

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 23, 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); 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
Rob Anderson, Chief Development Officer
Charles Lewis, Senior Code Enforcement Administrator (Housing)
Craig Harmon, Planner II
Dwight Miller, PWC Chief Finance Officer
Joe Glass, PWC Engineering Manager-Water Resources
Jackie Tuckey, Communications Manager/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 Dr. Joanie Green, Christian Pentecostal Church of Christ.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5.0 CONSENT

MOTION: Council Member Davy moved to approve the consent agenda with the exception of Item 5.4.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

5.1 Acceptance of FAA grant for Taxiway "A" rehabilitation and lighting.

5.2 Award of contract for rehabilitation of Taxiways "A", "C", "D", and "F" and rehabilitation of taxiway lighting and signage (AIP-37).

The project was included in the FY 2011-2015 Capital Improvement Plan. Funding for the project was anticipated to be in the form of a federal grant from the Federal Aviation Administration in the amount of \$5,936,904.00, and a local match from the City in the amount of \$315,969.00. The bid was first advertised and scheduled for opening on June 22, 2010, however, only one bid was received and the project had to be re-advertised in accordance with North Carolina General Statutes. The statutes required that at least three bids be received on the first advertisement in order for bids to be opened. The bid was re-advertised and scheduled for opening on June 30, 2010, with only one bidder responding as follows:

Barnhill Contracting Company (Fayetteville, NC). \$5,209,563.00

The DBE program goal for the project was 9.4 percent and Barnhill Contracting Company met the program goal.

5.3 Capital Project Ordinance 2011-4 (Taxiway "A" Rehabilitation Project AIP-37).

5.4 Pulled at the request of Council Member Davy.

5.5 Award contract for 2011 Street Resurfacing Program.

The project was first advertised for bids to be opened on July 27, 2010, however, only two bids were received. Therefore, in accordance with North Carolina General Statutes, which required three bids for opening on the first advertisement, the project was re-advertised and bids were opened on August 4, 2010, as follows:

Highland Paving Company (Fayetteville, NC)..... \$3,464,285.35

Barnhill Contracting Company (Fayetteville, NC). \$3,637,432.92

The bids received were over the budgeted amount of \$3,280,260.00, therefore, as allowed by North Carolina General Statutes, staff negotiated with the low bidder, Highland Paving Company, to reduce cape seal work and eliminate resurfacing of one street in order to bring the contract within the budgeted amount. The negotiated bid amount was \$3,249,656.72. The DBE participation goal for the project was 10 percent and Highland Paving Company met the 10 percent goal.

5.6 Capital Project Ordinance Amendment 2011-8 (Franklin Street Parking Deck).

5.7 Adopt Capital Project Ordinance Amendment 2011-9 (West General Aviation Lower Ramp Rehabilitation, Repave Truck Lane, and Apron Repair Project).

5.8 Consider award of contract via piggyback for two fire pumpers.

This authorized the waiver of the bid procedure as allowed by statute and approved the purchase of two fire apparatus pumpers from Pierce Manufacturing, Inc., Appleton, Wisconsin, in an amount not to exceed \$848,396.00.

5.9 Bid Recommendation for underground primary power cable.

The Public Works Commission approved the award bid for purchase of 200,000' of 1/0, ALCN, ERP, 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 HD Supply Utilities, Ltd., Wake Forest, NC, lowest evaluated bidder, in the total amount of \$359,730.00. Bids were received July 29, 2010, as follows:

HD Supply Utilities, Ltd. (Wake Forest, NC)..... \$359,730.00

Wesco Distribution (Raleigh, NC)..... \$398,800.00

Stuart C. Irby (Rocky Mount, NC)..... \$414,200.00

Shealy Electrical Wholesalers (Greenville, SC).... \$468,400.00

Bids were solicited from four vendors with four vendors responding. HD Supply Utilities, Ltd., was not classified as a SDBE, minority or woman-owned business.

5.10 License agreement with new Cingular wireless for antenna attachment on Reilly Road.

5.11 Resolution to direct the filing of an application for a state loan.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO DIRECT THE FILING OF AN APPLICATION FOR A STATE LOAN UNDER THE NC CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2010-070.

5.12 Resolution setting a public hearing to consider economic development incentives for a proposed Embassy Suites Hotel and Convention Center.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SETTING A PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE PACKAGE FOR EMBASSY SUITES HOTEL AND CONVENTION CENTER. RESOLUTION NO. R2010-071.

5.4 Condemnation for demolition of 106 Dunn Road.

This item was pulled by Council Member Davy.

Mr. Charles Lewis, Senior Code Enforcement Administrator (Housing), presented this item and stated the building was inspected and condemned on July 30, 2009, as a dangerous or vacant/abandoned structure. Mr. Lewis explained that a hearing was held August 27, 2009, which the owner had not attended, however, telephoned the Interim Assistant Director of Inspections at which time the owner was verbally given a period of 60 days to repair or demolish the structure.

Discussion ensued regarding correspondence with the owner and the condemnation and demolition processes.

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 CODE OF THE CITY. ORDINANCE NO. NS2010-010.

MOTION: Council Member Davy moved to adopt the ordinance with the demolition process beginning no earlier than October 1, 2010.

SECOND: Council Member Applewhite

Further dialogue ensued regarding the demolition timeframe relating to safety hazards, security, and reimbursement.

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Bates, Crisp, Massey, and Meredith)

6.0 PUBLIC HEARINGS

6.1 Case No. P10-26F. The rezoning of 0.97 acres at 6576 Cliffdale Road from R10 Residential District to C1 Commercial District or to a more restrictive zoning classification. Kim O. Miller-Nakamoto and George M. Nakamoto, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and provided an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use and 2030 Growth Vision Plans. He stated the Zoning Commission recommended approval of the rezoning to P2 Professional, not C1 as requested by the applicant, based on: (1) the rezoning was in keeping with the character of the neighborhood, (2) Cliffdale Road was a major thoroughfare, and (3) the proposed use was needed because of the multifamily development around the property. He stated staff recommended denial of the rezoning to C1 to the Zoning Commission based on: (1) the 2010 Land Use Plan called for medium-density residential for the property, (2) the 2030 Plan cautioned against rezoning properties to commercial mainly because it was on a major thoroughfare,; and (3) the property was surrounded by residential zoning and uses.

Council Member Applewhite requested clarification as to why P2 would not be spot zoning. Mr. Harmon stated it would not be illegal spot zoning because there was P2 along a corridor, therefore, it could act as a transition area.

Council Member Applewhite requested affirmation from Ms. Karen McDonald, City Attorney, and Ms. McDonald concurred.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:31 p.m.

MOTION: Council Member Applewhite moved to approve the rezoning from R10 to P2.

SECOND: Council Member Hurst

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

6.2 Case No. P10-27F. The rezoning of 0.34 acres at 7762 Hazelwood Avenue from AR Residential District to P4/CZ Professional Conditional Zoning District. Willie McNeil, owner.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and provided an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use. He explained the property was surrounded by residentially compatible uses, was part of a residential subdivision that was on three sides of the property, and a church was located to the south of the property. He stated that contrary to 2030 policies that could support a zoning to a non-residential district, he explained the property was within a subdivision and was not in a transition area; therefore, it was staff's opinion that the request constituted an impermissible "spot zoning". He stated the owner offered the following conditions of approval in addition to those shown on the site plan: (1) office hours would be 9:00 a.m. to 5:00 p.m. and (2) would limit the use to an outpatient care. Mr. Harmon stated the Zoning Commission

recommended approval of the rezoning to P4/CZ based on: (1) the rezoning was compatible with the character of the neighborhood and (2) the P4 zoning would stand as a transition buffer in the future if commercial properties were to continue to move north from Raeford Road. He stated staff recommended denial of the rezoning to P4/CZ to the Zoning Commission based on: (1) the 2010 Land Use Plan called for low-density residential for the property; (2) the 2030 Plan stated that offices may be used as transitional uses, but the property was not located in a transitional area and Hazelwood was not an intensively traveled road; and (3) the property was surrounded by residential zoning and compatible uses.

Council Member Crisp requested clarification of staff's opinion that the request would constitute illegal spot zoning. Mr. Harmon explained the property was completely surrounded by residential and Hazelwood Avenue was a neighborhood street.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:36 p.m.

Mr. Andy Privette, 2545 E. Edgewater Drive, Fayetteville, NC 28303, appeared in favor and reviewed the uses of the surrounding properties.

Mr. Joe Gillis, Galatia Church Road, Fayetteville, NC 28304, appeared in favor and reviewed the uses of the surrounding properties.

Mr. Kelvin Noble, Precious Haven, Inc. employee, appeared in favor and provided an overview of the existence and operation of the business.

There being no one further to speak, the public hearing closed at 7:44 p.m.

Council Member Crisp inquired of Mr. Gillis whether the two houses on Hazelwood Avenue were occupied. Mr. Gillis responded the south corner property was demolished. He informed Council that he owned the vacant lot and rental property to the west of the property and stated the character of the area was rapidly changing.

Council Member Meredith inquired whether the proposed gravel parking lot would be located in the back of the establishment. Mr. Harmon replied in the affirmative.

Council Member Applewhite inquired whether Precious Haven, Inc., had been at the location since 2000, who the property owner was, and how it was determined that the property would be a good office space location and expressed concerns in relation to the gravel parking lot and traffic issues. Mr. Noble responded Precious Haven, Inc., was previously located on Westlake Drive, however, the business downsized to keep all its employees. He clarified that Mr. Willie McNeil was the property owner. Ms. Melissa McAllister, Precious Haven, Inc., owner, further responded they had done improvements to the property.

Council Member Bates questioned the legal aspects since it would be considered illegal spot zoning. Ms. Karen McDonald, City Attorney, explained it was staff's evaluation that this would be illegal spot zoning; therefore, should Council find it to be legal spot zoning, Council must articulate and clarify their findings.

Mr. Dale Iman, City Manager, inquired how the City became aware of this business being operated on the property. Mr. Harmon responded that Code Enforcement was initially contacted by neighbors with traffic complaints and that a business was being operated, which led to Code Enforcement investigating and finding a professional office business was being operated in a residential area; thereafter, a Notice of Violation was issued which prompted the rezoning request.

Council Member Crisp inquired if patients were being treated at the location, the number of employees, and why a privilege license was not procured. Ms. McAllister responded no one lived at the property. She stated there were ten employees. In response to not having a privilege license, Ms. McAllister stated she was informed by City staff that her state license took precedence and she procured a license when she was informed of the requirement.

MOTION: Council Member Applewhite moved to deny the rezoning request from AR to P4/CZ.

SECOND: Council Member Bates

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

6.3 Hope Mills annexation agreement.

Mr. Kristoff Bauer, Assistant City Manager, presented this item and summarized the purpose, proposed boundaries, and term of the agreement. He stated as directed by Council, transportation access to properties were reviewed, efforts were made to ensure neighborhoods were kept together and logical boundary brakes were created. He reviewed the legal description of Parcel #0405-42-0744, approximately 360 acres of wetland, which was divided among the two jurisdictions. He explained the 150-foot line and stated should the owner decide to subdivide and develop the property, the line could be moved in any direction without requiring the property owner to request a revision by a jurisdiction.

Discussion ensued regarding the subdividing and development process and the jurisdiction's requirements and termination options.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 8:01 p.m.

Mayor Chavonne inquired whether the County approved the agreement based on the Municipal Influence Area (MIA) agreement. Mr. Bauer responded there had been conversation with Mr. Thomas Lloyd, Cumberland County Planning and Inspections Director, and his expectations were that following adoption by the City and Hope Mills there would be a request to amend the MIA to be consistent with the proposed annexation.

Council Member Bates clarified this was not an annexation and the purpose of the public hearing was to inform citizens of the future possibility of annexation.

AN ORDINANCE ESTABLISHING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AND THE TOWN OF HOPE MILLS, NORTH CAROLINA, FOR THE AREA BETWEEN THESE TWO MUNICIPALITIES. ORDINANCE NO. NS2010-011.

MOTION: Council Member Meredith moved to approve the annexation agreement.

SECOND: Council Member Massey

FRIENDLY AMENDMENT: Mayor Pro Tem Haire made a friendly amendment to add the requirement that the City coordinate with the County Planning Department and County Commissioners to ensure this was incorporated as part of the MIA following approval by the City and Hope Mills.

Council Members Meredith and Massey accepted the friendly amendment.

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

7.0 OTHER ITEMS OF BUSINESS

7.1 Phase 5 Areas 4 and 5 proposed assessment revisions.

Mr. Dwight Miller, PWC Chief Finance Officer, presented this item and provided a chronological summary of the Phase 5 Areas 4 and 5 assessment roll process. Mr. Miller explained the requested revisions of the assessment amounts on the following properties:

- 5535 Lawnwood Drive– Parcel Number 0406-74-9900- The property was charged an assessment for a single-family residential lot (\$5,000.00). It was confirmed the lot could not be served by gravity. The owner obtained a plumber's estimate to install a grinder pump. The property was not connected to the sewer system. For properties with grinder pumps in the Phase 5 Areas 4 and 5 annexation, the owners were assessed a lower charge because of the additional cost of a grinder pump needed to serve the property.
- 1444 Paisley Avenue– Parcel Number 0406-57-2100- The property was charged an assessment for a single-family residential lot (\$5,000.00). It was confirmed the lot could not be served by gravity. The owner obtained a plumber's estimate to install a grinder pump. The property was not connected to the sewer system. For properties with grinder pumps in the Phase 5 Areas 4 and 5 annexation, the owners were assessed a lower charge because of the additional cost of a grinder pump needed to serve the property.
- 1532 Paisley Avenue– Parcel Number 0406-55-6712– The property was charged an assessment for a single-family residential lot (\$5,000.00). It was confirmed the property could

not be served by gravity service and was connected to the sewer system by a grinder pump. For properties with grinder pumps in the Phase 5 Areas 4 and 5 annexation, the owners were assessed a lower charge because of the additional cost of a grinder pump needed to serve the property.

- 1440 Paisley Avenue– Parcel Number 0406-57-1169 - The property was identified as a grinder pump lot and was assessed a lower charge because of the additional cost of a grinder pump (\$790.00). The property had been connected to the sewer system by gravity.

A question and answer period ensued regarding the availability of a payment arrangement/installation plan, property owner notification, and appeals process. Council Member Bates expressed concerns regarding the increased assessment for 1532 Paisley Avenue.

MOTION: Council Member Meredith moved to approve the proposed assessment revisions.

SECOND: Council Member Hurst

Mr. Miller clarified that PWC would notify affected property owners of the revised assessment amounts.

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

7.2 Presentation of Appointment Committee recommendations for boards and commissions appointments.

Council Member Hurst, Appointment Committee Chair, presented this item and provided highlights of the August 18, 2010, Appointment Committee meeting. He presented the appointment recommendations, which would address the September 2010 vacancies, as follows:

BOARDS/COMMISSIONS	RECOMMENDATION	TERM
Airport Commission	Dawn Gibson	1st
Hubert Gibson	1st	Herbert G. Vance
and	John W. Wyatt, III	2nd
Animal Services Board	Dell Caramanno	Fill-in
Board of Adjustment	Mikele Haywood	2nd
Bill Jenkins	Fill-in	Wick J. Smith, Jr.
Alternate fill-in	Fayetteville-Cumberland Human Relations Commission	Milind Kumar Dongre
st	Patricia A. Fortuna	2nd
Antonio L. Gardner	1st	Robin Greene
st	Crystal Moore-McNair	1st
Camela Suggs Story	1st	Monica Haynes
st	Fayetteville-Cumberland Parks and Recreation Advisory Commission	Christine S. Smith
nd	Charles Johnson	1st
Rebecca Campbell	1st	Robert Lints
ll-in	Nancy Shakir	Fill-in
Wrecker Review Board	William Tyson	2nd
Fayetteville Metropolitan Housing Authority	Irma Young	3rd
Fayetteville Planning Commission	Larry Boney	2nd
Leatus Cox	2nd	Mary Ellen Lavoie
nd	Bill J. Snuggs	1st
Willis M. Watt	1st	Jimmy Holland, Jr.

Alternate fill-in	Larnie McClung	Alternate fill-in
Fayetteville Zoning Commission	William L. Tally	2nd
Stephen C. Mannell, Jr.	1st	Thomas S. Speight, Jr.
Alternate fill-in	Joint City and County Appearance Commission	Kevin Hight
1st	Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission	Cassandra McMillion
2nd	Crystal Spigner-Williams	1st
Patricia F. Stewart	1st	Frank R. Till
1st	Fayetteville Finance Corporation	William Brooks
	Dale Iman	
Keith Love		Lisa Smith
	Storm Water Advisory Board	John R. Mattox
2nd	Patricia L. Vaughan	1st

Council Member Hurst stated the Transit Advisory Committee recommendations were postponed per Council's directive at the August 2, 2010, work session and the PWC recommendation was delayed pending further review.

MOTION: Council Member Hurst moved to approve the Appointment Committee's recommendations.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

Mr. Doug Hewett, Assistant City Manager, presented the proposed Fayetteville Advisory Committee on Transit (FACT) description as follows:

Composition of Committee: The committee would be made up of seven people who lived within the City limits and who reflected the community's diversity. Members would include residents, businesses, and other stakeholders concerned about transit service in the City. FACT members would be appointed by the City Council and approved by the City Council. Appointments would be for two-year staggered terms.

Mission Statement: To address the public transportation needs of Fayetteville, North Carolina, in a proactive way by providing recommendations to City Council, management, users, and the general public in an effort to create a comprehensive and cohesive transit system that responds to our community's present and future needs.

FACT would strive to: Function as an advisory body with responsibilities to advise FAST management on matters affecting the transit system and its operations, including, but not limited to:

- Providing recommendations for the current and future direction of the transit system consistent with the adopted Transportation Development Plan within fiscal constraints;
- Ensuring personal mobility for handicapped, elderly, and disabled citizens;
- Providing equal transportation access to commercial business locations and local and regional government agencies;
- Finding optimal solutions that balance the transit needs of the community;
- Responding to community concerns in a prompt, professional, and respectful manner;
- Enthusiastically and accurately representing the citizens of Fayetteville, North Carolina, in all communications, written or verbal;
- Functioning as a sounding board for updates of the Transit Development Plan (TDP);
- Making recommendations to FAST management on matters, i.e., fare changes, long-range plan updates, and major or new projects. The FACT would also provide comments on service changes;
- Strengthening community relations; and

- Maintaining a close working relationship and dialog with the City Manager and staff.

2011 FACT Focus Areas:

- **Long-range planning:** The FACT would focus on developing a strategic plan consistent with elements of the adopted TDP, the City's strategic plan, and with citizen input. The process would review and/or develop recommendations for a transit specific mission statement, vision, core values, five-year goals and objectives for short-term work plans.
- **Ease of use:** The FACT would focus on ways to make FAST easy to use for all riders, including participating in implementation of transit waiting environment projects, i.e., bench and bus shelter placements.
- **Safety and security:** The FACT would focus on ensuring that FAST was a safe and secure system.
- **Advocacy and partnerships:** The FACT would focus on advocating and partnering with organizations to increase transit funding and promote public transit use.

Voting Members:

Fayetteville Area Metropolitan Planning Organization (FAMPO) director or designee

Transportation industry representative

Two ADA riders or representatives

Bus rider

Three City residents, to include two appointees who reside in areas of the City that are currently unserved by FAST

FAST driver/operator

Ex-Officio Members:

1.FAST director, also serves as committee liaison/staff

2.City Manager's Office representative

A question and answer period ensued regarding the FACT composition.

MOTION: Council Member Mohn moved to approve the proposed Fayetteville Advisory Committee on Transit with the addition of a citizen from each district.

SECOND: Council Member Massey

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

- Providing recommendations for the current and future direction of the transit system consistent with the adopted Transportation Development Plan within fiscal constraints;
- Ensuring personal mobility for handicapped, elderly, and disabled citizens;
- Providing equal transportation access to commercial business locations and local and regional government agencies;
- Finding optimal solutions that balance the transit needs of the community;
- Responding to community concerns in a prompt, professional, and respectful manner;
- Enthusiastically and accurately representing the citizens of Fayetteville, North Carolina, in all communications, written or verbal;
- Functioning as a sounding board for updates of the Transit Development Plan (TDP);
- Making recommendations to FAST management on matters, i.e., fare changes, long-range plan updates, and major or new projects. The FACT would also provide comments on service changes;
- Strengthening community relations; and
- Maintaining a close working relationship and dialog with the City Manager and staff.
- **Long-range planning:** The FACT would focus on developing a strategic plan consistent with elements of the adopted TDP, the City's strategic plan, and with citizen input. The process would review and/or develop recommendations for a transit specific mission statement, vision, core values, five-year goals and objectives for short-term work plans.
- **Ease of use:** The FACT would focus on ways to make FAST easy to use for all riders, including participating in implementation of transit waiting environment projects, i.e., bench and bus shelter placements.

- Safety and security: The FACT would focus on ensuring that FAST was a safe and secure system.
- Advocacy and partnerships: The FACT would focus on advocating and partnering with organizations to increase transit funding and promote public transit use.
- **MOTION: Council Member Davy moved to approve with the addition of one ADA rider/representative and one representative from an area not presently receiving transit services and to proceed with the recruitment process.**

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

Discussion ensued regarding the PWC board term extension, supplementary questionnaire, and proposed recruitment process.

Consensus of Council was to proceed with the recommended PWC recruitment process.

7.3 Annexation resolution of consideration and revision of PWC Policy 150.1 relating to assessments.

Mr. Kristoff Bauer, Assistant City Manager, presented the item regarding the annexation Resolution of Consideration (ROC). He stated the proposed ROC area was based upon both the Municipal Influence Area (MIA) agreement between the City and Cumberland County and the proposed Annexation Agreement between the City and the Town of Hope Mills, which was not yet effective. He clarified that neither agreement created a legal impediment to the proposed ROC designation. He explained an effective annexation agreement would prevent future annexation inconsistent therewith, but the ROC notice process was intentionally liberal. He stated Council could act on the ROC and the action would not be impacted, unless the Council chose to take future action, by revisions in the MIA or annexation agreements.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER CONSIDERATION FOR FUTURE ANNEXATION. RESOLUTION NO. R2010-072.

MOTION: Council Member Hurst moved to adopt the annexation resolution.

SECOND: Mayor Chavonne

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

Mr. Bauer then presented the item regarding City Council Policy No. 150.1 relating to PWC assessments. He provided clarification on whether the \$5,000.00 assessment cap would apply to water and wastewater individually or collectively as follows:

Mr. Bauer stated the proposed revision to the policy clarified that the \$5,000.00 assessment cap would apply to each service connection capping the total assessment for a property being connected to both water and wastewater at \$10,000.00.

Discussion ensued regarding the cap affect on a future Council, the 90-foot frontage charge relating to residential and commercial lots, and Facility Investment Fees (FIF).

- In the first instance, a property being connected to both services could be assessed a total of \$10,000.00 maximum.
- In the second instance, the maximum assessment would be \$5,000.00 whether a property was being connected to water or wastewater or both.
- **MOTION: Council Member Meredith moved to adopt the revision to Policy No. 150.1 with the deletion of paragraph 4 and the rewording of paragraph 6.**

SECOND: Council Member Massey

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

7.4 FY 2009-2010 Strategic Annual Report.

Mr. Doug Hewett, Assistant City Manager, presented this item and provided the FY 2010 Strategic Plan. He stated the City's strategic plan sets forth the vision for community, the City's mission, and the City's goals. He stated the one-year action agenda identified issues for which Council provided policy direction and the City staff completed during the fiscal year.

MOTION: Council Member Haire moved to adopt the FY 2009-2010 Strategic Annual

Report.

SECOND: Mayor Chavonne

VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for July 2010 from the Cumberland County Tax Administrator.

2010 Taxes.....	\$129,332.00
2010 Vehicle Taxes.....	214,098.30
2010 Revit.....	19.45
2010 Vehicle Revit.....	151.85
2010 FVT.....	27,284.20
2010 Transit Tax.....	27,284.20
2010 Storm Water.....	3,872.89
2010 Fay Storm Water.....	7,745.75
2010 Recycle Fee.....	10,338.39
2010 Annex.....	0.00
2009 Taxes.....	\$62,979.00
2009 Vehicle Taxes.....	135,960.10
2009 Revit.....	1,092.69
2009 Vehicle Revit.....	31.65
2009 FVT.....	18,757.51
2009 Transit Tax.....	18,757.44
2009 Storm Water.....	1,882.08
2009 Fay Storm Water.....	3,764.18
2009 Recycle Fee.....	4,607.64
2009 Annex.....	0.00
2008 Taxes.....	2,892.21
2008 Vehicle	6,248.34
2008 Revit.....	1.43
2008 Vehicle Revit.....	0.00
2008 FVT.....	980.73
2008 Transit Tax.....	874.99
2008 Storm Water.....	217.53
2008 Fay Storm Water.....	203.40
2008 Recycle.....	352.79
2008 Annex.....	0.00
2007 Taxes.....	499.32
2007 Vehicle	1,409.55
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00
2007 FVT.....	249.85
2007 Storm Water.....	64.43
2007 Fay Storm Water.....	24.00
2007 Annex.....	0.00
2006 and Prior Taxes.....	600.36
2006 and Prior Vehicle.....	2,329.63
2006 and Prior Revit.....	1.32
2006 and Prior Vehicle Revit.....	3.00
2006 and Prior FVT.....	481.79
2006 and Prior Storm Water.....	45.72
2006 Annex.....	128.71
Interest.....	14,803.93
Revit Interest.....	69.63

Storm Water Interest..... 193.75
Fay Storm Water Interest..... 280.42
Annex Interest..... 23.92
Fay Recycle Interest..... 351.91
Total Tax and Interest..... \$701,292.88

8.2 Standard communications letter from Cherry Bekaert & Holland describing the nature and scope of the audit to be performed for the Fiscal Year Ending June 30, 2010.

There being no further business, the meeting adjourned.