

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
NOVEMBER 14, 2011  
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); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Absent: Mayor Pro Tem Darrell J. Haire (District 4)

Others Present:

Dale E. Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Renner Eberlein, Assistant City Attorney  
Scott Shuford, Development Services Director  
Ron McElrath, Human Relations Director  
John Kuhls, Human Resource Development Director  
Tom Bergamine, Chief of Police  
Benjamin Major, Fire Chief  
Rusty Thompson, Interim Engineering and Infrastructure Director  
Randy Hume, Transit Director  
Bradley Whited, Airport Director  
Jerry Dietzen, Environmental Services Director  
Victor Sharpe, Community Development Director  
Michael Gibson, Parks and Recreation Director  
Craig Harmon, Planner II  
Rebecca Rogers-Carter, Management Services Manager  
Jennifer Lowe, Public Information Officer  
Douglas Peters, President/CEO, Fayetteville-Cumberland County Chamber of

Commerce

Bo Gregory, Director of Economic Development, Fayetteville-Cumberland County  
Chamber

of Commerce

Pamela Megill, City Clerk

Members of the Press

### **1.0 CALL TO ORDER**

Mayor Chavonne called the meeting to order.

### **2.0 INVOCATION**

The invocation was offered by Elder Jessie McNeil, Head Associate Pastor at Smith Chapel Freewill Baptist Church.

### **3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was recited by those in attendance.

### **4.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Hurst moved to approve the agenda with the addition of Item 8.4, Appointment Committee recommendations for appointments to the Airport Commission, Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission, and Stormwater Advisory Board.

**SECOND:** Council Member Massey

**VOTE:** UNANIMOUS (9-0)

### **5.0 ANNOUNCEMENTS AND RECOGNITIONS**

Council Member Davy announced the deadline to submit applications to the Village Scholarship Program, which was based on the concept of “Takes a Village to Raise a Child”, was November 30, 2011.

Council Member Hurst announced November 15, 2011, had been proclaimed as America Recycles Day, and requested that citizens stop by city hall to take the pledge to recycle. Mayor Chavonne presented a proclamation to Mr. James Bethea, Basileus (President) Undergraduate Chapter at Fayetteville State University (Delta Gamma); Mr. Kraig Brown, Basileus City of Fayetteville Graduate Chapter (Beta Chi); and Major Chuck Walker, Basileus of the Fort Bragg/Pope Air Force Base (Tau Gamma Gamma), proclaiming November 17, 2011, to be Omega Psi Phi Day in recognition of the 100 years the Omega Psi Phi Fraternity, Incorporation, has been committed to the betterment of the community through its scholarship and social action programs as well as other initiatives.

## **6.0 PUBLIC FORUM**

Ms. Deloris Poindexter, 7932 Gaelic Drive, Fayetteville, NC 28306, expressed concerns regarding land she purchased on Fork Road that she was not permitted to develop on. Mr. Roosevelt Odom, Fayetteville, NC, through a sign language interpreter, stated he was working on establishing a regional center for the deaf and hard of hearing in the City of Fayetteville. He also offered prayers for the victims of the Governor Morehead School. Mr. Peter Stewart, 125 Dundee Road, Fayetteville, NC 28303, expressed displeasure regarding a warning letter he received from the City in reference to parking his vehicle with off-premise signage and requested the Council remove Article 30-5Z from the Unified Development Ordinance.

Mr. Michael Hodges, 411 Graylyn Place, Fayetteville, NC 28314, requested the Council dismiss the appeal in Superior Court regarding the Board of Adjustment variance on a building permit. Dr. Anna Hodges, 411 Graylyn Place, Fayetteville, NC 28314, requested the Council cease to appeal the Board of Adjustment variance that was granted for her building on property located on Sandhurst Drive.

Mr. Scott Brown, 409 Chicago Drive, Fayetteville, NC 28306, stated he was one of the engineers and surveyors hired by Mr. and Dr. Hodges to build the medical clinic to be located on Sandhurst Drive and requested the Council dismiss the appeal regarding the Board of Adjustment variance.

Mr. Jackie Hairr, 3077 N. Main Street, Hope Mills, NC 28348, stated he was the builder of Mr. and Dr. Hodges' medical clinic and requested the Council cease and desist on the appeal attempt so he could get back to work.

Mr. Neil Yarborough, attorney representing Mr. and Dr. Hodges, 115 E. Russell Street, Fayetteville, NC 28301, requested the City Council take affirmative action and dismiss the lawsuit the City had filed against the Board of Adjustment decision.

Mr. Clayel Bickers, 306 Oak Ridge Avenue, Fayetteville, NC 28305, requested the Council amend the Unified Development Ordinance regarding the sign standards.

Mr. Charlton Johnson, 334 Park Place, Fayetteville, NC 28305, expressed concerns regarding the potential re-locating or closure of the downtown post office.

## **7.0 CONSENT**

**MOTION:** Council Member Bates moved to approve the consent agenda, with the exception of Item 7.18.

**SECOND:** Council Member Arp

**VOTE:** UNANIMOUS (9-0)

**7.1 Airport – Replace Jetbridge B4 and approve Capital Project Ordinance 2012-4 and Budget Ordinance Amendment 2012-5.**

The ordinance and amendment appropriated \$489,500.00 for the replacement of Jetbridge B4.

**7.2 Community Development – Approval of resolution to renew designation of Urban Progress Zones 1 and 2.**

**RESOLUTION IN SUPPORT OF URBAN PROGRESS ZONES. RESOLUTION NO. R2011-047.**

**7.3 Award contract for the Air Carrier Apron Rehabilitation Phase I project to Barnhill Contracting Company, Fayetteville, NC, in the amount of \$4,331,756.50.**

Formal bids were received August 4, 2011, as follows:

Barnhill Contracting Company (Fayetteville, NC).. \$4,331,756.50

Hinkle Contracting Company, Inc. (Paris, KY)..... \$4,590,700.50

WECC, Inc. (Fayetteville, NC)..... \$4,715,479.00

Clancy & Theys Construction Co. (Raleigh, NC).... \$4,778,438.25

**7.4 Award contract for sports lighting for Tokay Athletic Fields and Century Circle Sports Complex to Musco Sports Lighting LLC, High Point, NC, in the amount of \$360,700.00 as allowed by N.C.G.S. § 143-129(e)(6), “sole source exception”.**

**7.5 Adopt a resolution authorizing the lease of space owned by the City of Fayetteville to National Railroad Passenger Corporation.**

**RESOLUTION AUTHORIZING THE LEASE OF SPACE OWNED BY THE CITY TO NATIONAL RAILROAD PASSENGER CORPORATION. RESOLUTION NO. R2011-048.**

**7.6 Budget Ordinance Amendment 2012-4 (General Fund).**

The amendment appropriated \$46,026.00 to fund the first payment required under the property tax grantback agreement for the construction of the Towers at Wood Valley and \$19,500.00 to fund the implementation of the Study Circles program for the current fiscal year. The source of funding for the amendment was \$65,526.00 appropriated from the General Fund fund balance.

**7.7 Budget Ordinance Amendment 2012-6 (Emergency Telephone System Fund).**

The amendment appropriated \$69,035.00 from the fund balance in the Emergency Telephone System Fund for the purchase of needed equipment and furniture.

**7.8 Capital Project Ordinance 2012-5 (FY 2011 Justice Assistance Grant Program).**

The FY 2011 Justice Assistance Program Grant (JAG), totaling 218,773.00, was awarded to the Fayetteville Police Department and Cumberland County Sheriff's Office. The ordinance appropriated the City's share of \$150,830.00 for the JAG Program.

**7.9 Finance – Capital Project Ordinance Amendment 2012-16 (Sidewalks and Related improvements).**

The amendment appropriated \$146,176.00 to fund the Hoke Loop Road Safe Routes to School sidewalk project and \$28,400.00 for the local match for the Transit New Freedom Grant for ADA compliant sidewalk improvements.

**7.10 Capital Project Ordinance Amendment 2012-17 (Municipal Transportation Agreements).**

The amendment appropriated \$44,567.00 designated for Municipal Agreement funding approved by City Council on October 10, 2011.

**7.11 Special Revenue Fund Project Ordinance 2012-6 (Cumberland County STARS Adult Drug Treatment Court 2011).**

The ordinance appropriated \$265,285.00 for the 2011 Cumberland County STARS Adult Drug Treatment Court. The funding for the project was a \$197,808.00 grant and a \$67,477.00 local match.

**7.12 Special Revenue Fund Project Ordinance 2012-7 (Cumberland County Domestic Violence Training 2011).**

The ordinance appropriated \$17,224.00 for the 2011 Cumberland County Domestic Violence Training program. The program was funded by a \$12,918.00 grant and a \$4,306.00 local match.

**7.13 Special Revenue Fund Project Ordinance Amendment 2012-4 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes).**

The amendment appropriated \$184,929.00 in controlled substance tax revenues, federal forfeiture funds, and associated investment income to increase resources for law enforcement purposes.

**7.14 Approval of Municipal Agreement with NCDOT for Safe Routes to School Program for the Hoke Loop Road sidewalk construction.**

**7.15 PWC – Bid recommendation for purchase of water and wastewater chemicals.**

The Public Works Commission approved bid awards for one-year contracts, with the option to extend the contracts for additional one-year period(s) upon agreement of both parties, for the purchase of water and wastewater chemicals. Bids were received September 29, 2011, as follows:

1. Award bid to Southern Ionics, West Point, MS, low bidder, in the amount of \$91,437.50 for the purchase of approximately 875,000 lbs. of sodium bisulfite. Bids were solicited from 24 bidders with 3 bidders responding as follows:

Southern Ionics, Inc. (West Point, MS).....	\$91,437.50
JCI Jones Chemicals (Charlotte, NC).....	\$108,500.00
PVS Chemical Solutions (Detroit, MI).....	\$140,000.00

2. Award bid to Univar USA, Inc., Morrisville, PA, low bidder, in the amount of \$548,550.00 for the purchase of approximately 2,300 tons of 50 percent caustic soda. Bids were solicited from 24 bidders with 5 bidders responding as follows:

Univar USA, Inc. (Morrisville, PA).....	\$548,550.00
Colonial Chemical Solutions (Savannah, GA).....	\$561,200.00
Brenntag Southeast (Durham, NC).....	\$619,137.00
JCI Jones Chemicals (Charlotte, NC).....	\$650,900.00
Key Chemical (Waxhaw, NC).....	\$708,400.00

3. Award bid to Oltrin Solutions, Hamlet, NC, low bidder, in the amount of \$475,500.00 for purchase of approximately 3,000 tons of 15 percent sodium hypochlorite. Bids were solicited from 24 bidders with 2 bidders responding as follows:

Oltrin Solutions (Hamlet, NC).....	\$475,500.00
Univar USA, Inc. (Morrisville, PA).....	\$482,400.00

**7.16 PWC – Dark Fiber Use Agreement with LMK Communications, LLC.**

**7.17 Phase 5 Annexation Areas 12 and 13 preliminary assessment resolution.**

**RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 12 AND 13 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT “A”. RESOLUTION NO. R2011-049.**

**7.18 Pulled for discussion by Council Member Bates.**

**7.19 Stop sign ordinances.**

**AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES (TRAFFIC SCHEDULE NO. 6 – STOP INTERSECTIONS). ORDINANCE NO. NS2011-013.**

**7.20 Finance – Tax refunds of greater than \$100.00 – October 2011.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Mobley, David L., Sr.	2007-2010	Corrected Assessment	\$ 555.76
Robertson, Daniel Way	2009-2010	Corrected Assessment	222.08
Toyota of Fayetteville	2009-2010	Corrected Assessment	<u>803.44</u>
Total			<u>\$1,581.28</u>

**7.21 Tax refunds of greater than \$100.00 – September 2011.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Larry’s Sausage Company, Inc.	2008-2010	Corrected Assessment	<u>\$999.14</u>
Total			<u>\$999.14</u>

**7.22 Approve Minutes:**

- July 25, 2011 – Regular Meeting
- August 1, 2011 – Work Session
- August 8, 2011 – Discussion of Agenda Items Meeting
- August 8, 2011 – Regular Meeting
- August 17, 2011 – Agenda Briefing
- August 22, 2011 – Regular Meeting
- August 23, 2011 – Special Meeting

- August 25, 2011 – Special Meeting
- August 29, 2011 – Special Meeting

### **7.18 Concurrence of NCDOT rural to municipal speed ordinances.**

This item was pulled for discussion by Council Member Bates. He expressed concerns regarding the speed limits in school zones.

Mr. Neil Perry, Interim Traffic Engineer, stated the City had received a memorandum from NCDOT specifying the speed limits within school zones would not be increased.

### **MUNICIPAL SPEED ORDINANCE. ORDINANCE NO. NS2011-014.**

**MOTION:** Council Member Massey moved to approve with the condition that the NCDOT specifying no increase in school zone speed limits be attached to the ordinance and stated in the official minutes of the meeting.

**SECOND:** Council Member Arp

**VOTE:** PASSED by a vote of 8 in favor to 1 in opposition (Council Member Bates)

### **8.0 OTHER ITEMS OF BUSINESS**

#### **a) Fayetteville-Cumberland County Chamber of Commerce Economic Development Report.**

Mr. Bo Gregory, Director of Economic Development, and Mr. Douglas Peters, President/CEO, Fayetteville-Cumberland County Chamber of Commerce, presented this item and gave a power point presentation of the Economic Development Report.

Discussion ensued regarding the Hope VI Business Park, Murchison Road project, and attendance at the AUSA convention.

Mr. Peters reported that the Chamber had exceeded the membership numbers for the last fiscal year and it was the first time in four years the Chamber had been able to do that. In addition, he stated the recent audit disclosed that for the first time in five years the Chamber had made a profit.

Mayor Chavonne stated the City's strategic plan included multiple goals that were reported on quarterly with very specific action items. He stated three of the goals had the Chamber's name on them. He stated that the Murchison Road corridor development was a specific goal identified by the Council and the Council had commissioned the Chamber to work on the project in addition to the Hope IV Business Park development. He stressed the importance of the Chamber working toward the specific goals laid out by the City Council, and requested the Chamber work more closely with City staff should they need further clarification of the expectations.

#### **b) FY 2012 Strategic Plan's Policy and Management Action Agenda – 1st Quarter Report.**

Ms. Rebecca Rogers-Carter, Management Services Manager, presented this item and provided an overview of the components of the Fiscal Year 2011-2012 Strategic Plan including a 15-year vision statement, a mission statement, the core values, the 5-year goals, and a 1-year work plan with targets for action. She provided a recap of the targets for action as follows:

#### Policy Agenda – Top Priority

Park Bond Referendum

Police Substations Study

FAST Improvements – Evening Service

City Funding of Nonprofit Organizations

Sewer Hookup Acceleration

Building Demolition Program

#### Policy Agenda – High Priority

Economic Development Contract with Chamber

Sign Ordinance

Street Lighting Ordinance

Comprehensive Classification and Compensation

Solid Waste Contracting for Services

Fayetteville Beautiful Support

### Management Agenda – Top Priority

Bragg Boulevard Corridor Development  
Non-Stop Air Service to Washington, D.C.  
Reclaiming Neighborhoods Next Project  
Hope VI Business Park Development  
City Communications Strategy

### Management Agenda – High Priority

Limited English Proficiency and Strategy  
Old Days Inn Site Development  
Multi-Modal Transportation Center  
Prince Charles Hotel

### Key Management in Progress FY 2012

Consolidated 911 Operations  
Probationary Rental Occupancy Permit  
North Carolina Veterans Park  
Youth Council  
Festival Park Plaza Building

Murchison Road Corridor Development

Mayor Chavonne inquired when the annual City Council Retreat would be held. Ms. Rogers-Carter responded January 31 through February 4, 2012.

A brief discussion ensued regarding the grant application under a specific program that the Federal Transportation Administration (FTA) had for construction and phase design activities. Mr. Randy Hume, Transit Director, explained the City had received a de-briefing from FTA to show the terms of why the City was not selected to receive the grant.

Council Member Mohn requested this item be brought to a Council work session.

The consensus of Council was to provide a briefing of the FTA grant application item at a future City Council work session.

A discussion period ensued regarding the issue of adequate street lighting in certain areas and neighborhoods.

Council Member Applewhite inquired if there was a plan to identify the areas that were not in compliance with the lighting ordinance. Mr. Dale Iman, City Manager, responded there was no plan in place and explained the City would traditionally look to PWC to assist with that type of project. He stated there would be a funding issue if the lights were increased. He explained there was the initial cost for installation and then there was the question of how to recover those costs. He stated this was a project they would want PWC to develop and provide for Council consideration.

Mr. Rusty Thompson, Interim Engineering and Infrastructure Director, stated that citizens were welcome to contact him if they believed their immediate street lighting was inadequate and an investigation would be conducted.

Mayor Chavonne requested a letter be sent to all street light providers requesting compliance with the street lighting policy. Mr. Thompson agreed a letter with that content could be sent to the street light providers in the City.

A discussion period ensued regarding the cost of installation and an increase in the monthly bill. Mr. Iman stated this item would be placed on a work session.

An update on the sign ordinance was provided by Mr. Scott Shuford, Chief Development Officer, at the request of Council Member Davy.

### **8.2 Consider adoption of resolution authorizing condemnation to acquire easement for storm drainage improvement project.**

Mr. Rusty Thompson, Interim Engineering and Infrastructure Director, presented this item. He stated staff had been unsuccessful in acquiring the needed drainage easement for a drainage improvement project within the Summerhill Subdivision off Fillyaw Road. He stated construction was scheduled to begin soon and the property would need to be acquired to avoid delays. He stated the purpose of acquiring the easement was to reroute an existing drainage system. He

stated the house was encroaching upon the existing drainage easement and they would not want to cause damage to the residence; therefore, they were relocating the drainage pipes to ensure safety. He stated without approval the project would be delayed. He stated the City would not be able to move forward with the approval of the financing of the above projects without condemnation. He stated several attempts were made to contact the property owner.

**RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE A CERTAIN EASEMENT (PARCEL NO. 9499-71-9640). RESOLUTION NO. R2011-050.**

**MOTION: Council Member Bates moved to approve the resolution authorizing condemnation.**

**SECOND: Council Member Arp**

**VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Crisp)**

**8.3 Transit Bench and Shelter Update**

Mr. Randy Hume, Transit Director, presented this item and provided a power point presentation. He provided background and an update on the installation of the transit benches and shelters.

He stated to date there had been 21 shelters and 16 benches installed. He stated progress was being hindered by the following obstacles:

- 1.ADA standards requiring the installation of a 4 foot by 15 foot concrete pad for new bus stops and a setback of 6 feet from the front of either the bench or shelter, which would require either an encroachment or easement from the adjacent property owners and have been difficult to obtain.
- 2.Many of the FAST bus routes operated on state-owned highways would require approval by NCDOT and could not be submitted for approval until property owner approval was obtained.
- 3.Some locations were impacted by other street and sidewalk projects and to avoid duplication or damage to newly installed bus stops during construction, these stops had been delayed until completion of the construction.

Mr. Hume advised to date they had expended \$252,088.00 of the \$326,909.00 budgeted, leaving a balance of \$74,821.00.

Council Member Applewhite expressed concerns regarding trash discarded around the shelters. A discussion period ensued on possible ways to reduce the cost of installation of the benches and shelters.

Council Member Applewhite requested the ridership be informed of the additional duties staff was tasked with due to trash clean-ups and collections.

Council Member Davy requested a diagram be provided that would detail the location of each bench and shelter.

Council Member Crisp stated that some bus stops would never qualify for a shelter due to right-of-way, limited space, and other issues that would prevent installation of a bench and/or shelter.

**8.4 Appointment Committee recommendations for appointments to the Airport Commission, Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission, and the Stormwater Advisory Board.**

Council member Hurst stated the Appointment Committee met at 5:30 p.m. today to make recommendations for Council approval. He stated the Committee had three vacancies which included the Airport Commission, Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission, and Stormwater Advisory Board.

**MOTION: Council Member Hurst to approve appointing Mr. Sharm Kutch to the Airport Commission, Ms. Patricia Fairley to the Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission, and Mr. Conrad Hoeing to the Stormwater Advisory Board.**

**SECOND: Council Member Crisp**

**VOTE: UNANIMOUS (9-0)**

**9.0 ADMINISTRATIVE REPORTS**

**9.1 Review of proposed 2012 City Council meeting dates dalendar.**

**9.2 Monthly statement of taxes for September 2011.**

2011 Taxes.....	\$2,177,006.85
2011 Vehicle.....	338,755.43
2011 Taxes Revit.....	11,093.58
2011 Vehicle Revit.....	381.69
2011 FVT.....	42,060.05
2011 Transit.....	42,060.06
2011 Storm Water.....	108,712.48
2011 Fay Storm Water.....	217,424.64
2011 Fay Recycle Fee.....	107,254.37
2011 Annex.....	0.00
2010 Taxes.....	44,659.19
2010 Vehicle.....	66,008.37
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	3.91
2010 FVT.....	9,969.86
2010 Transit.....	9,969.83
2010 Storm Water.....	1,695.66
2010 Fay Storm Water.....	3,391.27
2010 Fay Recycle Fee.....	2,954.94
2010 Annex.....	0.00
2009 Taxes.....	3,468.55
2009 Vehicle .....	3,563.32
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	1.94
2009 FVT.....	755.47
2009 Transit.....	755.46
2009 Storm Water.....	226.54
2009 Fay Storm Water.....	453.10
2009 Fay Recycle Fee.....	623.49
2009 Annex.....	0.00
2008 Taxes.....	2,757.94
2008 Vehicle .....	1,391.50
2008 Taxes Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	260.43
2008 Transit.....	195.42
2008 Storm Water.....	91.92
2008 Fay Storm Water.....	127.31
2008 Fay Recycle.....	222.79
2008 Annex.....	0.00
2007 and Prior Taxes.....	1,551.86
2007 and Prior Vehicle.....	2,403.43
2007 and Prior Taxes Revit.....	0.00
2007 and Prior Vehicle Revit.....	0.00
2007 and Prior FVT.....	459.03
2007 and Prior Storm Water.....	163.75
2007 and Prior Fay Storm Water.....	48.00
2007 and Prior Annex.....	4.59
Interest.....	14,209.58
Revit Interest.....	1.15
Storm Water Interest.....	296.91
Fay Storm Water Interest.....	414.52
Annex Interest.....	1.03



Fay Recycle Interest..... 386.96  
Fay Transit Interest..... 1,063.41  
Total Tax and Interest..... \$3,219,301.58

**10.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:15 p.m.