

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
NOVEMBER 9, 2009
7:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Charles E. Evans (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); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)
Absent: Council Member Bates, Sr. (District 1) – Representing the City at the NLC
Meeting

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Patricia C. Bradley, Assistant City Attorney
R. Jonathan Charleston, Attorney for Fayetteville Metropolitan Housing

Authority
Harvey W. Raynor, III, Interim County Attorney
Scottie Harris, County Animal Services Director
Matthew Dow, Police Department
Tom Bergamine, Chief of Police
Lisa Smith, Chief Financial Officer
Craig Hampton, Special Project Director
Karen Hilton, Interim Planning Director
Craig Harmon, Planner II
Jackie Tuckey, Communications Manager/Public Information Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Meredith moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Haire expressed gratitude to the citizens for their support and announced the Foxfire community would be holding a scholarship fundraiser fish fry on Saturday, November 14, 2009, from 11:30 a.m. to 3:30 p.m. at Foxfire Road and Glen Canyon Road.

Council Member Evans expressed appreciation to all the citizens for voting and acknowledged Council Member Elect Kady Ann Davy.

Council Member Crisp conveyed congratulations to the Fayetteville State University's football team for winning the 2009 CIAA Championship.

Mayor Chavonne congratulated Council Member Massey for being elected to the NC League of Municipalities Board of Directors.

6.0 PUBLIC FORUM

Ms. Gwen York, 5703 Cypress Road, Fayetteville, NC 28304, stated she would like a domestic violence unit consisting of specially trained, certified officers within the Police Department.

Mrs. Wanda Milton, P.O. Box 667, Parkton, NC 28371, expressed concerns regarding the financial billing process of the City’s Wrecker Inspector’s office.

Mrs. Linda Brown, 3031 Enterprise Avenue, Fayetteville, NC 28312, spoke regarding the reinstatement of Bus Route No. 8.

Mrs. Nubian Farley, 335 McFayden Drive, Fayetteville, NC 28314, stated the Devonwood Homeowners Association had invited their Council Member to meetings with no response.

Imam Eronomy Mohammed, 2700 Murchison Road, Fayetteville, NC 28301, commented on the state of the community and announced his candidacy for state senate.

7.0 CONSENT

Council Member Evans requested to pull Item 7.15 for discussion.

MOTION: Mayor Pro Tem Meredith moved to approve the consent agenda with the exception of Item 7.15.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

7.1 Approve Minutes:

- Appointment Committee Meeting Held on August 20, 2009
- City Council Work Session Meeting Held on September 8, 2009
- City Council Meeting Held on September 14, 2009
- Agenda Briefing Meeting Held on September 23, 2009
- City Council Meeting Held on September 28, 2009

7.2 City Attorney - Approval of Settlements in *Wendy Murphy v. City of Fayetteville and U.S. Airways* and *Estate of Jesse Marquill King v. City of Fayetteville*

7.3 City Clerk - Accept the Certification of Results from the Cumberland County Board of Elections for the October 6, 2009, Municipal Primary Election for Mayor and City Council Districts 2, 4, and 6

**CUMBERLAND COUNTY, NORTH CAROLINA
PRIMARY ELECTION
OCTOBER 6, 2009**

FAYETTEVILLE MAYOR	VOTES	PERCENTAGE
Tony Chavonne	4,317	66.23
Bob White	987	15.14
Ronnie L. Peele	626	9.60
Charles B. Ragan	320	4.91
Eronomy (Mohammed) Smith	268	4.11
FAYETTEVILLE CITY COUNCIL DISTRICT 2	VOTES	PERCENTAGE
Charles E. Evans	651	44.71
Kady Ann Davy	391	26.85
David Soles	374	25.69
Leon Goldstein	40	2.75
FAYETTEVILLE CITY COUNCIL DISTRICT 4	VOTES	PERCENTAGE
D.J. Haire	642	71.65
Ron Harrison	224	25.00
Dorian F. Hamilton	30	3.35
FAYETTEVILLE CITY COUNCIL DISTRICT 6	VOTES	PERCENTAGE
Bill Crisp	476	64.32
Wade Fowler	114	15.41
Richard D. Evans	92	12.43

Renee Wilson	58	7.84
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The Cumberland County Board of Elections having opened, canvassed and judicially determined the original returns of the election in the precincts in this county, held on October 6, 2009, certify that the attached Official Primary Results contains the number of legal ballots cast in each precinct for each office named, the name of each person voted for and the number of votes cast for each person for the office named.

7.4Community Development - Renewal of the Urban Progress Zone designation

7.5 Engineering & Infrastructure - Bid Recommendation for Cape Seal Asphalt Surface Treatment and Joint Sealing

Bids were first advertised to be received at 10:00 a.m., Tuesday, October 6, 2009. Only two (2) bids were received on the first advertisement; therefore, in accordance with the North Carolina General Statutes, the bids were not opened and the project was re-advertised. The General Statutes require that three (3) bids be received on the first advertisement in order for bids to be opened. There is no statutory requirement that a certain number of bids be received on the second advertisement. On October 15, 2009, two (2) bids were received in response to the second advertisement.

Bids were received as follows:

Slurry Pavers, Inc., Glen Allen, VA.....	\$708,112.20
Marvin Templeton & Sons, Inc., Lynchburg, VA.....	\$774,886.60

Slurry Pavers, Inc. will utilize minority subcontractors for Approximately 10% of the work on this project.

7.6Engineering & Infrastructure - Municipal Agreement with NCDOT for Bridge Inspections

7.7Engineering & Infrastructure - Bid Recommendation for the Purchase of One (1) Multi Terrain Loader and One (1) 11,000 Lb. Compact Excavator

Bids were received on Thursday, October 22, 2009, at 2:00 p.m., for the purchase of one (1) Multi Terrain Loader and one (1) 11,000 lb. Compact Excavator.

Bids were received as follows:

Loader:

Southland Rental & Supply Co., Fayetteville, NC.....	\$52,813.00
R.W. Moore Equipment Company, Raleigh, NC.....	\$58,399.00
Gregory Poole Equipment Company, Hope Mills, NC.....	\$69,407.00

Southland Rental & Supply Company submitted the lowest responsible, responsive bid in the amount of \$52,813.00. The amount budgeted by the Street Maintenance Department for the Loader was \$84,000.00.

Excavator:

Southland Rental & Supply Co., Fayetteville, NC.....	\$47,553.00
ASC Construction Equipment, Garner, NC.....	\$53,975.00
Rob's Hydraulics Inc., Grimesland, NC.....	\$54,000.00
R.W. Moore Equipment Company, Raleigh, NC.....	\$57,290.00
Gregory Poole Equipment Company, Hope Mills, NC.....	\$59,581.00

Southland Rental & Supply Company submitted the lowest responsible, responsive bid in the amount of \$47,553.00. The amount budgeted by the Street Maintenance Department for the Excavator was \$75,000.00.

7.8Finance - Special Revenue Fund Project Ordinance 2010-10 (COPS Technology Grant)

This ordinance appropriated \$100,000.00 for the COPS Technology Grant to purchase portable radios.

7.9 Finance - Special Revenue Fund Project Ordinance 2010-11 (FY2008 Assistance to Firefighters Grant - Fire Prevention and Safety Grant Program)

This ordinance appropriated a federal grant of \$30,400.00, awarded through the FY 2008 Assistance to Firefighters Grant, and a required local match from the General Fund of \$7,600.00. The funds would be used to purchase smoke detectors, high visibility marking signs and additional materials to assist in promoting fire prevention.

7.10 Finance - Capital Project Ordinance 2010-13 (Various Transportation and Railroad Crossing Safety Improvement Projects)

This ordinance established a \$2,111,309.00 budget for various transportation and railroad crossing safety improvement projects committed under Municipal Agreements with North Carolina Department of Transportation.

7.11 Finance - Tax Refunds of Greater Than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Beasley-FM Acquisition	2008	Corrected Assessment	\$1,852.30
WZFX			
Eddie M. Evans	2008	Corrected Assessment	110.48
Five Riddle, III Inc.	2004-2008	Corrected Assessment	709.09
Old Dominion Freight Line, Inc.	2004-2007	Corrected Assessment	<u>1,056.54</u>
TOTAL			<u>\$3,728.41</u>

7.12 Fire - Wireless Multi-Gas and Radiation Monitor

N.C.G.S. § 143-129(e)(6) allows an exception to the bidding requirements for the purchase of apparatus, supplies, materials or equipment when a needed product is available from only one source of supply and when standardization and compatibility is the overriding consideration. The AreaRAE system is a wireless multi-gas and radiation monitor manufactured by RAE Systems, San Jose, California. RAE Systems is the sole source vendor for AreaRAE. The AreaRAE System is compatible with the AreaRAE System currently being used by the Hazardous Materials Team. A system by a different manufacturer would not be compatible with the current AreaRae system. This purchase would further enhance the City's capability to monitor large areas for hazardous materials.

Award a contract to RAE Systems, Inc., San Jose, California, in the amount of \$109,153.00, for the purchase of a Wireless Multi-Gas and Radiation Monitor.

7.13 Planning - Case No. P09-30F. The rezoning from C1 Commercial District to R6 Residential District for residential uses on property located on Bailey Street, behind 2521 Lone Pine Drive. Containing 1.01 acres more or less and being the property of Rollin and Jennie Raymes.

7.14 Planning - Case No. P09-31F. The rezoning from C1A Commercial District to R5 Residential District for residential uses on property located at 221 Old Wilmington Road. Containing 0.17 acres more or less and being the property of Fayetteville Metropolitan Housing Authority.

7.15 Pulled for discussion by Council Member Evans.

7.16 Planning - Special Sign Permit Request for up to 23 temporary event signs between November 10 and November 21 for the Greek Orthodox Spaghetti Fundraiser at 614 Oakridge Avenue on November 18, 2009.

7.17 Planning - Special Sign Permit Request for 20 to 25 temporary event signs between November 10 and November 30 for the Heart of Christmas Show.

7.18 Police - Bid Recommendation for the Purchase of a Police Tactical Robot

Bids were received on Wednesday, September 2, 2009, at 3:00 p.m., for the purchase of a Police Tactical Robot.

Bids were received as follows:

Mesa Robotics, Inc., Madison, Al.....	\$ 72,218.00
iRobot Corporation, Bedford, MA.....	\$100,168.00
Foster-Miller Inc., Waltham, MA.....	\$104,674.00

The bid submitted by Mesa Robotics, Inc., did not meet specifications; therefore, staff recommended award to iRobot Corporation, the lowest responsible, responsive bidder in the amount of \$100,168.00. This purchase would be funded by the 2009 Byrne Justice Assistance Grant. This robot would enhance the safety and effectiveness of the Emergency Response and Crisis Negotiation Teams.

7.19PWC - Bid Recommendation – Cross Creek Water Reclamation Facility Plant Control System Replacement

The Public Works Commission, during their meeting of October 28, 2009, approved a bid recommendation to award a bid for Cross Creek Water Reclamation Facility Plant Control System Replacement to Barnes & Powell Electrical Co., Inc., Elm City, North Carolina, the lowest responsive, responsible bidder in the total amount of \$761,500.00 and forward to City Council for approval. This project was approved as WS 50 in the 2010 Capital Budget and would be funded by the 2009 Bond Fund (\$39,252,278.00 total issuance). The total project cost for WS 50 was slightly over what was budgeted, but well within the contingency amount provided for in the bond fund.

Bids were received September 29, 2009, as follows:

<u>Bidders</u>	<u>Total Cost</u>
Barnes & Powell Electrical Co.,Inc., Elm City, NC.....	\$761,500.00
Gaylor, Inc. of NC, Raleigh, NC.....	\$866,700.00
T. A. Loving Company, Goldsboro, NC.....	\$927,600.00

Bids were solicited from seven contractors with three contractors responding. A bid was received from Control Instruments, Inc., Smyrna, Georgia, however, they failed to comply with the SDBE requirements of the bid by not submitting any of the required SDBE Affidavits. Therefore, the bid submitted by Control Instruments was determined to be non-responsive.

Barnes & Powell will utilize a woman-owned subcontractor for approximately 1.97% of the work on this project. PWC staff required documentation of the good faith efforts from Barnes & Powell to solicit minority/DBE participation and, upon review of that documentation, a determination was made that Barnes & Powell did meet the requirements for a good faith effort.

7.20PWC - Bid Recommendation – Water and Wastewater Chemicals

During their meeting of October 28, 2009, the Public Works Commission approved the following bid recommendations for one-year contracts, with option to extend contract for additional period(s) upon agreement of both parties, for the purchase of water and wastewater chemicals and forwarded to City Council for approval. Bids were received September 24, 2009, as follows:

JCI Jones Chemicals, Charlotte NC, low bidder, in the amount of \$494,347.50 for the purchase of approximately 5,715,000 lbs. of Sodium Hypochlorite. Bids were solicited from forty-one (41) bidders with one (1) bidder responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
JCI Jones Chemicals, Charlotte, NC.....	\$494,347.50
Colonial Chemical Solutions, Savannah, Georgia , low bidder, in the amount of \$156,100.00 for purchase of approximately 1,400 tons of 50% Caustic Soda. Bids were solicited from forty-one (41) bidders with five (5) bidders responding as follows:	

<u>Bidders</u>	<u>Total Cost</u>
Colonial Chemical Solutions, Savannah,GA.....	\$156,100.00
Basic Chemical Solutions, Morrisville,PA.....	\$248,080.00
JCI Jones Chemicals, Charlotte,NC.....	\$250,600.00
Univar USA, Charlotte, NC.....	\$272,300.00
Key Chemical, Waxhaw, NC.....	\$470,400.00

Water Elements, LLC, Lakeland, Florida, low bidder, in the amount of \$849,600.00 for purchase of approximately 6,000 tons of Ferric Sulfate Liquid. Bids were solicited from forty-one (41) bidders with two (2) bidders responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Water Elements, LLC, Lakeland, FL.....	\$849,600.00
Kemira Water Solutions, Lawrence, KS.....	\$944,400.00

The low bidders are not classified as DBE, minority or women owned businesses

7.21 PWC -Financial Items: Capital Project Fund Resolutions and Budgets; Amendment #1 – Sewer Extension Funding Policy, Annexation, Phase V, Project #1; Amendment #1 to the PWC General Fund Budget

7.22PWC - T-Mobile License Agreement and Memorandum of License Agreement

7.15Planning - Case No. P09-32F. The rezoning from R5 Residential District to C3 Commercial District for Kentucky Fried Chicken and additional restaurant parking on property located at 612, 614, 616 Link Street and 613, 615, 617 School Street. Containing 31,864 square feet more or less and being the property of Paris and Potter, Constance Fasul Potter, Anna Sylvia Fasul, and Katherine Fasul.

Council Member Evans pulled this item for discussion.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon 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. He stated the property would be in compliance upon rezoning.

Council Member Evans questioned the present zoning of the property and whether the warehouse on the property was in compliance. Mr. Harmon responded the property was zoned R5, whereas the applicant had requested to be rezoned to C3 and the warehouse had been there for 25-30 years, which was considered a legal nonconformity (existed prior to zoning regulations).

MOTION: Council Member Evans moved to deny the request to rezone to C3 Commercial District.

Mrs. Karen McDonald, City Attorney, clarified Council's options were to approve the request or set a public hearing.

MOTION: Council Member Evans moved to set a public hearing.

SECOND: Council Member Massey

VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Applewhite, Chavonne and Crisp)

Mayor Chavonne questioned whether this item could be heard at the November 23, 2009, meeting. Mr. Dale Iman, City Manager, responded that date would not allow for proper notification.

8.0 PUBLIC HEARINGS

8.1City Attorney - Authorization of the Issuance of Multifamily Revenue Bonds by the Fayetteville Metropolitan Housing Authority

Mr. R. Jonathan Charleston, Attorney for Fayetteville Metropolitan Housing Authority, provided summaries of the Authority's Multifamily Housing Revenue Bonds (Curtis Lane Project) Series 2009A in an amount not to exceed \$10,741,500.00 and Multifamily Housing Revenue Bonds (Alfred Street Project) Series 2009B in an amount not to exceed \$2,258,500.00. He explained the financing for the acquisition, construction and equipping of the developments, requirements and the closing date.

Council Member Crisp requested clarification on the types of units proposed in the developments. Mr. Charleston clarified the units would be townhouses, apartments and single-family units.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:35 p.m.

MOTION: Council Member Massey moved to approve the issuance of the Multifamily Revenue Bonds.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

8.2 City Attorney - Consider Adoption of an Ordinance Prohibiting the Tethering of Dogs

Council Member Hurst, Animal Control Ad Hoc Committee, explained the collaboration with the County regarding this ordinance and acknowledged Mr. Harvey Raynor, Interim County Attorney and Mr. Scottie Harris, County Animal Services Director were available to answer any questions. This is the advertised public hearing set for this date and time. The public hearing opened at 7:43 p.m.

Mr. Gary Coonrod, 4520 Chambersburg Road, Fayetteville, NC 28314, appeared in favor. He summarized his 34 years of experience working with dogs and his observations of the adverse affects of tethering of dogs.

Mrs. Linda Lewis, former City representative and Chair of the Animal Service Board and present member of the Animal Protection Society, 411 Lakeshore Drive, Fayetteville, NC 28305, appeared in favor. She stated during her tenure the board presided over dangerous dog hearings and invariably those cases involved dogs who escaped tethers. She summarized her observations of the negative results of tethering while rescuing dogs with the Animal Protection Society.

Mrs. Sarah O'Hanlon, 914 Brook Street, Fayetteville, NC 28305, appeared in favor. She stated tethering of dogs was inhumane and unsafe. She provided research findings from the Department of Agriculture regarding the enforcement of the Animal Welfare Act, Center for Disease Control, USDA and American Veterinarian Medical Association.

Dr. Julie Dees, 567-A Winding Creek Road, Fayetteville, NC 28305, appeared in favor. She explained the negative aspects relating to the tethering of dogs and provided statistics from PETA (People for the Ethical Treatment of Animals).

Mr. Michael E. Price, 1745 Smoky Canyon Drive, Fayetteville, NC 28306, signed up to speak in opposition and stated he was neutral. He expressed concerns.

Mr. Pat Turner, 4448 Oakmont Circle, Fayetteville, NC 28301, appeared in opposition and expressed concerns regarding the cost to fence her dog.

There being no one further to speak, the public hearing closed at 7:59 p.m.

Council Member Evans requested a definition of "tethering".

Mayor Chavonne reiterated Mr. Harris would be conveying information relating to the County adopted ordinance. Mr. Harris stated tethering was a restraint for holding an animal in place.

Council Member Evans questioned whether tethering was permissible on fenced property. Mr. Harris stated it was not permissible in the County Ordinance with the City's ordinance.

Council Member Haire questioned the status of a proposed amendment to this ordinance discussed at the October 5, 2009, meeting pertaining to runner line systems.

Mr. Karen M. McDonald, City Attorney, stated Council proposed various options; therefore, staff followed the option to present the original draft ordinance for consideration and based on the comments from the public hearing, Council would direct staff regarding changes to be incorporated into the City's Ordinance.

Council Member Applewhite requested the penalties for violations of the leash ordinance and dog bites. Mrs. McDonald responded the penalties for violation of the City's leash ordinance were as follows within a twelve month period: first offense - \$50.00, second offense - \$100.00, and third offense - \$200.00. Mayor Chavonne also stated the penalties for dog bites were as follows: first offense - \$250.00, second offense - \$500.00, and third offense - \$1,000.00.

Further discussion ensued regarding civil liability and the implementation of the ordinance by the County.

MOTION: Council Member Hurst moved to approve the adoption of the Ordinance Prohibiting the Tethering of Dogs with an effective date of June 1, 2010.

SECOND: Council Member Crisp

SUBSTITUTE MOTION:

Council Member Mohn moved to direct staff to research alternative confinement options and perform a comparison study.

SECOND: Council Member Massey

A discussion period ensued.

SUBSTITUTE MOTION VOTE:

FAILED by a vote of 4 in favor (Council Members Applewhite, Haire, Massey, and Mohn) to 5 in opposition (Council Members Chavonne, Crisp, Evans, Hurst, and Meredith)

ORIGINAL MOTION VOTE:

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

8.3 Police - Consideration of proposed ordinance revisions to Article VII, Wrecker & Tow Ordinance

Sergeant Matthew Dow, Police Department, provided a summary of the proposed ordinance revisions. He summarized the software benefits and capabilities, which consisted of automatic electronic notification to vehicle owners upon towing and electronic tracking of towed vehicles, which would be accessed on the internet.

Discussion ensued regarding vehicle repossessions, business license requirements and the wrecker rotation list as they related to the use of the C-logic software.

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

There were no speakers in favor.

Mr. Michael P. McGovern, Attorney for the Cumberland County Wrecker Association, 3021 Tazewell Pike, Knoxville, TN 37918, appeared in opposition. He stated the towing industry was not properly consulted regarding the ordinance revisions and the C-logic software was the only matter addressed at the workshop. He assessed business licenses, emergency lights, and moral turpitude requirements pertaining to the proposed ordinance revision.

Mr. Bill Davis, Hwy 301 South, Fayetteville, NC 28306, appeared in opposition.

There being no one further to speak, the public hearing closed at 8:47 p.m.

Council Member Applewhite requested the purpose of the Wrecker Association retaining Mr. McGovern. Mr. McGovern explained his objectives were to address the notice provisions, C-logic provisions, and ordinance concerns.

A discussion period followed regarding the Wrecker Association and Wrecker Review Board involvement in the ordinance revision process and future ordinance revisions.

MOTION: Mayor Pro Tem Meredith moved to refer this matter to the Wrecker Review Board for input on the ordinance revisions and C-logic and present to Council in January 2010.

SECOND: Council Member Hurst

Mr. Dale Iman, City Manager, clarified the purpose of the Wrecker Review Board, which was to hear appeals, not to govern operator regulations.

Mayor Chavonne inquired whether Council's request to refer this matter to the Wrecker Review Board was permitted. Mrs. McDonald responded in the affirmative.

Further discussion ensued.

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

9.0 OTHER ITEMS OF BUSINESS

9.1 Appointment Committee - Presentation of Appointment Committee Recommendations to Fill Four (4) Board and Commission Vacancies

Council Member Hurst, Appointment Committee Chair, provided highlights of the November 4, 2009, meeting of the Appointment Committee and called attention to recommendations to four (4) vacancies due to resignations and ineligibility.

BOARDS/COMMISSIONS		RECOMMENDATION
1.	Board of Appeals on Buildings and Dwellings	Edward Kenneth Wells
2.	Stormwater Advisory Board	Patricia L. Vaughn
3.	Fayetteville Redevelopment Commission	Lynn R. Vick
4.	Fayetteville - Cumberland Human Relations Commission	Crystal Moore-McNair

MOTION: Council Member Hurst moved to approve the Appointment Committee recommendations for appointments to the four (4) boards and commissions.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

Council Member Crisp questioned whether the Committee recommendations were unanimous. Council Member Hurst responded in the affirmative.

Council Member Hurst announced the City was recruiting candidates to fill two at-large positions on the Ethics Commission.

9.2 City Attorney - Consider Adoption of Resolution Authorizing Condemnation to Acquire Property for the Multi-Modal Transportation Center

Mrs. Karen McDonald, City Attorney, presented this item. She stated after several public meetings, on December 8, 2008, the City Council approved the property bounded by Robeson, Franklin, Winslow, and West Russell Streets, comprised of seven parcels, for the location of the Multi-Modal Center. She stated thereafter, the City began pursuing acquisition of the properties consistent with federal land procurement guidelines. She stated despite the City's designation of this site for the Multi-Modal Center, the property at 135 and 137 Robeson Street (Parcel 1) was recently sold. She further stated consistent with the federal land procurement guidelines, the City had attempted to purchase the property from the new owners and had been unsuccessful. She stated because negotiations to purchase the property at 135 and 137 Robeson Street had failed the only way to acquire the property would be through eminent domain and the first step would be to adopt a resolution authorizing the use of eminent domain. Mrs. McDonald clarified the requirements should Council adopt the resolution. She also explained that Council's adoption of the resolution would not preclude the City's ability to negotiate acquisition without the use of eminent domain.

Mayor Chavonne requested an overview of the history regarding Parcel 1. Mrs. McDonald responded when Council approved this parcel for the location of the Multi-Modal Center, the property had been for sale; however, pursuant to federal regulations, an appraisal and environmental study were required prior to discussing acquisition with the property owners. She stated Council had adopted a budget for these acquisitions and in the interim, the property had been sold. She stated the property had been appraised at \$210,000.00 and acquired for \$235,000.00. She stated the property owner's attorney indicated the property was very valuable to his client and the selling price would be \$650,000.00.

Mayor Chavonne clarified the property had appraised for \$210,000.00 and sold for \$235,000.00 after public notification of the City's interest and the present owner had offered to sell the property to the City for \$650,000.00. Mrs. McDonald answered in the affirmative.

Mr. Craig Hampton, Special Project Director, provided an update on the negotiation status of the remaining parcels.

Council inquired about Parcel 6.

Mrs. McDonald stated, pertaining to Parcel 6, the negotiations had not deteriorated to the extent that it appeared the City would not have the ability to acquire the property voluntarily.

MOTION: Mayor Pro Tem Meredith moved to approve the adoption of the resolution authorizing condemnation to acquire property for the Multi-Modal Transportation Center.

SECOND: Council Member Applewhite

VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Crisp, Haire and Mohn)

9.3 Planning - Request from the Cumberland County Planning Board regarding a sidewalk waiver for property along John B. Carter Road south of the intersection with Macedonia Church Road, within the Sewer Service Area.

Mrs. Karen Hilton, Interim Planning Director, presented this item. She stated the applicant was requesting the Cumberland County Joint Planning Board to waive the sidewalk request and this property was within **the Sewer Service Area**. Mrs. Hilton 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. She explained this property was within the City of Fayetteville's Municipal Influence Area, which would require the construction of a sidewalk on one side of a connector road and both sides of thoroughfares.

Mrs. Hilton stated Council's options were to (1) recommend denial of the waiver, (2) recommend approval of the waiver – noting the County would not have an in-lieu provision, and (3) recommend approval of the waiver conditioned upon grading and reservation of a sidewalk area. She stated staff recommended option 3.

A brief discussion ensued.

MOTION: Mayor Pro Tem Meredith moved to approve the sidewalk waiver request for property along John B. Carter Road south of the intersection with Macedonia Church Road conditioned upon grading and reservation of a sidewalk.

SECOND: Council Member Hurst

Mayor Pro Tem Meredith questioned whether City staff would be involved in the grading plan approval. Mrs. Hilton responded the plans are routinely approved by the County.

VOTE: UNANIMOUS (9-0)

9.4 City Manager's Office - FY 2010 Strategic Plan's Policy and Management Action

Agenda- 1st Quarter Report

Mr. Doug Hewett, Assistant City Manager, reviewed the elements of the strategic plan and provided an overview of the progress made and anticipated actions for the following targets for action.

Policy Agenda:

Top Priority

- § Unified Development Ordinance
- § Murchison Road Corridor Redevelopment
- § Parks and Recreation Service
- § Annexation Policy
- § Workforce Development
- § Recycling Program for Multifamily and Commercial

High Priority

- § County Jail Capacity
- § Air Quality Non-Attainment
- § Emergency Medical Transport Performance Report
- § Tree Preservation Ordinance
- § Building Demolition
- § Property Revaluation and Tax Rate
- § Legislative Agenda and Lobby Strategy

Management Agenda:

Top Priority

- § Crime Reduction Strategy and Report (Mayor Chavonne requested statistics regarding the number of officers in the department and a quarterly based crime survey)
- § FAST Improvements
- § Community Report Card
- § Community Watch Expansion
- § Economic Development

High Priority

- § Reclaiming Neighborhoods Strategy
- § Police Staffing
- § Non-Stop Air Service to Washington, D.C.
- § Telling the City's Positive Story
- § Northwest Gateway Project

Mr. Hewett informed Council the Annual Strategic Plan Retreat was scheduled for February 26 and 27, 2010.

Mr. Hewett responded to questions posed by Council and a discussion period ensued.

MOTION: Mayor Chavonne moved to approve the report.

SECOND: Mayor Pro Tem Meredith

VOTE: UNANIMOUS (9-0)

10.0 ADMINISTRATIVE REPORTS

10.1City Clerk - Monthly Statement of Taxes Collected for September 2009from the Cumberland County Tax Administrator

2009 Taxes.....	\$3,766,861.70
2009 Vehicle Taxes.....	362,596.39
2009 Revit.....	11,802.13
2009 Vehicle Revit.....	258.17
2009 FVT.....	38,302.63
2009 Transit Tax.....	38,302.68
2009 Storm Water.....	116,036.01
2009 Fay Storm Water.....	232,071.50
2009 Recycle Fee.....	122,352.70
2008 Taxes.....	28,832.37
2008 Vehicle Taxes.....	91,265.41
2008 Revit.....	141.64
2008 Vehicle Revit.....	97.23
2008 FVT.....	12,141.13
2008 Transit Tax.....	11,044.71
2008 Storm Water.....	1,748.23
2008 Recycle.....	1,858.88
2008 Fay Storm Water.....	1,797.49
2008 Annex.....	46.07
2007 Taxes.....	1,299.10
2007 Vehicle Taxes.....	3,576.98
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00
2007 FVT.....	812.72
2007 Storm Water.....	118.49
2007 Fay Storm Water.....	25.20
2007 Annex.....	0.00
2006 Taxes.....	1,446.77
2006 Vehicle Taxes.....	829.45
2006 Revit.....	0.00
2006 Vehicle Revit.....	0.00
2006 FVT.....	250.00
2006 Storm Water.....	74.82
2006 Annex.....	5,143.50
2005 and Prior Taxes.....	5,165.28
2005 and Prior Vehicle Taxes.....	1,916.75
2005 and Prior Revit.....	0.00
2005 and Prior Vehicle Revit.....	0.00
2005 and Prior FVT.....	487.25
2005 and Prior Storm Water.....	62.27
Interest.....	17,713.12
Interest (Revit).....	17.71
Interest (Storm Water).....	196.40
Interest (Fay Storm Water).....	146.10
Interest (Annex).....	672.95
Interest (Fay Recycling).....	146.68
Total Collections.....	\$3,766,861.70

10.2City Clerk - Report for the City of Fayetteville Update Tax Levy for 2009-2010 Fiscal Year

10.3Finance - Tax Refunds of Less Than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>	
Semenza, Rose Mary	2008		Corrected Assessment	<u>\$11.04</u>
TOTAL				<u>\$11.04</u>

There being no further business, the meeting adjourned at 10:09 p.m.