

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 9, 2010
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Member Valencia A. Applewhite (District 7)

Others Present:

- Dale E. Iman, City Manager
- Doug Hewett, Assistant City Manager
- Karen M. McDonald, City Attorney
- Stanley Victrum, Chief Information Officer
- Charles Hunter, Police Captain
- Jackie Tuckey, Public Information Officer
- Rita Perry, City Clerk
- Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Reverend Johnson, Associate Pastor of Williams Chapel Free Will Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the Pledge of Allegiance to the American Flag was led by the audience.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

5.0 Announcements and Recognitions

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, recognized and thanked the Fayetteville Area Anglers' Network, in conjunction with the Cumberland Outdoor Recreation Club, Cub Scout Troops 477 and 756, and Boy Scout Troop 40, for the trash clean-up around Lake Rim conducted on June 12, 2010.

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, recognized the Methodist University Women's and Men's Golf Teams on winning their respective NCAA Division III National Championships.

6.0 Public Forum

| NAME/ADDRESS | SUBJECT/CONCERN |
|--|---|
| Robert Jennings 7471 Stoneykirk Drive Fayetteville, NC 28314 | Correspondence received from Code Enforcement regarding RV storage regulations in a residential area. |
| Rick Layne 4746 Belford Road Fayetteville, NC 28314 | Correspondence received from Code Enforcement regarding boat storage regulations in a residential area. |
| Geary M. Chlebus 4551 Chambersburg Road Fayetteville, NC 28314 | Correspondence received from Code Enforcement regarding RV storage regulations in a residential area. Requested an exemption for older/established neighborhoods. |

| | |
|--|---|
| Gwen York 5703 Cypress Road Fayetteville, NC 28304 | Domestic violence. |
| Melvin Pierce 1635 Rudolph Street Fayetteville, NC 28301 | Stormwater run off issues in the Broadell neighborhood. |
| Moses Best 1824 Broadell Road Fayetteville, NC 28301 | Police substation, sidewalks and play areas needed on Murchison Road. |

7.0 Consent

MOTION: Council Member Meredith moved to approve the consent agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

7.1 Interlocal agreement between the City of Fayetteville and Cumberland County for placement of FAST stops on County-owned property.

RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR THE INSTALLATION OF FAYETTEVILLE AREA SYSTEM OF TRANSIT (FAST) BUS SHELTERS ON COUNTY-OWNED PROPERTY. RESOLUTION NO. R2010-069.

7.2 Approval of quitclaim deed to Mount Sinai Foundation, Inc., in conjunction with the Fayetteville Redevelopment Commission.

7.3 Special sign permit request for temporary event signs for the 2010 Fayetteville Greek Festival. Signs would be put out from August 21 through September 13, 2010.

7.4 Special Revenue Fund Project Ordinance 2011-4 (Gangs across the Carolinas Training Conference 2010).

8.0 OTHER ITEMS OF BUSINESS

8.1 Consideration of the revisions to the Alarm Ordinance and fees.

Mr. Charles Hunter, Police Captain, presented this item and provided the following alarm fee schedule comparison chart. He stated the chart was generated as a result of the meeting with the stakeholders and other options were explored.

| Alarm Fee Schedule | | |
|---|-----------------------------|--|
| | As Adopted July 12, 2010 | Proposed Changes Based On August 2 Work Session |
| PERMITS | | |
| REQ/AMT | NO | No: To be reviewed in 6 months |
| ALARM 1 | NO CHARGE | WRITTEN NOTICE-NO CHRG- |
| ALARM 2 | \$25.00 | RES/BUS |
| ALARM 3 | \$50.00 | NO CHARGE |
| ALARM 4 | \$50.00 | \$25.00 |
| ALARM 5 | \$100.00 | \$50.00 |
| ALARM 6 | \$100.00 | \$50.00 |
| ALARM 7 | \$200.00 | \$100.00 |
| ALARM 8 | \$200.00 | \$100.00 |
| ALARM 9 | \$400.00 and Each after 9 | \$200.00 AND Each After 8 |
| CIVIL PENALTIES of \$50.00 will not change for the original fee schedule as adopted by Council for the FY 2010-2011 budget. | | |

Mayor Pro Tem Haire questioned whether stakeholders participated in informing customers of the proposed increases and if that was an industry practice. Captain Hunter responded dialogue had included the City and industry presenting the same message.

Mayor Pro Tem Haire questioned what role the stakeholders played in the proposed fee revision process. Captain Hunter responded the stakeholders made recommendations of what the fee should be and provided input regarding the appeal process. He stated the registration program would be discussed at a future meeting.

A discussion period ensued regarding monitored and unmonitored alarms and the process of determining the validity of the alarms.

Ms. Karen McDonald, City Attorney, reviewed the appeals process. She stated notices included information regarding how to appeal to the Alarm Coordinator and should citizens not agree with the Alarm Coordinator's decision they had the ability to appeal to an Administrative Hearing Officer for other citations.

Council Member Massey questioned whether that person would be a City employee. Ms. McDonald responded in the negative.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 4-7 OF CHAPTER 4, ALARM SYSTEMS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2010-010.

MOTION: Council Member Meredith moved to adopt the revisions of the Alarm Ordinance and fees.

SECOND: Council Member Hurst

FRIENDLY AMENDMENT: Mayor Chavonne made a friendly amendment for staff to provide an update to Council in six months.

Council Members Meredith and Hurst accepted the friendly amendment.

VOTE: UNANIMOUS (9-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Settlement for fiscal year July 1, 2009, through June 30, 2010.

The settlement was required under the provisions of N.C.G.S. § 105-373(a)(3). The following covered the period from July 1, 2009, through June 30, 2010:

Charge:

| | |
|---|-------------------------------|
| Real & Personal Charge 2009 | \$53,581,707.75 |
| Storm Water Charge 2009 | 1,702,140.00 |
| Fayetteville Storm Water Charge 2009 | 3,405,072.00 |
| Vehicles Charge 2009 | 7,173,175.82 |
| 2005 Annexation in 2009 Charge | .00 |
| Curbside Recycle Charge 2009 | 2,257,998.00 |
| Added Charge Real & Personal 2009 | 202,759.70 |
| Added Charge Storm Water 2009 | 744.00 |
| Added Charge Fayetteville Storm Water 2009 | 1,392.00 |
| Added Charge Vehicles 2009 | 10,559.43 |
| Added Charge Annexation 2009 | 969.94 |
| Added Charge Curbside Recycle 2009 | 194.00 |
| Fayetteville Gross Receipts Vehicle Tax Current Year 2009 | 402,867.14 |
| Fayetteville Heavy Equipment Gross Receipts 2009 | 38,057.31 |
| Total Interest Collected | <u>349,027.82</u> |
| Total Charge: | <u>\$69,126,664.91</u> |

Credits:

| | |
|---|-----------------|
| Deposited with Finance Real & Personal 2009 | \$52,964,833.73 |
| Deposited with Finance Vehicles 2009 | 5,310,339.17 |
| Deposited with Finance Annexation Taxes 2009 | 623.95 |
| Deposited with Finance Storm Water 2009 | 1,689,623.94 |
| Deposited with Finance Fayetteville Storm Water 2009 | 3,379,943.97 |
| Deposited with Finance Curbside Recycle 2009 | 2,229,314.40 |
| Fayetteville Gross Receipts Vehicle Tax Current Year 2009 | 402,867.14 |
| Fayetteville Heavy Equipment Gross Receipts 2009 | 38,057.31 |
| Interest Deposited with Finance | 349,027.82 |
| Releases Real/Personal Allowed 2009 | 477,848.61 |
| Releases Vehicles Allowed 2009 | 628,918.53 |
| Storm Water Releases Allowed 2009 | 3,072.00 |

| | |
|--|--------------|
| Fayetteville Storm Water Releases Allowed 2009 | 6,144.00 |
| Annexation Releases Allowed 2009 | 4.22 |
| Curbside Recycle Releases Allowed 2009 | 7,676.00 |
| Real/Personal Balance 2009 | 341,785.11 |
| Vehicles Balance 2009 | 1,244,477.55 |
| Storm Water Balance 2009 | 10,188.06 |
| Fayetteville Storm Water Balance 2009 | 20,376.03 |
| Annexation Balance 2009 | 341.77 |
| Curbside Recycle Balance 2009 | 21,201.60 |

Total Credits: **\$69,126,664.91**

Charge:

| | |
|--------------------------------|---------------|
| Real & Personal 2008 | \$ 265,468.11 |
| Vehicles 2008 | 1,464,936.00 |
| 2005 Annexation in 2008 Charge | 136.46 |
| Storm Water 2008 | 18,275.30 |
| Fayetteville Storm Water 2008 | 18,808.43 |
| Curbside Recycle 2008 | 20,353.72 |
| Real & Personal 2007 | 73,094.82 |
| Vehicles 2007 | 326,172.82 |
| 2005 Annexation in 2007 Charge | 62.41 |
| Storm Water 2007 | 5,414.26 |
| Fayetteville Storm Water 2007 | 6,735.22 |
| Real & Personal 2006 & Prior | 352,662.65 |
| Vehicles 2006 & Prior | 1,412,299.86 |
| 2005 Annexation in 2006 Charge | 25,180.29 |
| Storm Water 2006 & Prior | 18,665.41 |

Total Charge: **\$4,008,265.76**

Barred by Statute:

| | |
|--|-------------------|
| Barred by Statute – Real/Personal – 1999 | \$ 34,278.23 |
| Barred by Statute - Vehicles – 1999 | 153,851.03 |
| Barred by Statute - Storm Water – 1999 | 165.00 |
| | <u>188,285.26</u> |

Credits:

| | |
|--|------------|
| Real & Personal Collections 2008 | 181,241.29 |
| Vehicle Collections 2008 | 978,288.66 |
| 2005 Annexation in 2008 Charge Collections | 76.19 |
| Storm Water 2008 Collections | 12,602.55 |
| Fayetteville Storm Water 2008 Collections | 11,822.19 |
| Curbside Recycle 2008 Collections | 15,126.46 |
| Real & Personal Collections 2007 | 23,891.78 |
| Vehicle Collections 2007 | 49,139.30 |
| 2005 Annexation in 2007 Charge Collections | .00 |
| Storm Water 2007 Collections | 1,664.05 |
| Fayetteville Storm Water 2007 Collections | 1,300.20 |
| Real & Personal 2006 & Prior Collections | 24,620.67 |
| Vehicle 2006 & Prior Collections | 53,293.08 |
| 2005 Annexation in 2006 Collections | 20,490.57 |
| Storm Water 2006 & Prior Collections | 1,271.50 |
| Real & Personal Releases Allowed 2008 | 2,559.40 |
| Vehicles Releases Allowed 2008 | 154,773.41 |
| 2005 Annexation in 2008 Releases Allowed | 10.53 |
| Storm Water Releases Allowed 2008 | 24.00 |
| Fayetteville Storm Water Releases Allowed 2008 | 24.00 |

| | |
|--|--------------|
| Curbside Recycle Releases Allowed 2008 | 42.00 |
| Real & Personal Releases Allowed 2007 | 4,383.81 |
| Vehicles Releases Allowed 2007 | 15,415.35 |
| 2005 Annexation in 2007 Releases Allowed | .00 |
| Storm Water Releases Allowed 2007 | .00 |
| Fayetteville Storm Water Releases Allowed 2007 | .00 |
| Real & Personal Releases Allowed 2006 & Prior | 359.94 |
| Vehicles Releases Allowed 2006 & Prior | 17,925.24 |
| 2005 Annexation in 2006 Releases Allowed | 173.72 |
| Storm Water Releases Allowed 2006 & Prior | .00 |
| Real & Personal Balance 2008 | 81,667.42 |
| Vehicles Balance 2008 | 331,873.93 |
| 2005 Annexation in 2008 Balance | 49.74 |
| Storm Water Balance 2008 | 5,648.75 |
| Fayetteville Storm Water Balance 2008 | 6,962.24 |
| Curbside Recycle Balance 2008 | 5,185.26 |
| Real & Personal Balance 2007 | 44,819.23 |
| Vehicles Balance 2007 | 261,618.17 |
| 2005 Annexation in 2007 Balance | 62.41 |
| Storm Water Balance 2007 | 3,750.21 |
| Fayetteville Storm Water Balance 2007 | 5,435.02 |
| Real & Personal Balance 2006 & Prior | 293,403.81 |
| Vehicles Balance 2006 & Prior | 1,187,230.51 |
| 2005 Annexation in 2006 Balance | 4,416.00 |
| Storm Water Balance 2006 & Prior | 17,237.91 |

| | |
|------------|------------|
| Adjustment | <u>.00</u> |
|------------|------------|

| | |
|---------------|---------------------|
| Total: | <u>3,819,980.50</u> |
|---------------|---------------------|

| | |
|-----------------------|------------------------------|
| Total Credits: | <u>\$4,008,265.76</u> |
|-----------------------|------------------------------|

The following covered the verification of tax funds for fiscal year ended June 30, 2010:

| | General Fund | CBDT | Annexation |
|---------------------|----------------|-------------|------------|
| 1. Current Year | | | |
| Original Levy | | | |
| (Real and Personal) | 11,712,669,121 | 124,137,170 | 0 |
| Total Property | | | |
| Valuation | | | |
| Tax Rate Per | | | |
| \$100 | 0.456 | 0.10 | 0.3975 |
| Amount of the | | | |
| Levy | 53,409,771.19 | 124,137.17 | 0.00 |
| Late | | | |
| List Levy | 47,600.24 | 199.15 | |
| 2. Discoveries and | | | |
| Releases | | | |
| Discoveries | 35,542,259 | 605,260 | 168,350 |
| Total Property | | | |
| Valuation | | | |
| Tax Rate Per | | | |
| \$100 | 0.456 | 0.10 | 0.3975 |
| Amount of the | | | |
| Levy | 161,890.30 | 605.26 | 669.19 |
| Late List | | | |
| Discoveries | 40,149.50 | 122.64 | 300.75 |

| | | | | |
|--|------------------------------|----------------------|----------------------------|---------------------------|
| Releases | | | | |
| Total Property Valuation | 101,655,529 | | 604,400 | 0 |
| Tax Rate Per \$100 | 0.456 | | 0.10 | 0.3975 |
| Amount of the Levy | 463,549.21 | | 604.40 | 0.00 |
| Late List Releases | 13,667.07 | | 27.93 | 4.22 |
| 3. Taxes remitted to the City for Tax Years: | | | | |
| 2009 | 52,842,029.48 | | 122,804.25 | 623.95 |
| 2008 | 181,014.60 | | 226.69 | 76.19 |
| 2007 | 23,887.27 | | 4.51 | 0.00 |
| 2006 | 24,620.67 | | 0.00 | 20,590.57 |
| & Prior | | | | |
| 4. Interest | 160,500.88 | | 720.62 | 2,575.25 |
| 5. Balance due the City at June 30, 2010, for: | | | | |
| 2009 | 340,157.47 | | 1,627.64 | 341.77 |
| 2008 | 81,643.40 | | 24.02 | 49.74 |
| 2007 | 44,774.44 | | 44.79 | 62.41 |
| 2006 | 327,514.15 | | 167.89 | 4,416.00 |
| & Prior | | | | |
| | General Fund Vehicles | CBDT Vehicles | Vehicle License Tax | Transportation Fee |
| 1. Current Year Original Levy (Vehicles) | 1,268,564,425 | 4,802,040 | | |
| Total Property Valuation | | | | |
| Tax Rate Per \$100 | 0.456 | 0.10 | | |
| Amount of the Levy | 5,784,653.78 | 4,802.04 | 691,860.00 | 896,860.00 |
| 2. Discoveries and Releases | | | | |
| Discoveries | 1,979,042 | 0 | | |
| Total Property Valuation | | | | |
| Tax Rate Per \$100 | 0.456 | 0.10 | | |
| Amount of the Levy | 9,024.43 | 0.00 | 790.00 | 745.00 |

| | | | | |
|--|-------------------------------|--|---------------------------|------------|
| Releases | | | | |
| Total | 122,249,971 | 318,660 | | |
| Property Valuation | | | | |
| Tax Rate | | | | |
| Per \$100 | 0.456 | 0.10 | | |
| Amount of the Levy | 557,459.87 | 318.66 | 35,570.00 | 35,570.00 |
| 3. Taxes remitted to the City for Tax Years: | 4,284,746.39 | 4,204.65 | 510,713.96 | 510,674.17 |
| 2009 | | | | |
| 2008 | 784,284.56 | 362.22 | 102,032.25 | 91,609.63 |
| 2007 | 40,631.91 | 24.13 | 8,483.26 | 0.00 |
| 2006 & Prior | 43,658.53 | 10.61 | 9,623.94 | 0.00 |
| 4. Interest | 162,313.16 | 46.02 | | |
| 5. Balance due the City at June 30, 2010, for: | 951,471.95 | 278.73 | 146,366.04 | 146,360.83 |
| 2009 | | | | |
| 2008 | 261,802.31 | 118.23 | 41,624.66 | 28,328.73 |
| 2007 | 226,992.49 | 51.18 | 34,574.50 | 0.00 |
| 2006 & Prior | 1,159,717.65 | 345.93 | 181,071.96 | 0.00 |
| | Storm Water Management | Fayetteville Storm Water Management | Curbside Recycling | |
| 1. Current Year Original Levy (Real and Personal) Total Property Valuation | | | | |
| Tax Rate Per \$100 | | | | |
| Amount of the Levy | 1,702,140.00 | 3,405,072.00 | 2,257,998.00 | |
| 2. Discoveries and Releases | | | | |
| Discoveries | | | | |
| Total Property Valuation | | | | |
| Tax Rate Per \$100 | | | | |
| Amount of the Levy | 744.00 | 1,392.00 | 194.00 | |

| | | | | |
|-------------------------|--------------|--------------|--------------|--|
| Releases | | | | |
| Total Property | | | | |
| Valuation | | | | |
| Tax Rate Per | | | | |
| \$100 | | | | |
| Amount of the | 3,072.00 | 6,144.00 | 7,676.00 | |
| Levy | | | | |
| 3. Taxes remitted to | | | | |
| the City for Tax Years: | 1,689,623.94 | 3,379,943.97 | 2,229,314.40 | |
| 2009 | | | | |
| | 12,602.55 | 11,822.19 | 15,126.46 | |
| 2008 | | | | |
| | 1,664.05 | 1,300.20 | 0.00 | |
| 2007 | | | | |
| 2006 | 1,271.50 | 0.00 | 0.00 | |
| & Prior | | | | |
| 4. Interest | 5,709.42 | 8,953.10 | 8,209.37 | |
| 5. Balance due the | | | | |
| City at June 30, 2010, | | | | |
| for: | 10,188.06 | 20,376.03 | 21,201.60 | |
| 2009 | | | | |
| | 5,648.75 | 6,962.24 | 5,185.26 | |
| 2008 | | | | |
| | 3,750.21 | 5,435.02 | 0.00 | |
| 2007 | | | | |
| 2006 | 17,393.91 | 0.00 | 0.00 | |
| & Prior | | | | |

The following summarized the 1999 real/personal and vehicle taxes to be barred:

| | Vehicles | Personal | Real | Public Service | Fees | Total |
|---------------|------------|-----------|-----------|----------------|------|------------|
| County | 482,901.64 | 54,160,32 | 45,671.90 | - | - | 582,733.86 |
| CountyPets | - | 801.21 | - | - | - | 801.21 |
| Fayetteville | | | | | | |
| Revit | 132,549.31 | 9,921.35 | 24,305.77 | - | - | 166,776.43 |
| FayettevilleV | 77.75 | 51.11 | - | - | - | 128.86 |
| ehicle Fee | 21,223.97 | - | - | - | - | 21,223.97 |
| Hope Mills | | | | | | |
| Hope Mills | 6,492.09 | 421.34 | 550.05 | - | - | 7,463.48 |
| Vehicle Fee | 1,545.00 | - | - | - | - | 1,545.00 |
| Hope Mills | - | 56.21 | - | - | - | 56.21 |
| Pets | | | | | | |
| SpringLake | 13,201.23 | 698.24 | 55.62 | - | - | 13,955,09 |
| Stedman | 202.08 | - | - | - | - | 202.08 |
| Stedman | | | | | | |
| Vehicle Fee | 75.00 | - | - | - | - | 75.00 |
| Godwin | 73.51 | - | - | - | - | 73.51 |
| Wade | 256.89 | 74.26 | - | - | | 331.15 |
| Falcon | 24.37 | - | - | - | - | 24.37 |

| | | | | | | | |
|--|----------------------|------------|-----------|-----------|---|--------|------------|
| | Linden | 86.68 | 9.08 | - | - | - | 95.76 |
| | Solid Waste User Fee | - | - | - | - | 384.00 | 384.00 |
| | Storm Water Fee | - | - | - | - | 156.00 | 156.00 |
| | Advertising Fee | - | - | - | - | 324.24 | 324.24 |
| | Total | 658,709.52 | 66,193.12 | 70,583.34 | - | 864.24 | 796,350.22 |
| | TA500 MR VEHICLES | 658,709.52 | | | | | |
| | TA500 MR CC | 137,640.70 | | | | | |
| | TA500 MR PS | - | | | | | |
| | | 796,350.22 | | | | | |

9.2 Levy for 2010-2011 Fiscal Year

| City of Fayetteville: | No. of Accts. | Real Value | Personal Value | **Exempt Value | Taxable Value |
|-----------------------------|---------------|----------------|----------------|-----------------|----------------|
| Real Property with Personal | 92,145 | 11,219,668,323 | 537,992,190 | 176,989,141 | 11,580,671,372 |
| Public Service | - | - | - | - | - |
| Total: | 92,145 | 11,219,668,323 | 537,992,190 | 176,989,141 | 11,580,671,372 |
| Description: | | Taxes | Late List | Total | |
| Real Property with Personal | | 52,807,882.24 | 35,566.90 | 52,843,449.14 | |
| Public Service | | - | - | - | |
| Total: | | 52,807,882.24 | 35,566.90 | 52,843,449.14 | |
| Revitalization | No. of Accts | Real Value | Personal Value | ***Exempt Value | Taxable Value |
| Real Property with Personal | 821 | 111,542,359 | 13,427,367 | --- | 124,969,726 |
| Public Service | - | - | - | - | - |
| Total: | 821 | 111,542,359 | 13,427,367 | --- | 124,969,726 |
| | | Taxes | Late List | Total | |
| Real Property with Personal | | 124,970.06 | 256.69 | 125,226.75 | |
| Public Service | | - | - | - | |
| Total: | | 124,970.06 | 256.69 | 125,226.75 | |

| | | | | | | |
|--|--------------------------|--------------|--|---------------------|--|---|
| | Exempt Value: | | | Revit Exempt Value: | | |
| | Real | 175,051,0710 | | Real | | - |
| | Personal | 1,937,431 | | Personal | | - |
| | Total: | 176,989,141 | | Total: | | - |
| | FayettevilleStorm Water: | | | 3,429,710.40 | | |
| | FayettevilleRecycling: | | | 2,264,838.00 | | |
| | Storm Water: | | | 1,714,855.20 | | |

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:28 p.m.