

FAYETTEVILLE CITY COUNCIL

MINUTES

APRIL 27, 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)(by teleconference); 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

Jeffrey Powell, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

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

Lisa Smith, Chief Financial Officer

Rob Anderson, Chief Development Officer

Bradley Whited, Airport Director

Victor Sharpe, Community Development Director

Bobby Teague, Engineering and Infrastructure Director

Jimmy Teal, Planning Director

Craig Harmon, Planner II

Craig Hampton, Special Project Director

Gloria Wrench, PWC Purchasing Manager

Joe Glass, PWC Engineering Manager

Joe Callis, PWC Business Planning Manager

Cheryl Jones, PWC Project Analyst

Jim Nance, PWC Legal Counsel,

Jackie Tuckey, Communications Manager/Public Information Officer

Candice H. White, City Clerk

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Elder Larry Bellamy, Pastor of Rhema Ministries, Church of God in Christ, followed by the Pledge of Allegiance to the American Flag led by Boy Scout Troop 6.

RECOGNITIONS AND ANNOUNCEMENTS

1. APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

2. CONSENT:

Council Member Mohn requested Item 2.K. removed for discussion.

Council Member Bates requested Item 2.Q. removed for discussion.

MOTION: Council Member Mohn moved to approve the consent agenda with the exception of Item 2.K. and Item 2.Q.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve Minutes:

1. City Council Special Meeting Held on April 7, 2009

B. Capital Project Ordinance Amendment 2009-20 (Sidewalk Installations along Reilly Road, Cliffdale Road and Ramsey Street)

This amendment will appropriate an additional \$245,000 for sidewalk improvements along Reilly Road, Cliffdale Road and Ramsey Street as reflected in the approved Capital Improvement Plan. The funding sources for this amendment consist of \$195,000 from the NC

Department of Transportation and \$50,000 from developer's fees in lieu of sidewalks. If approved, the revised project budget will be \$395,000.

C. Capital Project Ordinance 2009-20 (Sidewalk Construction along US 401)

This project ordinance establishes the budget for the construction of a five foot sidewalk along the east side of US 401 (Ramsey Street). The funding source for this ordinance is \$35,000 from NC Department of Transportation Enhancement Funds.

D. Capital Project Ordinance 2009-21 (Sidewalk Construction along Reilly Road and Ramsey Street)

This project ordinance establishes the budget for the construction of five foot sidewalks along Reilly Road and Ramsey Street. The funding source for this ordinance is \$147,000 from NC Department of Transportation - Safe Routes to School Funds.

E. Capital Project Ordinance 2009-22 (Sidewalk Construction along and nearby Cliffdale Road)

This project ordinance establishes the budget for the construction of five foot sidewalks along and nearby Cliffdale Road. The funding source for this ordinance is \$60,000 from NC Department of Transportation Enhancement Funds.

F. Budget Ordinance Amendment 2009-9 (Fire Department - SAFER Grant)

On February 9, 2009, City Council authorized the acceptance of a Staffing for Adequate Fire and Emergency Response grant (SAFER grant) to partially fund 24 additional positions in the Fire Department. Fifteen of these positions will staff the new Fire Station 19 in north Fayetteville, which will operate out of a temporary station pending construction of the permanent station. This \$280,442 budget ordinance amendment will appropriate \$122,580 of grant proceeds and \$157,862 General Fund fund balance to fund personnel and operating costs through June 30, 2009, including the relocation and setup of the temporary station.

G. NC DOT Taking of 14.2 Acres of Bonnie Doone Watershed Tract for the I-295 Outer Loop Highway Project

H. Bid Award – Annual Transformer Contract

Bid award for annual transformer contract for purchase of miscellaneous transformers to National Transformer Sales, Inc., Raleigh, NC, for a one year contract (with the option to renew contract for additional period(s) upon the agreement of both parties) in the total bid amount of \$616,651.70.

I. Bid Award – Cross Creek WRF RAS Pump Replacement – Phase 2 (Equipment Only)

Bid award for purchase of two (2) Helical Screw Pumps for the Cross Creek Water Reclamation Facility to HD Supply Waterworks, Hickory, NC in the total amount of \$122,194.

J. Phase 5 Annexation Areas 6 and 7

RESOLUTION DIRECTING CONSTRUCTION AREAS 6 AND 7 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2009-025

K. Pulled at the request of Council Member Mohn.

L. Military Business Park Participation Agreement

M. Adopt Resolution for Award of Construction Contract for Transportation Museum Expansion Project Subject to Final Approval by NCDOT Board

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF FAYETTEVILLE, NC A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH THAMES CONSTRUCTION CO., INC. OF LAURINBURG, NC FOR THE PROJECT KNOWN AS: FAYETTEVILLE AREA TRANSPORTATION MUSEUM EXPANSION NC DOT TIP#E-4118. RESOLUTION NO. R2009-029

N. Fayetteville Regional Airport

1. Adopt Capital Project Ordinance Amendment 2009-19 (West General Aviation Ramp Rehabilitation Project)

This amendment will appropriate an additional \$191,055 from a NC Department of Transportation grant and an additional \$22,051 local match from the Airport Operating Fund to

cover the cost of this project. If approved, the total budget for this project will be \$672,277.

2. Approve Construction Contract with Barnhill Contracting

Bid award to Barnhill Contracting for the West GA Ramp Rehabilitation project in a total contract amount of \$579,558.25.

O. Approval of the 2009-2010 Community Development Annual Action Plan

P. Consider Adoption of Resolution Opposing Senate Bill 1001 and House Bill 881

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA EXPRESSING OPPOSITION TO PENDING LEGISLATION TRANSFERRING RESPONSIBILITY FOR STATE ROADS TO LOCAL GOVERNMENTS. RESOLUTION NO. R2009-027

Q. Pulled at the request of Council Member Bates.

R. Approve the rezoning from C3 commercial district to R5\CZ residential district\conditional zoning to allow an apartment complex allowing a maximum of 248 units for property located between 4006 and 4306 Bragg Boulevard. Containing 12.32 acres more or less and being the property of 3701 Limited Partnership. Case Number P09-11F

S. Approve Sign Permit for Cape Fear Valley Foundation's Newspaper Sale on Thursday, May 21st

2.K. Consider Resolution Authorizing Condemnation to Acquire Certain Property

Joe Callis, PWC Business Planning Manager, provided background information related to the provision of a sanitary sewer main to serve the proposed Western Elementary School on Century Circle. Mr. Callis then outlined negotiations involved with the acquisition of the utility right-of-way easement for the same. Mr. Callis and Jim Nance, PWC Legal Counsel, responded to questions.

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF JODY CURTIS LINDSEY AND WIFE, TASQUA LINDSEY. RESOLUTION NO. R2009-026

MOTION: Council Member Mohn moved to consider resolution authorizing condemnation to acquire certain property, specifically to obtain authority from City Council to file condemnation to acquire a permanent and temporary easement across property of Jody and Tasqua Lindsey to construct sewer main to serve proposed Western Elementary School on Century Circle.

SECOND: Council Member Evans

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

2.Q. Consider Adoption of Resolution Opposing Senate Bill 1004 and House Bill 1252

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AGAINST SENATE BILL 1004 AND HOUSE BILL 1252 (LEVEL PLAYING FIELD ACT). RESOLUTION NO. R2009-028

Dale E. Iman, City Manager, explained both bills had been introduced and would put prohibitive requirements on municipalities were they to seek to offer broadband services to their residents, particularly in underserved areas. Mr. Iman further explained the bills would prohibit municipalities from receiving stimulus funds to develop rural communication infrastructure. Mr. Iman responded to questions and further explained the significance of the resolution under consideration. Discussion ensued.

MOTION: Council Member Meredith moved to adopt the resolution opposing Senate Bill 1004 and House Bill 1252.

SECOND: Council Member Crisp

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

3. THIRD QUARTER REPORTS

A. Fayetteville-Cumberland County Chamber of Commerce Third Quarter Report

Douglas S. Peters, President/CEO of the Fayetteville-Cumberland County Chamber of Commerce, provided the third quarter report of the Chamber's efforts toward tax base diversity, workforce development, existing industry support and other economic development efforts.

B. FY 2008-09 Strategic Plan 3rd Quarter Report

Doug Hewett, Assistant City Manager, outlined the three main areas of the city's Strategic Plan and reviewed the Strategic Plan third quarter report to include the status of Top and High Policy Agenda targets for action and the status of Top and High Management Agenda targets for action. Mr. Hewett responded to questions and provided information regarding the upcoming Transportation Development Plan (TDP).

MOTION: Council Member Haire moved to accept the third quarter Strategic Plan report.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 8:30 p.m.