

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JUNE 22, 2009
7:00 P.M.**

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); 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)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Jeffrey Brown, Interim Director for Engineering and Infrastructure
Benjamin Nichols, Fire Chief
Terrie Hutaff, Human Resource Development Director
Ben Major, Fire/Emergency Management Assistant Chief
Christina Morey, Fire/Emergency Management Assistant Chief
Mike Hill, Battalion Commander
Tom Bergamine, Chief of Police
Tracey Broyles, Budget and Evaluation Manager
Rob Anderson, Chief Development Officer
Jimmy Teal, Planning Director
Craig Hampton, Special Project Director
Erica Hoggard, Human Resource Development Assistant Director
Jackie Tuckey, Communications Manager/Public Information Officer
Nathan Walls, Public Information Specialist
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend John Cook, Pastor at Snyder Memorial Baptist Church, followed by the Pledge of Allegiance to the American Flag.

RECOGNITIONS AND ANNOUNCEMENTS

Council Member Applewhite announced she had attended an event hosted by the Fayetteville Chapter of the National Association of Buffalo Soldiers and Troopers who had hosted a food drive for Second Harvest in Fayetteville. She thanked them for their hard work and dedication.

1. APPROVAL OF AGENDA

MOTION: Council Member Massey moved to approve the agenda to include adding to the consent agenda cancellation of the July 6, 2009, City Council meeting.

SECOND: Council Member Bates

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

2. CONSENT:

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve Minutes:

1. City Council dinner and discussion meeting held on May 26, 2009.

B.Capital Project Ordinance Amendment 2009-25 (Linear Park Project).

This ordinance amendment appropriated an additional \$144,079.00 in donations and \$37,972.00 in investment income to fund further development of the Linear Park project.

C. Capital Project Ordinance 2009-26 and Resolution Authorizing the City of Fayetteville to Enter into an Agreement with the North Carolina Department of Transportation (Replacement of the Transit Transfer Center).

This ordinance appropriated \$203,422.00 for the replacement of the Transit Transfer Center. The source of funds for this project would be a federal grant (\$162,738.00), a state grant (\$20,342.00), and a required General Fund local match (\$20,342.00). The associated resolution must be adopted to authorize the City Manager to execute the grant agreement with the North Carolina Department of Transportation.

D. Capital Project Ordinance 2009-27 (Transit Automatic Vehicle Locator System).

This ordinance appropriated \$419,012.00 for the Transit Automatic Vehicle Locator System Project. The source of funds for this project would be a state grant (\$377,111.00) and a required General Fund local match (\$41,901.00).

E. Addition of streets to the City of Fayetteville's System of Streets.

Council was asked to accept the dedication of the attached list of streets for maintenance and addition to the City of Fayetteville system of streets. This list included 15 paved streets adding up to a total of 2.54 miles.

F. Resolution accepting State Revolving Loan for Swainey Avenue Drainage Improvement Project.

Council was asked to adopt a resolution accepting a State Revolving Loan in the amount of \$600,000.00 from the North Carolina Department of Environment and Natural Resources for the Swainey Avenue drainage improvement project.

G. Resolution to set public hearing to consider closing three unopened streets within the Hope VI area.

A petition was received from the Fayetteville Metropolitan Housing Authority for the closure of a portion of McKethan Street, a portion of Ross Street, and Lafayette Street. These streets were all unopened streets within the Hope VI area.

H. Set a public hearing and approve a preliminary resolution requiring the paving without petition of certain soil streets.

Council was asked to set a public hearing for the July 27, 2009, Council meeting and approve a preliminary resolution requiring the paving without petition of Drexel Road from Temple Avenue to Pennsylvania Avenue, Greensboro Street from Jasper Street to McLamb Drive, Wilma Street from Roosevelt Street 930 feet to a cul-de-sac, Salisbury Street from Wilma Street 298 feet to a cul-de-sac, Quillan Street from Bragg Boulevard 794 feet to a turn around, and Morgan Lane from Park Street to Claremont Avenue and from Claremont Avenue 330 feet to a dead end.

I. Interlocal agreement for the billing and collection of stormwater fees.

Council was requested to approve a new interlocal agreement with Cumberland County for the billing and collection of stormwater fees.

J. Bid Recommendation – Airport Parking Lot Improvements.

Awarded contract for Airport Parking Lot Improvements to Barnhill Contracting Company, Fayetteville, NC, in the amount of \$745,556.95. Formal bids were received June 2, 2009. The low bidder was recommended.

Bids were received as follows:

Barnhill Contracting Company (Fayetteville, NC)	\$745,556.95
Highland Paving Company (Fayetteville, NC)	\$789,137.35
Barnes Paving Company, Inc. (Lumberton, NC)	\$863,529.20

K. Cancel July 6, 2009, City Council meeting.

3. PUBLIC HEARINGS:

A. Consider an amendment to the Fayetteville Code of Ordinances, Section 30, Zoning, to add Section 30-520, Airport Overlay District.

Mr. Jimmy Teal, Planning Director, presented this item and showed a map of the proposed Airport Overlay District and surrounding areas. He stated Cumberland County and the Town of Hope Mills had adopted the overlay district. He stated the overlay district would provide the following three elements:

1. Factors would be listed within the text that was proposed to be considered when any rezoning petitions or special use permits were submitted within the overlay district;
2. Notices would be given to the public by means of a statement on any recorded plat advising the public that the property would be located within the overlay district; and
3. Reasonable height restrictions based on an incremental scale and require a copy of the FAA Form 7460-1 to the City at the time of permit application.

Mr. Teal stated the Planning Commission held a public hearing and unanimously recommended approval.

MOTION: Council Member Crisp moved to recuse himself from Item 3.A. since he owned property in the area.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

Mr. Teal addressed previous concerns regarding the ordinance possibly being considered a taking. Mr. Teal explained the overlay ordinance would not result in any acquisition of property.

A question and answer period ensued regarding the purpose, areas affected, property values, height restrictions, and affect on the fire tower.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:34 p.m.

Mr. Edward Williams, 1210 Camden Road, Fayetteville, NC 28306, appeared in favor and expressed approval of the ordinance.

Mr. Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28311, appeared in favor and urged Council to adopt the ordinance.

Mr. Tom Keith, 1921 Winterlochen Road, Fayetteville, NC 28305, appeared in opposition and expressed concerns with property being taken.

There being no one further to speak, the public hearing closed at 7:47 p.m.

Council Member Bates inquired as to the FAA process. Mr. Teal responded it would go before the FAA through the required form. Mr. Brad Whited, Airport Director, further explained that the FAA would only determine whether or not there would be an impact to the airport and provide the reason for the determination. He stated the FAA would not have the authority to deny the request as it would be a local issue.

Council Member Massey inquired if other cities had the overlay district. Mr. Teal responded there were several including High Point, Greensboro, and Charlotte.

MOTION: Council Member Bates moved to adopt the Airport Overlay District ordinance as recommended by the Planning Commission.

SECOND: Mayor Pro Tem Meredith

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

B. Consider adoption of the 2030 Growth Vision Plan.

Mr. Jimmy Teal, Planning Director, presented this item and provided background information on the plan. He stated Council had referred this item to the Planning Commission to review the plan with the County Planning Board for possible changes. He stated the County had suggested changes and the City Planning Commission recommended endorsement of the changes. He stated the County Commissioners had approved the plan with the changes in April of 2009. He stated Council's options were to adopt the plan as originally submitted by the 2030 Growth Vision Plan Advisory Committee, adopt the plan as amended by the County, or make changes to the plan. He stated the Planning staff recommended approval with the County changes with the exception of policies 10.13 and 11.7 regarding tree protection. He stated this plan would be guidelines to guide Council on developing ordinances. He stated the Planning Commission recommended approval as adopted by the County Commissioners.

This is the advertised public hearing set for this date and time. There being no one present to speak either in favor or opposition, the public hearing opened and closed at 8:37 p.m.

Concerns were expressed on the tree preservation ordinance in regard to clear cutting of trees. Mr. Teal responded the County was taking out the provision of clear cutting of trees from their plan but the City was not removing this provision. He stated the Planning staff would be recommending stronger language to protect the trees.

MOTION: Council Member Bates moved to adopt the 2030 Growth Vision Plan to include the changes adopted by the County Commissioners and adding back policies 10.13 and 11.7 as originally drafted.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Haire, Chavonne, and Meredith)

C. Public hearing for assessment rolls on soil streets that have been paved.

Mr. Jeffery Brown, Interim Director for Engineering and Infrastructure, presented this item and reviewed a power point presentation showing the assessments for paving of six streets.

Council Member Haire inquired on the percentage of the assessments. Mr. Brown responded Meeting Street property owners would be paying 14 percent, Church Street 23 percent, Seminole Street 29 percent, Oscar Street 24 percent, Milan Road 6 percent, and Barges Lane 6 percent. He stated that Milan Road's percentage was lower because it was adjacent to the railroad property and the railroad could not be assessed.

Council Member Massey inquired if the sidewalks on Barges Lane were part of the paving process and were there any other streets that received sidewalks along with the paving. Mr. Brown responded in the negative and stated there were portions of sidewalks already on the streets so the decision was made to put the sidewalks back.

Council Member Evans requested that Meeting Street be pulled as concerns had been brought to his attention by members of Evans Metropolitan AME Zion Church. He stated he would like City staff to meet with the members of the church to discuss these concerns.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:00 p.m.

Mr. David Bedtelyon, 2136 Seminole Drive, Fayetteville, NC 28306, appeared in opposition and expressed concerns for the amount of the assessment.

There being no one further to speak, the public hearing closed at 9:03 p.m.

Council Member Applewhite inquired if the property owners had been given advance notice of the assessment. Mr. Brown responded notices had been mailed in advance stating what the estimated preliminary assessment would be.

Council Member Massey inquired on the process used to determine the percentage. Mr. Brown responded it was based on who owned the property. He stated Milan Road was 6 percent because the railroad owned a large portion. He stated Meeting Street was also low because the City owned one side of the street.

Concerns were expressed on the differences in the percentage and private citizens receiving the higher percentage.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (CHURCH STREET FROM THE CENTERLINE OF LAKELAND STREET SOUTHEASTERLY APPROXIMATELY 215.57 FEET). RESOLUTION NO. R2009-051.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (MILAN ROAD FROM NORTH STREET TO DEAD END). RESOLUTION NO. R2009-052.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (OSCAR STREET FROM FAIRVIEW STREET TO BLACKWELL STREET). RESOLUTION NO. R2009-053.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (SEMINOLE DRIVE FROM GOINS DRIVE TO DEAD END). RESOLUTION NO. R2009-054.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (BARGES LANE FROM GROVE STREET TO LAMON STREET). RESOLUTION NO. R2009-055.

MOTION: Council Member Evans moved to approve the assessment resolutions with the exception of Meeting Street with staff to come back within 30 days.

SECOND: Council Member Massey

Discussion ensued regarding the circumstances surrounding the church and why no one was in attendance to represent the church.

City Attorney Karen McDonald explained Council's options. Ms. McDonald clarified this was a motion to delay adoption of the assessment.

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Bates, Applewhite, Meredith, and Mohn)

4. Consider adoption of the Fiscal Year 2009-2010 Budget Ordinance, Fee Schedule, and associated Capital Project Ordinances and Amendments.

Mr. Dale Iman, City Manager, presented this item and stated they were presenting a revised budget with a tax rate of 45.1 cents. He then proceeded to present a power point presentation on the proposed FY 2010 budget as follows:

Revenue-Neutral Tax Rate Update

- Ø Original projected neutral rate prepared in April
- Ø Actual personal property values now available
- Ø More complete information now available for motor vehicles, real property appeals and exemptions
- Ø Revised neutral rate prepared as of June 19 based on latest data from the County Tax Office

Reappraisal and Property Tax Base

Estimating the total FY 2010 tax base

<u>Original</u>	<u>Current</u>	
Real Property	\$10,891,001,819	\$10,885,004,799
Personal Property	519,868,950	462,436,694
Motor Vehicles	1,097,787,249	1,042,927,160
Public Service Property	147,481,365	147,481,365
Total Est. Taxable Property	\$12,656,139,383	\$12,535,850,018

Revenue-Neutral Tax Rate Analysis

Est. FY 2009 taxable values	\$10,449,723,504
Est. FY 2009 levy at 53 cents	\$55,383,535
Plus 3.1% natural growth rate	\$57,100,424

<u>Original</u>	<u>Current</u>	
Est. FY 2010 taxable values	\$12,656,139,383	\$12,535,850,018
Revenue-neutral tax rate	45.1 cents	45.6 cents

Council's Proposed Tax Rate

Proposed Tax Rate	45.1 cents
Estimated FY 2010 Total Taxable Values	\$12,535,850,018
Estimated FY 2010 Levy	\$56,536,684
Estimated Loss of Revenue Below	(\$610,233)
Revenue-Neutral Rate (est. 97.36% collection rate)	

G/F Budget Proposal – 45.1 Cent Tax Rate

- Ø Proposed General Fund Budget is \$136,013,023
- Based on Council's direction to set the tax rate at 45.1 cents per \$100 value
- Ø Pay increase eliminated for all employees – including Police
- Ø Addressed sales tax revenue reduction
- Ø FY 2010 proposed G/F budget is 1.2% higher than FY 2009 original budget
- Includes additional positions for Police (30) and Fire (24) and enhanced transit services
- Ø Revenue adjustments to original recommended budget total (\$4,929,628):
- Eliminated all pay increases (\$1,925,978)

- Removed 22 police positions (\$1,773,344)
- Reduced street resurfacing (\$400,000)
- Reduced capital outlay (\$319,500)
- Reduced contracts/incentives (\$370,000)
- Reduced sales tax reimbursements (\$216,165)
- Miscellaneous adjustments (\$114,400)
- Added police contingency funds \$189,759

A question and answer period ensued regarding the percentage in the reserve, street resurfacing, pay increases, motor vehicle taxes, grant and county revenues, and tax rate.

In response to Council inquiries, Mr. Iman presented a general fund budget proposal with a 45.6 rate as follows:

G/F Budget Proposal – 45.6 Cent Tax Rate

- Ø Proposed General Fund Budget is \$136,657,000
- Based on updated revenue-neutral tax rate of 45.6 that was calculated on June 19
- Ø Pay increase eliminated for general employees
- Ø Addressed the sales tax revenue reduction
- Ø FY 2010 proposed G/F budget is 1.6% higher than the FY 2009 original budget
- Includes additional positions for Police (30) and Fire (24) and enhanced transit services
- Ø Revenue adjustments to original recommended budget total included:
 - Reduction in property tax revenues
 - Reduction in sales tax revenues
 - Reduction in grant and county revenues
 - Increase in fund balance appropriation for the vacancy rate change
- Ø Expenditure adjustments to original recommended budget total included:
 - Elimination of general employee pay increases
 - Capping pay increases for police at 5%
 - Removal of 22 police positions
 - Reduction in street resurfacing
 - Reduction in capital outlay
 - Reduction in contracts/incentives
 - Reduction in sales tax reimbursements
 - Miscellaneous adjustments

Council then asked questions of the City Manager regarding pay raises for City and PWC employees and miscellaneous adjustments.

MOTION: Mayor Pro Tem Meredith moved to adopt Fiscal Year 2009-2010 Budget Ordinance, Fee Schedule, Capital Project Ordinances 2010-1 through 2010-3, and Capital Project Amendments 2010-1 through 2010-8 with a tax rate of 45.6 cents tax rate.

SECOND: Council Member Hurst

SUBSTITUTE MOTION:

Council Member Bates moved to adopt Fiscal Year 2009-2010 Budget Ordinance, Fee Schedule, Capital Project Ordinances 2010-1 through 2010-3, and Capital Project Amendments 2010-1 through 2010-8 with a tax rate of 45.1 cents tax rate, and authorize the City Manager to remove up to and not to exceed \$1,000,000 for police pay out of the general reserves.

SECOND: Council Member Crisp

VOTE: FAILED by a vote of 2 in favor (Council Members Bates and Crisp) to 8 in opposition

ORIGINAL MOTION VOTE:

PASSED by a vote of 6 in favor to 4 in opposition (Council Members Evans, Applewhite, Bates, and Crisp)

INFORMATION ITEMS:

1.Statement of taxes collected for the month of May 2009 from the Cumberland County Tax Administrator.

2008 Taxes.....	\$250,207.13
2008 Vehicle Taxes.....	409,287.48
2008 Revit.....	36.03
2008 Vehicle Revit.....	340.41
2008 FVT.....	41,700.09
2008 Transit Tax.....	36,001.56
2008 Storm Water.....	13,987.29
2008 Fay Storm Water.....	17,940.17
2008 Recycle Fee.....	21,869.18
2008 Annex.....	6.02
2007 Taxes.....	5,158.08
2007 Vehicle Taxes.....	9,432.43
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00
2007 FVT.....	1,547.38
2007 Storm Water.....	449.58
2007 Fay Storm Water.....	178.76
2007 Annex.....	0.00
2006 Annex.....	2,596.14
2006 Taxes.....	1,558.31
2006 Vehicle Taxes.....	1,776.61
2006 Revit.....	0.00
2006 Vehicle Revit.....	0.00
2006 FVT.....	404.21
2006 Storm Water.....	61.18
2005 Taxes.....	421.36
2005 Vehicle Taxes.....	1,116.08
2005 Revit.....	0.00
2005 Vehicle Revit.....	0.00
2005 FVT.....	202.09
2005 Storm Water.....	2.64
2004 and Prior Taxes.....	1,132.53
2004 and Prior Vehicle Taxes.....	1,990.01
2004 and Prior Revit.....	0.00
2004 and Prior Vehicle Revit.....	0.00
2004 and Prior FVT.....	395.90
2004 and Prior Stormwater.....	19.30
Interest.....	24,676.27
Interest (Revit).....	6.02
Interest (Storm Water).....	789.08
Interest (Fay Storm Water).....	948.32
Interest (Annex).....	260.03
Interest (Fay Recycling).....	1,093.84
Total Collections.....	\$847,591.51

There being no further business, the meeting adjourned at 10:15 p.m.