

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 10, 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
Patricia C. Bradley, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Jeffrey Brown, Interim Director for Engineering and Infrastructure
Tom Bergamine, Chief of Police
Benjamin Nichols, Fire Chief
Terrie Hutaff, Human Resource Development Director
Rob Anderson, Chief Development Officer
Jimmy Teal, Planning Director
Craig Harmon, Planner II
Craig Hampton, Special Project Director
Jackie Tuckey, Communications Manager/Public Information Officer
Nathan Walls, Public Information Specialist
Steven K. Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Finance Officer
Elisabeth Fetting, KFH Group
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Pastor Gary Norwood, New Life Bible Church, followed by the Pledge of Allegiance to the American Flag being led by Troop 746 from the Cumberland United Methodist Church.

Mayor Chavonne introduced Ms. Rita Perry, the newly hired City Clerk.

1. APPROVAL OF AGENDA

MOTION: Council Member Evans moved to add an item to the agenda, consider allowing the potbellied pig to stay at the home of the young man with health issues until Council makes a decision.

SECOND: Council Member Bates

VOTE: FAILED by a vote 6 in favor (Council Member Bates, Haire, Evans, Hurst, Massey, and Mohn) to 4 in opposition (Council Members Crisp, Applewhite, Chavonne, and Meredith)

Mr. Dale Iman, City Manager, informed Council there would be a report presented at the September work session and if the Council was in favor at that time they would bring it back the following week.

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

SECOND: Council Member Mohn

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

2. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne introduced Ms. Candice Fulmore, Ms. Martha McDonald, Ms. Evelyn Miller, Mr. Jimmy Miller, Ms. Powers, Ms. Patricia Underwood, Ms. Helen Leigh, and Mr. Lonnie

Williams and Council Member Evans presented them with Certificates of Excellence for being mentors for young men and women excelling academically.

Ms. Helen Leigh stated they take these young men and women on an educational trip at the end of the school year. She thanked Council Member Evans for his support in obtaining funding for this trip.

Students from Student Motivation and Honor Society presented shirts to Mayor Chavonne and Council Member Evans.

Council Member Haire announced the 18th Annual African American Family Festival, also known as UMOJA Festival, would be held on August 22, 2009, from 12 to 7 p.m.

Mayor Chavonne presented a Proclamation to Mr. Michael Russell, Ms. Wendy Dyer, Mr. George Williams, and Ms. Susan Mills proclaiming August 22, 2009, to be American Red Cross Highlands Chapter's Rock and Run Day.

Mr. Michael Russell, Chair of the Highlands Chapter, thanked Council for their support.

Council Member Evans thanked Ms. Joan Vavershak from Jordan, New York, and Ms. Marie Rollinson from Huntsdale, PA, for visiting tonight.

B. Comment Period

Ms. Stella Mullen, 141 May Street, Fayetteville, NC 28306, expressed concerns with problem rental properties in the Massey Hill neighborhood and advised the Massey Hill Community Watch was in favor of a rental inspection program.

Mr. James Popp, 101 Goodyear Avenue, Fayetteville, NC 28303, expressed concerns with problem rental properties in the Kornbow neighborhood and advised the Kornbow Community Watch was in favor of a rental inspection program.

Mr. Ned Garber, 1321 Woodland Drive, Fayetteville, NC 28305, provided history on a request from Eureka Chapel Baptist Church requesting the Cumberland County Planning Board to waive the sidewalk requirement for Jossie Street.

Ms. Gwen York, 5703 Cypress Road, Fayetteville, NC 28304, spoke regarding her request for a domestic violence unit.

Mr. Robert Mock, 307 Sherman Drive, Fayetteville, NC 28301, announced the National Alliance on Mental Illness (NAMI) would be holding a Family-to-Family Education Program on August 22, 2009, at the Seabrook Recreation Center, which was a 12-week course for family caregivers of individuals with severe mental illnesses.

Mr. Anthony Castillo, 1707 Powatan Street, Fayetteville, NC 28301, spoke regarding police visibility in neighborhoods and presented a petition in support of hiring more police officers.

Ms. Linda Brown, 3031 Enterprise Avenue, Fayetteville, NC 28306, spoke regarding bus number 8 and expressed concerns with the bus route being removed on Enterprise Avenue.

3. CONSENT:

Council Member Crisp requested to pull Item 3.D. for discussion.

MOTION: Mayor Pro Tem Meredith moved to approve the consent agenda with the exception of Item 3.D.

SECOND: Council Member Crisp

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

A. Approve Minutes:

1. City Council special meeting held on June 9, 2009.

2. City Council meeting held on June 22, 2009.

B. Adopt resolution authorizing placement of City-owned land into Clean Water Trust Fund conservation easement.

Council was asked to adopt a resolution that would place approximately 167 acres of City-owned land adjacent to the Cape Fear River into a conservation easement in order to obtain funding of \$1.3 million for construction of the next phase of the Cape Fear River Trail.

A RESOLUTION AUTHORIZING CERTAIN CITY-OWNED LAND TO BE CONVEYED INTO THE NORTH CAROLINA CLEAN WATER MANAGEMENT TRUST FUND CONSERVATION EASEMENT PROGRAM. RESOLUTION NO. R2009-061.

C. Special Revenue Fund Project Ordinance 2010-4 (2009 Gangs Across the Carolinas Training Conference).

This ordinance appropriated \$93,172.00 for the 2009 Gangs Across the Carolinas Training Conference. The funding for this program was a \$69,879.00 grant from the NC Department of Crime Control and Public Safety (Governor's Crime Commission) and a \$23,293.00 local match. The NC Gang Investigator's Association provided the local match.

D. Pulled for discussion by Council Member Crisp.

E. Capital Project Ordinance Amendment 2010-10 (Police Department Server Upgrades).

This amendment appropriated an additional \$8,000.00 for the Police Department server upgrades. The source of funds for this amendment was a \$8,000.00 transfer from the General Fund. If approved, the revised project budget will be \$188,000.00.

F. Capital Project Ordinance Amendment 2010-11 (Fire Station #15 at Buhmann Drive).

The project was completed and \$58,340.00 remained in the project budget. This amendment reduced the appropriation for project expenditures by \$58,340.00 and authorized the transfer of the remaining balance to the General Government Fund to be used for the building maintenance project and the integrated cashiering system. The amendment would also allow this project to be closed out in fiscal year 2011 and was consistent with the approved Capital Improvement Plan.

G. Capital Project Ordinance Amendment 2010-12 (Cape Fear River Park Land Acquisition).

The land acquisition project was completed and \$69,037.00 remained in the project budget. This amendment reduced the appropriation for project expenditures by \$69,037.00 and authorized the transfer of the remaining balance to the General Government Fund to be used for the integrated cashiering system. The amendment would also allow this project to be closed out in fiscal year 2011 and was consistent with the approved Capital Improvement Plan.

H. Capital Project Ordinance Amendment 2010-13 (E. E. Miller Recreation Center).

The project was completed and \$9,098.00 remained in the project budget. This amendment reduced the appropriation for project expenditures by \$9,098.00 and authorized the transfer of the remaining balance to the General Government Fund to be used for the integrated cashiering system. The amendment would also allow this project to be closed out in fiscal year 2011 and was consistent with the approved Capital Improvement Plan.

I. Capital Project Ordinance Amendment 2010-14 (Building Maintenance Project).

This amendment appropriated an additional \$49,775.00 for the building maintenance project consistent with the adopted Capital Improvement Plan. The source of funds for this amendment was a \$49,775.00 transfer from the Public Safety Fund. If approved, the revised project budget will be \$150,775.00. The funds would be used for the maintenance of the City's buildings at various locations.

J. Capital Project Ordinance Amendment 2010-15 (AIP 33 – Airfield Lighting Vault Improvement Project).

This amendment appropriated an additional \$7,833.00 to fund a change order that included the relocation of large electrical conduits. The current funding source for this amendment was a transfer from the Airport Operating Fund. However, once the project is complete, the City expects to be reimbursed 95 percent of this cost from the FAA.

K. Capital Project Ordinance Amendment 2009-16 (Public Safety Computer-Aided Dispatch, Records Management and Fire Reporting Systems).

This amendment appropriated an additional \$897,617.00 for certain components of this project as well as returned \$2,322,100.00 temporarily borrowed from the Risk Management Fund. This amendment also reflected the City's plan to finance \$3,219,717.00 for this project through capital lease proceeds (bank loan) during the current fiscal year. These actions were consistent with the FY 2010-2014 Capital Improvement Plan adopted by City Council as well as the staff briefing at the June 2009 work session.

L. Adopt resolution appointing a Deputy Tax Collector.

The City's collections supervisor is responsible for collecting certain taxes, such as business license taxes, for the City of Fayetteville. The governing body appoints the individual who collects such taxes as a Deputy Tax Collector. On July 20, 2009, Donna Love was promoted as the collections supervisor for the City. Approval of the resolution would appoint Donna Love, Collections Supervisor, as Deputy Tax Collector for the City of Fayetteville.

RESOLUTION. RESOLUTION NO. R2009-061A.

M. Set public hearing for Parks and Recreation:

1. Request to name the small conference room at Myers Recreation Center in honor of Lois B. Moses.

A request was made by Council Member Evans to name the small conference room in the Myers Recreation Center in honor of Lois B. Moses. Ms. Moses was a former Parks and Recreation Advisory Commission member and was very active in several community committees around the Myers Recreation Center as well as around the City of Fayetteville. The Parks and Recreation Advisory Commission supports this renaming request.

2. Request to rename the Cross Creek Recreation Park to the Lafayette Park.

A request was made by the City's Historic Properties Manager on behalf of the Lafayette Society to rename Cross Creek Park the Lafayette Park. The Society believes this would be a more fitting name since the Lafayette statue was located in the park. The Parks and Recreation Advisory Commission supports this renaming request.

N. Approve sign permit for the Cumberland County Fair scheduled for September 9 through 12.

Twenty signs in various locations were to be placed beginning August 24 through September 13. The sign ordinance provided temporary signage for festivals and special events.

D. Capital Project Ordinance 2010-7 (Integrated Cashiering System).

This ordinance appropriated a \$106,180.00 budget for the integrated cashiering system consistent with the adopted Capital Improvement Plan. The funding sources for this ordinance consisted of a \$19,480.00 transfer from the General Fund, a \$8,565.00 transfer from the Public Safety Fund, and a \$78,135.00 transfer from the Recreation and Cultural Fund. These funds would be used for the integrated cashiering system that connects Finance, Inspections, Parks and Recreation, and Fire Departments for centralized payment collections and financial transactions.

Council Member Crisp pulled this item for discussion and requested an explanation on the integrated cashiering system. Ms. Lisa Smith, Chief Financial Officer, explained the system would allow them to replace an antiquated system purchased back in 1994 for cashiering. She stated the current system could not communicate with the Inspections, Fire, and Parks and Recreation Departments in terms of cashiering and the new system would allow finance to communicate with all departments for payment transactions.

MOTION: Council Member Crisp moved to adopt Capital Project Ordinance 2010-7.

SECOND: Mayor Pro Tem Meredith

VOTE: UNANIMOUS

4. F.A.S.T. Transportation Development Plan (TDP).

Mr. Ron Macaluso, Transit Director, presented this item and introduced Elisabeth Fetting from the KFH Group.

Ms. Elisabeth Fetting, KFH Group, commended Council for their interest in improving transit. She presented a power point outlining the objectives for the TDP, the overall fixed route service statistics, the highest and lowest ridership routes, the routes with the highest and lowest productivity, a transit needs analysis, a recommended plan, a marketing plan, the TDP adoption and implementation, and other issues such as Fort Bragg expansion, regional transportation services, land use and transit planning, etc. She stated they were requesting that Council adopt the TDP as a vision and agreeing with the improvements to be implemented as funds become available. She stated it was a living document and recommended it be amended and updated every five years based on demographic and land use changes.

Council Member Haire stated he had received complaints of stops being removed from routes and inquired if they could go back to these stops. Ms. Fetting stated they understood that people were not happy with Enterprise Road not being served anymore on the number 8 bus and that Transit staff would continue working on this issue to come up with a resolution. She expressed concern as to where the line should be drawn between serving everybody's house and everyone's neighborhood versus staying on the main and public arteries for convenience. She stated stops that were removed could be looked at again.

Council Member Mohn inquired how many more years they planned to contract the Transit Director position. Mr. Dale Iman, City Manager, responded there was a three-year contract with First Transit with two years remaining. He stated the ideal of contractual relationships with transit was widely used throughout North Carolina as it brought advantages for additional resources that otherwise would not have been available.

Council Member Crisp requested clarification on the marketing plan regarding fare programs with major employers, colleges, and universities. Ms. Fetting clarified the partnership ideal was to work with local employers, colleges, and universities on a fare exchange where they could help with finances for the City transit program in exchange for their riders riding free.

Discussion ensued regarding future annexations affecting ridership.

MOTION: Council Member Evans moved to adopt the TDP and plan for the recommended alternatives for system improvement.

SECOND: Mayor Pro Tem Meredith

VOTE: UNANIMOUS

5. Consider approval of resolution confirming assessment roll for Meeting Street.

Mr. Jeffrey Brown, Interim Engineering and Infrastructure Director, presented this item. He stated a public hearing was held on June 22, 2009, and Council delayed action on Meeting Street for 30 days to allow City staff to meet with representatives from Evans Metropolitan AME Zion Church regarding the assessment. He stated the Church had a total assessment of \$6,152.00 on two parcels. He stated City staff met with Church officials on two different occasions who advised back in 2006 they had signed over an easement for the Linear Park to be installed along their property. He stated the Real Estate Division had determined that the land value of that easement back in 2006 would have been approximately \$1,800.00. He stated this would bring the adjusted assessment to \$4,352.00.

Mayor Pro Tem Meredith inquired if the City paid \$1,800.00 back in 2006 for the easement. Mr. Brown responded in the negative and explained the easement was a transfer of \$1.00.

Council Member Applewhite inquired if this was a unique situation. Mr. Brown responded in the affirmative and explained that typically these type of issues are resolved upfront when they go in and pave a street. He stated the property owners would be aware at that point and time what the assessment would be.

Council Member Bates inquired if the property owners that received an assessment for their share were taxpayers. Mr. Brown replied in the affirmative.

Council Member Bates inquired if churches as nonprofits pay property taxes. Ms. Karen McDonald, City Attorney, responded they do not pay property taxes, however, they do pay special assessments.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2009-062.

MOTION: Council Member Evans moved to adopt the resolution confirming assessments on Meeting Street.

SECOND: Council Member Massey

Discussion ensued regarding the value of the easement back in 2006 and the value now as a result of Linear Park and whether the Church granted an easement or deed. Ms. Karen McDonald, City Attorney, explained the Church maintained ownership of the property and granted an easement to Linear Park to use the property.

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

6. Consider recommending denial to the Cumberland County Joint Planning Board regarding a sidewalk waiver requested by Eureka Chapel Baptist Church requiring installation of sidewalk property located at the corner of McArthur Road and Jossie Street. The applicant is requesting the sidewalk waiver for the required sidewalk on Jossie Street.

Mr. Jimmy Teal, Planning Director, presented this item and 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 Church agreed to the frontage on McArthur Road but were asking for a wavier on Jossie Street. He stated the developer indicated that an existing ditch abutting Jossie Street was the hardship for not constructing the sidewalk. He stated this property was outside the City limits of Fayetteville, but within the Fayetteville's Municipal Influence Area.

MOTION: Council Member Bates moved to accept the recommendation for them to put the sidewalk on McArthur Road and not Jossie Street.

SECOND: Council Member Crisp

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

There being no further business, the meeting adjourned.