

**FAYETTEVILLE CITY COUNCIL**

**MINUTES**

**FEBRUARY 9, 2009**

**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); Darrell J. Haire (District 4); Bobby Hurst (District 5); Council Member William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Robert A. Massey, Jr. (District 3)

Others Present: Dale E. Iman, City Manager

Doug Hewett, Assistant City Manager

Karyn Brunson, Assistant City Attorney

Lisa Smith, Chief Financial Officer

Rob Anderson, Chief Development Officer

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

Ben Major, Assistant Fire Chief

Mike Hill, Battalion Commander

Victor Sharpe, Community Development Director

Bobby Teague, Engineering and Infrastructure Director

Ron Macaluso, Transit Director

Jerry Dietzen, Solid Waste Management Director

Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director

Craig Hampton, Special Projects Manager

Gloria Wrench, PWC Purchasing Manager

Doug Peters, Fayetteville-Cumberland Chamber of Commerce President

Jackie Tuckey, Communications Manager/Public Information Officer

Candice H. White, City Clerk

Members of the Press

**INVOCATION - PLEDGE OF ALLEGIANCE**

The invocation was offered by Colonel Joel Cocklin, Ft. Bragg Installation Chaplain, followed by the Pledge of Allegiance to the American Flag.

**1. APPROVAL OF AGENDA**

Council Member Crisp requested modification of the agenda to add a sign permit request as Item 6. and to move the Closed Session to Item 7.

**MOTION: Council Member Crisp moved to modify the agenda to add a sign permit request as Item 6. and to move the Closed Session to Item 7.**

**SECOND: Council Member Bates**

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

**2. PUBLIC FORUM:**

**A. Announcements and Recognition**

Mayor Chavonne and Council Member Haire, on behalf of the City Council and City of Fayetteville, recognized the E. E. Smith girl's basketball team, winners of the M. J. Soffe-Intensity Holiday Classic.

Mayor Chavonne and Council Member Applewhite, on behalf of the City Council and City of Fayetteville, presented a proclamation to the Fayetteville-Cumberland Human Relations Commission and proclaimed the month of February 2009 to be Human Relations Month.

Mayor Chavonne and Council Member Bates, on behalf of the City Council and City of Fayetteville, presented a proclamation to Jackie Blue of the local multiple sclerosis group and proclaimed March 2-8, 2009 to be Multiple Sclerosis Awareness Week.

Ft. Bragg Brigadier General Raymond Palumbo presented a print titled "No Safe Haven" to the City of Fayetteville and thanked Fayetteville for serving as a safe haven for the military and their

families. A video followed depicting a ceremony at Ft. Bragg to recognize civilian organizations working to foster community military relations followed.

**B. Comment Period**

Mayor Chavonne opened the public comment period.

John Malzone, 1176 Greenbriar Drive, Vass, NC 28394 stated he had owned and operated businesses in Fayetteville for the past forty-one years and asked that consideration be given to allowing taxpayers to serve on the City's boards and commissions.

Jose I. Cardona, 233 Addison Street, Fayetteville, NC 28314 expressed concern for traffic and litter in Fayetteville and stated the Lundy Building would be the best site for the Fayetteville Museum of Art.

Gwen York, 5703 Cypress Road, Fayetteville, NC 28304 spoke to issues related to domestic violence.

Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28311 spoke regarding the use of a task force or other comprehensive coordinated force as a strategy to combat crime.

Andre L. Walker, 1653 Inverness Drive, Fayetteville, NC 28304 stated he had received a citation for parking his commercial vehicle at his residence and asked that consideration be given to amending the City's ordinance.

**3. CONSENT:**

Council Member Mohn requested Item 3.D. pulled.

Council Member Applewhite requested Item 3.F. pulled.

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

SECOND: Council Member Meredith

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

The following items were approved:

**A. Approve Minutes:**

**1. Agenda Briefing Held on January 21, 2009**

**B. Approve Tax Refunds Greater Than \$100**

**C. FY 2008-2009 Electric, Water/Sanitary Sewer and Fleet Maintenance Internal Service Fund Budget Amendment #2**

The Public Works Commission, during their meeting of January 28, 2009 adopted Budget Ordinance Amendment #2 for Fiscal Year 2008-2009 for the Electric, Water/Sanitary Sewer and Fleet Maintenance Service Fund.

Budget Amendment #2 has a zero overall effect to the total Electric Fund and Water/Sewer Fund Budget, some capital projects were deferred and some were added, the net results will provide funding to offset increasing operating expenses. The City expects to purchase additional fuel from PWC (\$750,000) and Medical Benefits are exceeding the budget (\$90,000), therefore the Fleet Maintenance Internal Service Fund Budget needs to be increased by \$840,000, for a proposed Fleet Maintenance Internal Service Funds Budget of \$6,523,110.

**D. Pulled at the request of Council Member Mohn.**

**E. Bid Award – Purchase of approximately 4000 dry tons of Liquid Ferric Sulfate through October 31, 2009 (with the option to extend contract for additional period(s) upon the agreement of both parties).**

Award bid for purchase of approximately 4000 dry tons of Liquid Ferric Sulfate through October 31, 2009 (with the option to extend contract for additional period(s) upon the agreement of both parties) to Kemira Water Solutions, Inc., Lawrence, KS in the total amount of \$994,680.00.

**F. Pulled at the request of Council Member Applewhite.**

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

**3.D. Project Fund Amendments**

The Public Works Commission, during their meeting of January 28, 2009 approved Budget Amendment #1 for the Rim Road Water Main Capital Project Fund and the Ft. Bragg Interim

Water Service Project Fund.

The Rim Road Water Main Capital Project Fund has cleared all expenses related to the project. The project fund has funds remaining and as outlined in the agreement with the City, the remaining balance (\$126,374) is to be evenly disbursed to the City and PWC General Funds.

The Ft. Bragg Interim Water Service Project Fund is being revised for projected revenues and expenditures related to the interim operations of the Ft. Bragg Water Treatment Plant and pass through capital construction expenditures until the interim service requirements have expired. The total projected budget is \$21,840,234. PWC is the lead contractor and point of contact for potable water to Ft. Bragg.

Council Member Mohn asked Council to consider splitting the City's portion of the remaining balance with property owners in the Rim Road area.

**MOTION: Council Member moved when the funds are disbursed between PWC and the City of Fayetteville, one-half of the \$63,000 goes back to citizens of the Rim Road area and one-half goes to the City of Fayetteville.**

SECOND: Council Member Bates

A brief discussion followed.

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

**MOTION: Council Member Haire moved to approve Item 3.D.**

SECOND: Council Member Meredith

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

### **3.F. Bid Award - Purchase of 2009 Police Vehicles**

Award contracts for purchase as follows: twelve (12) 2009 Crown Victoria Police Cars from Lafayette Ford, Fayetteville, NC, in the amount of \$358,295.68; twenty (20) 2009 Chevrolet Impala Police Cars from Bobby Murray Chevrolet, Raleigh, NC, in the amount of \$480,860.00; five (5) marked 2009 Dodge Charger Police Cars from Ilderton Dodge Chrysler Jeep, High Point, NC, in the amount of \$141,032.00; and five (5) un-marked Dodge Charger Police Cars from Ilderton Dodge Chrysler Jeep, High Point, NC, in the amount of \$134,085.20.

At the request of Council Member Applewhite, Dale E. Iman, City Manager, provided additional information regarding the purchase of police vehicles. Gloria Wrench, PWC Purchasing Manager, briefed Council on the bid process involved with the vehicle purchases.

**MOTION: Council Member Applewhite moved to approve Item 3.F.**

SECOND: Council Member Bates

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

## **4. PUBLIC HEARINGS**

**A. Consider extending the sixty-day moratorium an additional sixty days beginning February 9, 2009 on the acceptance, processing, or granting of applications, and any other operation of Section 30-262(g) of the Fayetteville Code, entitled nonconforming signs-transfer during amortization.**

Jimmy Teal, Planning Director, stated a moratorium was placed on the billboard transfer process in April 2008 for sixty days to resolve issues regarding the billboard transfer ordinance. Mr. Teal explained the moratorium had been extended since April 2008 and additional time was needed. Mr. Teal stated recommendation was for an additional sixty-day extension beginning February 9, 2009. Karyn Brunson, Assistant City Attorney, advised litigation was ongoing. This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 7:45 p.m.

**MOTION: Council Member Bates moved to approve.**

SECOND: Council Member Crisp

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

## **B.ConsiderEconomic Development Incentive Agreement with Goodyear Tire and Rubber Company**

Mr. Iman stated North Carolina state law requires that a public hearing be held on economic development incentive agreements of this nature. Mr. Iman reviewed the history of the conceptual agreement with Goodyear Tire and Rubber and introduced Doug Peters, Fayetteville-Cumberland Chamber of Commerce President. Mr. Peters recognized Richard Evans, Goodyear Public Relations, and Tim Frosell, Fayetteville Goodyear Plant Manager, and recapped the nature of the incentive package and commitment from Goodyear. Mr. Peters shared details of a study conducted of Goodyear's impact on Fayetteville and stated the Fayetteville-Cumberland Chamber of Commerce supported the City's passing of the incentive package. Mr. Peters responded to questions.

Mr. Frosell responded to additional questions regarding the plant's modernization project, staffing levels and succession plans.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:08 p.m.

No one appeared in favor.

Jose I. Cardona, 233 Addison Street, Fayetteville, NC appeared in opposition and questioned Goodyear's need for economic incentives.

There was no one further to speak and the public hearing closed at 8:13 p.m.

**MOTION: Council Member Bates moved to direct staff, City Attorney and City Manager to approve finalization and execution.**

SECOND: Council Member Evans

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

## **5. CONSIDER STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT**

Benny Nichols, Fire/Emergency Management Chief, recognized Ben Major, Assistant Fire Chief, and Mike Hill, Battalion Commander, for their efforts on the SAFER grant. Chief Nichols provided an overview of the SAFER grant. Chief Nichols reviewed plans for fire station #19 in northern Fayetteville and additional staffing in eastern Fayetteville. Chief Nichols responded to questions.

**MOTION: Council Member Mohn moved to accept the SAFER grant if awarded and identify strategies to provide matching funds.**

SECOND: Council Member Applewhite

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

## **6. SIGN PERMIT REQUEST**

Doug Hewett, Assistant City Manager, explained the sign permit request and responded to questions.

**MOTION: Council Member Evans moved to approve the presenting of the banners downtown at Huske Hardware for the raffle that they have for the Duke and North Carolina basketball game.**

SECOND: Council Member Haire

**VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Crisp and Bates)**

## **7. CLOSED SESSION**

**MOTION: Mayor Chavonne moved to go into closed session for consultation with attorney and discussion of a personnel matter.**

SECOND: Council Member Applewhite

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

The regular session recessed at 8:38 p.m.

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

SECOND: Council Member Haire

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

The regular session reconvened at 9:18 p.m.

**MOTION: Council Member Bates moved to approve the releasing of the June 23, 2008 closed session minutes from the Fayetteville City Council.**

SECOND: Council Member Mohn

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

There being no further business, the meeting adjourned at 9:20 p.m.