consent agenda with the exception of Item 3.F.**

SECOND: Council Member Applewhite

**VOTE: UNANIMOUS (9-0)**

The following items were approved:

#### **A. Approve minutes:**

- 1. Work Session Held on August 4, 2008**
- 2. Dinner and Discussion of Agenda Items Held on August 11, 2008**
- 3. Special Meeting Held on August 14, 2008**
- 4. Special Meeting Held on August 19, 2008**
- 5. Agenda Briefing Meeting Held on August 20, 2008**

6. Special Meeting Held on August 25, 2008

B. Tax Refunds of Less Than \$100

NAMEYEARBASISCITY REFUND

Capps, R. Gleen	2006-2007	Corrected Assessment	<u>\$58.48</u>
and Judy			
TOTAL			<u>\$58.48</u>

C. Bid Award – Annexation, Phase V – Contract Area 5 - Arran Lakes East

Award contract for Annexation, Phase V – Contract Area 5- Arran Lakes East to Triangle Grading & Paving, Burlington, NC, the lowest responsive, responsible bidder in the total amount of \$1,838,777.00.

Bids were received as follows:

Triangle Grading and Paving (Burlington, NC).....	\$1,838,777.00
Central Builders (Rocky Mount, NC).....	\$1,870,602.00
Ralph Hodge Construction (Wilson, NC).....	\$2,010,904.00
ES&J Enterprises (Autryville, NC).....	\$2,086,813.00
Billy Bill Grading, Co. (Fayetteville, NC).....	\$2,090,100.00
Utilities Plus (Linden, NC).....	\$2,137,877.69
T.A. Loving Co. (Goldsboro, NC).....	\$2,674,706.00
State Utility Contractors (Monroe, NC).....	\$2,819,182.00

D. Water Shortage Response Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE “V”, OF CHAPTER 28, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2008-018

E.Approval of a resolution establishing the boundaries of a community development target area in accordance with G.S. 160A-425.1 (Unsafe buildings condemned in certain localities)

RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO DESIGNATE CERTAIN AREAS AS A “COMMUNITY DEVELOPMENT TARGET AREA” FOR THE PURPOSE OF ADDRESSING UNSAFE RESIDENTIAL BUILDINGS AND STRUCTURES. RESOLUTION NO. R2008-045

F. Pulled at the request of Mayor Chavonne.

G. Approve Changes to Meeting Times and Places for Fayetteville Board, Commissions and Committees

H. Approve Sign Permit for the Crown Center for the Upcoming Alan Jackson Concert on October 2<sup>nd</sup>

3.F. Approve Revisions to City Council Policies 110.1 and 110.3; and Approve an amendment to the Fayetteville Code of Ordinances, Section 2-35, Appointments to be City Residents; Removal

Mayor Chavonne stated Council Member Crisp had requested that City Council policy number 110.1 be modified to read “for those who failed to attend three consecutive meetings without a documented excuse”.

**MOTION:** Mayor Chavonne moved to modify the ordinance to say “three consecutive meetings without a documented excuse”.

**SECOND:** Council Member Haire

A brief discussion followed. Council Member Evans questioned the need for a documented excuse. Council Member Bates noted some of the board and commission meetings lacked quorums and as a result were unable to conduct business. Council Member Massey spoke to the spirit of volunteerism.

Karen M. McDonald, City Attorney, advised Council could consider returning the matter to the Appointment Committee for further discussion.

**AMENDED MOTION:**

**Mayor Chavonne moved to return the policy to the Appointment Committee for additional consideration.**

Council Member Haire accepted the amended motion.

**VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Bates)**

**4. PUBLIC HEARING:**

**BRENTWOOD AND LAGRANGE (PHASE 5 ANNEXATION)**

Steven Blanchard, PWC CEO/General Manager, stated City Council approved the Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Calling Public Hearing at their meeting on August 25, 2008. The Resolution set the date of the public hearing for Monday, September 8, 2008. Mr. Blanchard presented a PowerPoint presentation and displayed a map depicting the Brentwood and LaGrange areas of the Phase V Annexation project. Mr. Blanchard stated sanitary sewer mains installed to date for all projects in the annexation area totaled \$6,617,724. Mr. Blanchard further stated construction contracts in the annexation area indicated the average per parcel cost for sanitary sewer, which included the service lateral, was \$10,691 or an average per foot linear cost of \$158 for mains without laterals. Mr. Blanchard stated the sanitary sewer assessment rate for single-family residential lots was recommended at \$5,000 to include both the main and lateral charges. Mr. Blanchard further stated for nonresidential properties, a per front foot rate of \$55.56 with a ninety foot minimum plus the average lateral charge was recommended. Mr. Blanchard reviewed monthly or annual payment options and upcoming steps in the process.

Mayor Chavonne requested Mr. Blanchard's presentation be made available to citizens. Mr. Iman advised PWC would place the presentation on their website and make copies available at the September 22, 2008 meeting when Council considered the Resolution Confirming Assessment Roll and Levying Assessments.

Council Member Bates stated he understood an agreement had been made that the per-household cost would be split three ways with a \$5,000 cap. Council Member Bates inquired whether the average cost of \$10,691 would be split between the City, PWC and the property owner. Mr. Blanchard responded his understanding was that \$5,000 would be the assessment. Mayor Chavonne spoke to the \$200 million financing plan for 8,000 homes in which the homeowners' contribution would be \$5,000. Discussion ensued.

Mr. Blanchard clarified there were actually two agreements between the City and PWC and these projects were part of a separate funding agreement that stated the City would assess \$5,000. Mrs. McDonald advised it was also consistent with Policy 150.1 adopted by Council in April 2006 that stated the assessment would be \$5,000. Mr. Blanchard responded to additional questions and discussion continued.

Rebecca Lemings, 114 N. Ingleside Drive, Fayetteville, NC appeared in opposition and expressed concern for changes in the assessment rate and additional costs incurred by homeowners such as the filling of septic tanks.

Michael Lemings, 114 N. Ingleside Drive, Fayetteville, NC appeared in opposition and stated the concerns expressed were of importance to the elderly in the community.

Kathleen Tannenhill, 7514 Ascot Avenue, Fayetteville, NC appeared in opposition and stated she was opposed to the charges associated with the filling of septic tanks.

Gerda Hepner, 7579 Deerwood Drive, Fayetteville, NC appeared in opposition and expressed concern that on her limited income, she could not afford to fill her septic tank.

Mayor Chavonne announced the public hearing would be continued at the September 22, 2008 meeting. Ms. McDonald clarified the public hearing would be held open for those not available to speak during this meeting.

The regular session recessed at 8:35 p.m.

The regular session reconvened at 8:45 p.m.

**5. CONSIDERATION OF ADOPTION OF THE FAYETTEVILLE / CUMBERLAND COUNTY 10-YEAR PLAN TO END HOMELESSNESS**

Victor Sharpe, Community Development Director, stated the Fayetteville/Cumberland County 10-Year Plan to End Homelessness had been presented at the City/County joint meeting on April 8, 2008 and noted the County Commissioners would consider adoption of the plan at their September 15, 2008 meeting. Mr. Sharpe provided an overview of community stakeholder strategies, community forums, and the plan's recommendations and priorities to address homeless issues in the Fayetteville/Cumberland County area. Mr. Sharpe spoke to contributing factors that result in homeless situations, support and resources needed for homeless families and individuals, and estimated funding needs. Mr. Sharpe responded to questions.

**MOTION: Council Member Meredith moved to approve the ten-year plan to end homelessness.**

SECOND: Council Member Evans

**VOTE: UNANIMOUS (9-0)**

**6. APPROVE THE REZONING FROM PND PLANNED NEIGHBORHOOD DEVELOPMENT TO C1P COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 402 MCARTHUR ROAD. CONTAINING .67 ACRES MORE OR LESS AND BEING THE PROPERTY OF DR. FRANK STOUT. CASE NUMBER P08-41F**

Mrs. McDonald advised a rezoning was considered an ordinance amendment and as such a first reading required a two-thirds vote for approval. Mrs. McDonald further advised as the motion at the August 25, 2008 meeting was approved with less than a two-thirds vote, the same motion would be voted up or down at this meeting with no discussion.

**MOTION: Council Member Meredith moved to follow the Zoning Commission's recommendation and approve C1P commercial district.**

SECOND: Council Member Hurst

**VOTE: PASSED by a vote of 6 in favor (Council Members Chavonne, Mohn, Hurst, Massey, Meredith and Applewhite) to 3 in opposition (Council Members Haire, Bates and Evans)**

**7. APPOINTMENT OF MUSEUM OF ART TASK FORCE CHAIRPERSON**

Council Member Mohn stated consensus of Council was for the Museum of Art Task Force to select a chair at their first meeting to be held on September 15, 2008 at 7:00 p.m. in the Lafayette Room.

There being no further business, the meeting adjourned at 9:05 p.m.