

**FAYETTEVILLE CITY COUNCIL
MINUTES
FEBRUARY 23, 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); 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
Jeffrey Powell, Assistant City Manager
Karen M. McDonald, City Attorney
Rob Anderson, Chief Development Officer
Victor Sharpe, Community Development Director
Adolph Thomas, Community Relations Specialist
Bobby Teague, Engineering and Infrastructure Director
James Alexander, Interim Inspections Director
Jimmy Teal, Planning Director
Craig Harmon, Planner
Bruce Daws, Historic Properties Manager
Renee Burks, Festival Park Coordinator
Gloria Wrench, PWC Purchasing Manager

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 Dr. Bruce Martin, Senior Pastor, Village Baptist Church, followed by the Pledge of Allegiance to the American Flag.

RECOGNITIONS AND ANNOUNCEMENTS

On behalf of the City Council and City of Fayetteville, Council Member Massey presented a proclamation of appreciation in honor of African-American leaders who served the citizens of Fayetteville as elected members of the City's governing body.

Mayor Chavonne recalled his visit to Ms. Hennessey's class at Warrenwood Elementary School.

1. APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

2. CONSENT:

Council Member Bates requested Item 2.I. pulled.

Council Member Massey requested Item 2.O.1. pulled.

MOTION: Council Member Meredith moved to approve the consent agenda with the exception of Item 2.I. and Item 2.O.1.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve Minutes:

- 1. City Council Meeting Held on January 26, 2009**
- 2. Work Session Held on February 2, 2009**
- 3. City Council Strategic Planning Retreat Held on February 6, 2009**

4. City Council Strategic Planning Retreat Held on February 7, 2009

B. Adopt a Resolution of the City Council of the City of Fayetteville Accepting the Report of Unpaid Taxes and Directing Advertisement of Tax Liens

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2009-014

C. Approve Bid Award – Purchase of 80,000’ of 1/0 ALCN, EPR, 25KV, 1/C Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period)

Award bid for purchase of 80,000’ of 1/0 ALCN, EPR, 25KV, 1/C Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period) to Stuart C. Irby, Rocky Mount, NC, the lowest evaluated bidder, for the total purchase price of \$123,120.00.

D. Approve No Parking Ordinance, Hay Street

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES (SEC. 16-11, TRAFFIC SCHEDULE NUMBER 11 – PARKING PROHIBITED). ORDINANCE NO. NS2009-001

E. Approve Resolution Requesting NCDOT to Transfer Walter Street and a Portion of Hillsboro Street to the City

RESOLUTION REQUESTING THE TRANSFER OF WALTER STREET (SR 3825) AND A PORTION OF HILLSBORO STREET (SR 1380) TO THE CITY OF FAYETTEVILLE FOR MAINTENANCE. RESOLUTION NO. R2009-015

F. Administrative Error in Deed by County

RESOLUTION DECLARING TITLE TO PROPERTIES BE TRANSFERRED TO CUMBERLAND COUNTY AND CITY OF FAYETTEVILLE. RESOLUTION NO. R2009-012

G. Adopt Resolution Declaring Property Surplus

RESOLUTION DECLARING PROPERTY EXCESS TO CITY’S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2009-013

H. Approve a Lease with the Gospel Services Benevolent Society, Inc. for the Homeless Shelter Located at 913 Person Street

I. Pulled at the request of Council Member Bates.

J. Approve Sign Permit for the Fayetteville Area Dogwood Exchange Club for their Annual Barbeque Plate Sale Fundraiser on April 3, 2009 at 2900 Village Drive

K. Approve Sign Permit for the Annual Craftsmen’s Spring Festival on March 14th and March 15th

L. Approve Sign Permit for the Fayetteville Fire Department’s Annual Spring “Change Your Clock - Change your Battery” Promotion

M. Approve Sign Permit for the Crown Center for Their Upcoming Step Show in March

N. Approve Sign Permit for the Annual Fort Bragg Fair to be Held in April and May

O. 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. Staff has reviewed these properties and they are not listed on the National Register, not local landmark properties or in the historic district.

1. Pulled at the request of Council Member Massey.

2.605 Deep Creek Road (PIN 0446-38-7815); Helen Garnett; Myra Baker; Wilma Roberts; Patricia Baldwin

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 BUILDINGS MINIMUM STANDARDS OF THE CITY. ORDINANCE NO. NS2009-003

3. 110 Mary Street (PIN 0437-69-5972); Alberta Williams, Heirs; c/o Marshall C. Williams
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 BUILDINGS MINIMUM STANDARDS OF THE CITY. ORDINANCE NO.
NS2009-004

4.1210 North Street (PIN 0438-71-1696); Cora Whitehead McEachern, Heirs; Saunders
Whitehead, 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 BUILDINGS MINIMUM STANDARDS OF THE CITY. ORDINANCE NO.
NS2009-005

5.1615 North Street (PIN 0438-64-3206); Alfred H. Shields; Diane Shields Bullard
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 BUILDINGS MINIMUM STANDARDS OF THE CITY. ORDINANCE NO.
NS2009-006

6.5009 Patton Street (PIN 0418-49-4528); Servicing Associates, LLC
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 BUILDINGS MINIMUM STANDARDS OF THE CITY. ORDINANCE NO.
NS2009-007

2.I. Approve an application by Chris Manning to amend a previously approved R6
residential district\CZ conditional zoning case to allow the flexibility of the multifamily
residential units to be condominiums and/or apartments for an area located on Rosehill
Road at the end of Grafton Avenue and behind Haymount Presbyterian Church.
Containing 28.2 acres more or less and being the property of Green Valley South, LLC.
Case Number P09-02F

MOTION: Council Member Bates moved to set a public hearing for P09-02F.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

Karen M. McDonald, City Attorney, sought clarification of Council's interests and advised the public hearing would be held on March 23, 2009.

2.O.1. 101 Bremer Street (PIN 0419-70-0862); Freda E. Johnson, Heirs; James Ken Johnson

Council Member Massey advised he had received a call from the property owner and inquired whether there would be an opportunity for the owner to share her story. James Alexander, Interim Inspections Director, reviewed proceedings and provided digital images of the property. Mr. Alexander stated to date, the owners had failed to make any repairs to the property. Mr. Alexander responded to questions and a brief discussion followed.

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 BUILDINGS MINIMUM STANDARDS OF THE CITY. ORDINANCE NO.
NS2009-002

MOTION: Council Member Meredith moved to follow staff recommendation.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 8 in favor to 2 in opposition

(Council Members Haire and Massey).

3. PUBLIC HEARINGS:

A. Public Hearing to Consider Closing a Portion of an Unopened and Unnamed Street/Alley off N. Reilly Road

Bobby Teague, Engineering and Infrastructure Director, stated the closure request would require the closing of 370 feet and would not deny access to any properties. Mr. Teague further stated the closed area would be used as a utility and drainage easement as PWC proposes the installation of sanitary sewer in the near future. Mr. Teague confirmed notices were published and disseminated as required. Mr. Teague responded to questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:24 p.m.

Keith Davey, Missions to Military, Inc., 4713 Royal Court, Chesapeake, VA 23321 appeared in favor and stated a military Christian center was proposed for construction on the adjacent property.

No one appeared in opposition and the public hearing closed at 7:25 p.m.

RESOLUTION AND ORDER CLOSING OF A PORTION OF A 25-FOOT WIDE UNNAMED STREET/ALLEY LOCATED BETWEEN NORTH REILLY ROAD AND SQUIRE LANE.

RESOLUTION NO. R2009-016

MOTION: Council Member Meredith moved to adopt the resolution and order closing a portion of the unnamed 25' street/alley off N. Reilly Road.

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

B. Consider a local landmark designation in accordance with the guidelines established in Chapter 30, Article XV, Section 30-455 of the Fayetteville City Code for property located on the south bank of Cross Creek near the intersection of North Cool Spring Street and Cool Spring Lane.

Bruce Daws, Historic Properties Manager, outlined the process involved to designate properties as local historic landmarks and provided a brief history of the Cool Spring site. Mr. Daws stated staff recommendation was for adoption of the ordinance granting historic landmark status as recommended by the Historic Resources Commission. Mr. Daws responded to questions.

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 7:30 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING THE COOL SPRING LOCATED ON THE SOUTH BACK OF CROSS CREEK NEAR THE INTERSECTION OF COOL SPRING STREET AND COOL SPRING LAKE AS A HISTORIC LANDMARK. ORDINANCE NO. NS2009-008

MOTION: Council Member Crisp moved to approve the local landmark designation.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

C. Consider the rezoning from R5A residential district and C1P commercial district to M2 industrial district or to a more restrictive zoning classification for property located between Louise Street and Raeford Road. Containing 8.87 acres more or less and being the property of Edward and Raymonde Schantz. Case Number P09-01F

Jimmy Teal, Planning Director, gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the salvage yard located on the property currently operated as a nonconforming use and the ordinance as adopted by City Council required the closing of nonconforming salvage yards by January 1, 2012. Mr. Teal further stated the request was for rezoning to M2 industrial district so the applicant could then request a special use permit to change the salvage yard from a nonconforming business to a conforming business. Mr. Teal reviewed planning staff recommendations and responded to questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:42 p.m.

Edward C. Schantz, 6006 Raeford Road, Fayetteville, NC appeared in favor, stated the neighborhood was not concerned with the current use but felt the property might be sold were it to be rezoned. Mr. Schantz stated there were no plans to sell the property.

Johnny Schantz, 5025 Steed Road, Fayetteville, NC appeared in favor, stated he was faced with loosing his livelihood and laying off employees, and would prefer to have a special use permit issued without the property being rezoned.

Willie L. Williams, 1165 Sand Hill Road, Fayetteville, NC appeared in opposition and stated residents were concerned over possible industrial development on the site after it was rezoned to M2 industrial district.

Mary Louise Harris, 1044 Crayton Circle, Fayetteville, NC appeared in opposition and stated use of the property was not compatible with the environment and neighboring residential uses.

There was no one further to speak and the public hearing closed at 7:57 p.m.

Mr. Teal responded to further questions related to allowable uses under M2 industrial district zoning, requirements for a special use permit, and state law prohibitions for the operation of salvage yards within 100-year floodplain areas.

MOTION: Council Member Applewhite moved to deny the rezoning to M2 industrial district.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

D. Consider the rezoning from P3 professional district to CD conservation district for property located on the southeast corner of Morganton Road and Loch Haven Drive. Containing 4.25 acres more or less and being the property of William Maxwell, Sr., Harold Stutts and Edens LLC. Case Number P09-03F

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 rezoning application had not been submitted by the property owners, but by the McFadyen Lake Owners Association. Mr. Teal further stated Ed Blanchard, President of the McFadyen Lake Owners Association, appealed the decision of the Zoning Commission. Mr. Teal advised a protest petition had been filed and the case would require a vote of eight in favor to approve.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:13 p.m.

Sherril D. Watkins, 5444 Summer Duck Road, Fayetteville, NC appeared in favor, expressed concern regarding density should the property be developed and stated water quality and private property would be jeopardized as a result.

Edgar V. Edans, III, 7480 Old Maxton Road, Red Springs, NC 28377 appeared in opposition, spoke to the orderly development of the property over the years and stated the time had come to pursue final development.

Bill Maxwell, 1350 Longleaf Drive, Fayetteville, NC appeared in opposition, spoke to development plans for the property and stated the development could not occur if the property was rezoned to CD conservation district.

Marsha Wilkinson, 11224 Brass Kettle Road, Raleigh, NC 27614 appeared in opposition and read a statement from Duane Gilliam, Sr. who was unable to be present.

Ed Blanchard, Jr., 5444 Summer Duck Road, Fayetteville, NC appeared in rebuttal and expressed concern that land under water could be used in calculating what could be constructed on the site.

There was no one further to speak and the public hearing closed at 8:46 p.m.

MOTION: Council Member Hurst moved to accept the Zoning Commission's recommendation to deny rezoning to CD conservation district.

SECOND: Council Member Haire

Council Member Mohn stated bodies of water should be CD conservation district under the Unified Development Ordinance (UDO).

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Mohn)
E. Consider the rezoning from PND plan neighborhood district to CD conservation district for property located in the area of Bahama Loop, Offing Drive, Georgetown Circle and Water Edge Drive. Containing 12.11 acres more or less and being the property of SABE, LLC and 3340 Investments, LLC. Case Number P09-04F

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 rezoning application had not been submitted by the property owners, but by the McFadyen Lake Owners Association. Mr. Teal further stated Ed Blanchard, President of the McFadyen Lake Owners Association, appealed the decision of the Zoning Commission. Mr. Teal advised a protest petition had been filed and the case would require a vote of eight in favor to approve. This is the advertised public hearing set for this date and time. The public hearing opened at 8:50 p.m.

Ed Blanchard, Jr., 5444 Summer Duck Road, Fayetteville, NC appeared in favor, read from the 2030 Joint Growth Vision Plan related to areas requiring protection, and requested consideration be given to protecting waterways.

Judy Krantz, 307 Picador Court, Fayetteville, NC appeared in favor and requested consideration of those directly affected and citizens as a whole when it comes to protecting waterways.

Hollis Perry, 2741 Rivercliff Road, Fayetteville, NC appeared in opposition as the property manager of the Waterford Villas Home Owners Association and stated the area was already regulated by the Department of Energy and Natural Resources (DENR).

Bill Maxwell, PO Box 53903, Fayetteville, NC appeared in opposition and stated rules of the Corp of Engineers and DENR were already in place for development.

Marsha Wilkinson, PO Box 53903, Fayetteville, NC appeared in opposition and spoke on behalf of Duane Gilliam, Sr. who was unable to be present.

Ed Blanchard, Jr., 5444 Summer Duck Road, Fayetteville, NC appeared in rebuttal, spoke to the need to protect watercourses and the 100-year flood plain, and stated the protections could be considered defensive zoning.

Bill Maxwell, PO Box 53903, Fayetteville, NC appeared in rebuttal and spoke in opposition to the attempt to rezone someone else's property.

There was no one further to speak and the public hearing closed at 9:10 p.m.

Council Members posed questions to Bill Maxwell and Ed Blanchard, Jr. and discussion ensued.

MOTION: Council Member Hurst moved to accept the Zoning Commission recommendation to deny rezoning to CD conservation district.

SECOND: Council Member Haire

SUBSTITUTE MOTION:

Council Member Mohn moved to accept Planning staff recommendation for approval of the CD conservation district for areas in the floodway and deny CD conservation district for the remaining properties.

SECOND: Council Member Applewhite

Mr. Teal responded to questions. Council Member Mohn spoke to the preservation of waterways and the placement of floodways in CD conservation districts.

VOTE ON SUBSTITUTE MOTION:

FAILED by a vote of 1 in favor (Council Member Mohn) to 9 in opposition.

VOTE ON ORIGINAL MOTION:

PASSED by a vote of 9 in favor to 1 in opposition (Council Member Mohn).

F. Consider the rezoning from R5 residential district to P4 professional district or to a more restrictive zoning classification for property located at 1101, 1103 and 1111 Arsenal Avenue. Containing .51 acres more or less and being the property of Stevie Ammons, Robert Brandenburg and Neil Grant. Case

Number P09-05F

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 applicants wish to have the option of using their property for professional uses. Mr. Teal advised the Zoning Commission recommended approval of the rezoning request to P4 professional district. Mr. Teal further advised Planning staff recommended denial of the rezoning request based on rezoning these properties to professional would change the 1100 block of Arsenal Avenue from a residential setting to a professional setting and there were existing vacant office spaces in the vicinity. Mr. Teal explained a protest petition had been filed in this case. Mr. Teal responded to questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:40 p.m.

Neil Yarborough, The Yarborough Law Firm, 115 E. Russell Street, Fayetteville, NC appeared in favor, spoke to traffic counts on Arsenal Avenue, and stated P4 professional district was established to provide for the development of low intensity professional activities in and around neighborhoods.

Socorro Hernandez-Hinek, 1109 Arsenal Avenue, Fayetteville, NC appeared in opposition and expressed concern for the continued security of residents in the area and the frequent parking of vehicles on the narrow street as a result of business activities.

Katherine L. Whaley, 1107 Arsenal Avenue, Fayetteville, NC appeared in opposition, spoke to residents' efforts to restore their homes over the years, and asked that the residences and the histories contained therein be preserved.

Patricia Eddy, 221 Broadfoot Avenue, Fayetteville, NC appeared in opposition, spoke to residents' investments in their neighborhood, and provided a petition with signatures from residents in surrounding neighborhoods in opposition to the case.

Margarette Dunn, 202 Broadfoot Avenue, Fayetteville, NC appeared in rebuttal and stated she supported P4 professional development because it would offer a buffer for the remaining residential areas.

Bobby Brandenburg, 1103 Arsenal Avenue, Fayetteville, NC appeared in rebuttal and stated the recently renovated property has been vacant for years and he would be happy to see it occupied.

Neil Yarborough, The Yarborough Law Firm, 115 E. Russell Street, Fayetteville, NC appeared in rebuttal and stated residents could find a certain safety from business activity occurring during the day.

Socorro Hernandez-Hinek, 1109 Arsenal Avenue, Fayetteville, NC appeared in rebuttal, stated the quiet residential neighborhood was already subject a lot of traffic most mornings and would experience other significant changes were it rezoned for business activity.

There was no one further to speak and the public hearing closed at 10:25 p.m.

Proponents of the rezoning responded to questions posed by Council. Council Member Applewhite inquired regarding tax implications to residentially zoned properties should the surrounding properties be rezoned professional.

Council Member Crisp posed questions to Stevie Ammons regarding interior and exterior handicap accommodations as provided for in the property he renovated. Mr. Ammons responded to additional questions from Council.

MOTION: Council Member Evans moved to deny the request for rezoning.

SECOND: Council Member Applewhite

VOTE: FAILED by a vote of 2 in favor (Council Members Evans and Applewhite to 8 in opposition.

MOTION: Council Member Haire moved to rezone to P4 professional district 1101 Arsenal Avenue and deny rezoning to P4 professional district 1103 and 1111 Arsenal Avenue.

SECOND: Council Member Evans

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Massey and Bates).

G.Consider an application by Columbus Thurmond for a Special Use Permit to allow a daycare center in an R6 residential district for property located at 5007 Redwood Drive. Containing .26 acres more or less and being the property of Columbus Thurmond. Case Number P09-06F

Mr. Teal provided a brief overview of the applicant's request for a Special Use Permit and reviewed conditions as recommended by staff. Mayor Chavonne advised the applicant had requested a postponement due to a death in the family and the public hearing would be opened and continued at the March 23, 2009 meeting.

This is the advertised public hearing set for this date and time. The public hearing opened at 10:37 p.m.

No one appeared in favor.

Rose-Ann Bryda, 813 Sandalwood Drive, Fayetteville, NC appeared in opposition on behalf of her father-in-law who was elderly and in poor health and read a letter he wrote that spoke to hardships the daycare center would create for him.

Kenneth McQueen, 1117 Juniper Drive, Fayetteville, NC appeared in opposition and stated the applicant had said nothing to nearby residents regarding his plans to open a daycare center.

There was no one further to speak and the public hearing closed at 10:42 p.m. with 10 minutes 4 second remaining for the opponents and 15 minutes remaining for the proponents.

4. MUSEUM OF ART TASK FORCE REPORT PRESENTATION

Scott Baker, Museum of Art Task Force Chairman, provided an overview of the establishment of and charge presented to the task force. Mr. Baker followed with a brief synopsis of meetings conducted by the task force.

Mr. Baker then discussed the recommended four sites for relocation of the Fayetteville Museum of Art (FMOA) and pros and cons identified by the task force for each of the four recommended sites. Mr. Baker covered parking challenges identified by the task force and proposed parking considerations for the four recommended sites.

Mr. Baker stated there was a six to one vote, with one abstention, that the Fayetteville Museum of Art could not sustain the original proposal of building and space requirements. Mr. Baker explained the reasoning behind the votes. Mr. Baker closed by stating the recommendation of the task force was that Council utilize the task force report to move forward with efforts to relocate the FMOA within the downtown Municipal Service District (MSD). Mr. Baker responded to questions.

MOTION: Council Member Haire moved to accept the task force report and extended thanks to task force members.

SECOND: Council Member Meredith

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

5. 2009 FEDERAL LEGISLATIVE AGENDA

Doug Hewett, Assistant City Manager, referenced the legislative agenda as provided at the February 2, 2009 work session and responded to questions.

MOTION: Council Member Meredith moved to approve the federal legislative agenda as presented.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

6. CLOSED SESSION

MOTION: Council member Crisp moved to go into closed session for economic development matters.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

The regular session recessed at 11:20 p.m.

MOTION: Mayor Chavonne moved to reconvene in open session.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

The regular session reconvened at 11:40 p.m.

INFORMATION ITEMS:

1. Statement of Taxes Collected for the Month of January 2009 from the Cumberland County Tax Administrator

2008 Taxes.....	\$8,446,907.56
2008 Vehicle Taxes.....	426,667.74
2008 Revit.....	21,282.35
2008 Vehicle Revit.....	229.57
2008 FVT.....	45,856.88
2008 Transit Fee.....	39,218.94
2008 Storm Water.....	411,646.71
2008 Fay Storm Water.....	612,054.63
2008 Recycle Fee.....	214,397.90
2008 Annex.....	309.25
2007 Taxes.....	\$7,172.29
2007 Vehicle Taxes.....	56,038.81
2007 Revit.....	26.09
2007 Vehicle Revit.....	12.60
2007 FVT.....	7,021.85
2007 Storm Water.....	413.24
2007 Fay Storm Water.....	283.00
2007 Annex.....	0.00
2006 Annex.....	\$13,044.70
2006 Taxes.....	952.59
2006 Vehicle Taxes.....	2,403.53
2006 Revit.....	29.92
200 Vehicle Revit.....	0.00
2006 FVT.....	465.75
2006 Storm Water.....	112.85
2005 Taxes.....	\$601.14
2005 Vehicle Taxes.....	829.84
2005 Revit.....	2.27
2005 Vehicle Revit.....	0.00
2005 FVT.....	251.04
2005 Storm Water.....	26.43
2004 and Prior Taxes.....	\$325.36
2004 and Prior Vehicle Taxes.....	1,776.45
2004 and Prior Revit and Prior.....	0.00
2004 and Prior Vehicle Revit and Prior.....	0.00
2004 and Prior Vehicle FVT and Prior.....	427.80
2004 and Prior Stormwater.....	120.50
Interest.....	\$38,361.95
Interest (Revit).....	120.46
Interest (Storm Water).....	1,384.93
Interest (Fay Storm Water).....	1,545.58
Interest (Annex).....	186.45
Interest (Fay Recycling).....	1,124.55
Total Collections.....	\$10,353,633.50

2. General Fund Revenue and Expenditure Report for the Six-Month Period Ended December 31, 2008

3. Standard Communication Letter from Cherry Bekaert & Holland Describing the Nature and Scope of the Audit to be Performed for the Fiscal Year Ending June 30, 2009

There being no further business, the meeting adjourned at 11:41 p.m.