

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
FEBRUARY 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); 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
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Benjamin Nichols, Chief Officer of Fire/Emergency Management
Rob Anderson, Chief Development Officer
Lisa Smith, Chief Financial Officer
Jeffery Brown, Engineering & Infrastructure Director
Rusty Thompson, City Traffic Engineer
Karen Hilton, Planning and Zoning Division Manager
David Nash, Planner II
Craig Harmon, Planner II
Marsha Bryant, Planner II
Glenn Harbeck, Consultant, Harbeck & Associates
Rita Perry, 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 Pastor Marvin Price, Founder of Common Ground Ministry, Inc.

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 Arp moved to approve the agenda.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

5.0 Announcements and Recognitions

Mayor Chavonne announced the National Youth-At-Risk Conference along with the National Network for Educational Renewal named Pauline Jones Elementary School a "High Flying School for 2011" and would be receiving this honor at the National Youth-At-Risk Conference to be held March 6-9, 2011, in Savannah, Georgia. Council Members Chavonne and Davy, on behalf of the City Council, presented a Certificate of Excellence to students, parents, faculty, and staff of Pauline Jones Elementary School to recognize and celebrate them being honored as a "High Flying School for 2011" and in special recognition and appreciation of their continued commitment to excellence in education. Ms. Tonya Lock, SGA President, thanked Council Members Chavonne and Davy and Police Chief Tom Bergamine and Police Captain Kenneth Eaker for their support and presented small tokens of appreciation to the City Council. Council Members Chavonne and Hurst, on behalf of the City Council, presented City Coins to Ms. Katie Elizabeth Mills, Miss Fayetteville 2011, and Ms. Elizabeth Adkins, Miss Fayetteville Outstanding Teen 2011. Ms. Mills thanked the Council and Fayetteville for their support and described her platform in the pageant as well as Mr. Adkins' platform.

Council Members Chavonne and Massey, on behalf of the City Council, presented a Proclamation to Ms. Patricia Fortuna, Human Relations Commission Chair, and Mr. Ron McElrath, Human Relations Director, proclaiming February 2011 Human Relations Month. Ms. Fortuna thanked the City Council for joining with the Governor in this very important proclamation and supporting the Human Relations Commission.

6.0 Public Forum

Mr. Alphonso Whitfield, III, The Vital ToolBox, stated he was representing a group of all-equity investors that reached a tentative agreement with Mr. Chen to redevelop the hotel. He stated they would like to meet with City staff in an effort to positively move forward to make the opportunity that they see become real and profitable and bring jobs to downtown Fayetteville. He stated they hope to reach agreements with adjacent property owners to bring together a comprehensive development plan for the property.

Mr. Charlton Johnson, 334 J. Point Place, Fayetteville, NC 28301, expressed concerns with the F.A.S.T. bus system.

Ms. Tammy Simmons-Morse, Community Against Pedophiles, 908 Carolina Avenue, Fayetteville, NC 28301, expressed concerns with a home in her neighborhood being rented to five registered sex offenders that was not registered as a group home.

Mr. Brian Watson, 2841 Skye Drive, Fayetteville, NC 28303, on behalf of Hillsboro Partners, spoke regarding 1301 Hillsboro Street and provided a history of the property. He stated their original intention at purchase was to demolish the building due to fire damage. He stated upon further investigation, it was determined the fire damage was minimal, was limited to the roof structure, and could be easily repaired. He stated they provided a letter to the City Council from their engineers certifying the structural integrity of the building. He stated the building was cleaned up and secured and that there were multiple church groups interested in purchasing the property. He stated they were committed to completing the roof repairs and the exterior aesthetic repairs no later than April 15, 2011.

Mr. Luther Tinsley, 2748 George Owen Road, Fayetteville, NC 28306, on behalf of Hillsboro Partners, spoke regarding 1301 Hillsboro Street and stated he had a petition signed by 80 people in the neighborhood who would like to see the church remain a church. He stated renovation of the building would provide jobs in the area and felt the historical value of the church had not been taken into consideration. He stated they were requesting that Council delay the order to demolish the church.

Mr. Neill Lindsay, 531 West Russell Street, Fayetteville, NC 28302, spoke regarding the Multi-Modal Transportation Center and stated downtown business operators felt the location was not right. He stated they were not opposed to the concept but were opposed 100 percent to the location. He expressed concerns regarding potential of traffic and parking problems.

Mr. Greg Johnson spoke regarding a woman in Fayetteville diagnosed with tetanus. He stated out of 50 cases in 2009, 40 percent of those people died and in 2010 she was the only one diagnosed in the United States with the disease. He announced they were holding a fundraiser on March 26, 2011, at 4115 Legion Road, Hope Mills, NC, from 10:00 a.m. to 4:00 p.m., to bring awareness of the disease and support to the family.

Ms. Joann Adams, 210 Central Drive, Fayetteville, NC 28301, spoke regarding the property at 1301 Hillsboro Street and expressed concern with the danger of the structure and graffiti. She stated the people in the community want the building to be demolished.

Ms. Susan Hesnard, 2130 Baywater Drive, Fayetteville, NC 28304, spoke regarding the Multi-Modal Transportation Center and expressed opposition to the project.

Mr. William Gillis, 7715 Climbing Tree Lane, Fayetteville, NC 28306, spoke regarding the Multi-Modal Transportation Center and expressed opposition to the project and the use of condemnation to acquire the properties.

7.0 Consent

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

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

7.1 Consideration of revisions to City Code Chapter 2, Article II, Sec. 2-42, Public Art Commission; composition and responsibilities.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-42, PUBLIC ART COMMISSION; COMPOSITION AND RESPONSIBILITIES. ORDINANCE NO. S2011-001.

7.2 Adopt a resolution confirming non-inclusion of a portion of Ardmore Drive and a portion of Baldwin Avenue on Street Plan.

RESOLUTION CONFIRMING NON-INCLUSION OF A PORTION OF ARDMORE DRIVE AND A PORTION OF BALDWIN AVENUE IN THE CITY OF FAYETTEVILLE STREET PLAN. RESOLUTION NO. R2011-003.

7.3 Adopt a resolution confirming non-inclusion of a portion of Nimocks Avenue and a portion of an unnamed alley off of Old Wilmington Road on Street Plan.

RESOLUTION CONFIRMING NON-INCLUSION OF A PORTION OF NIMOCKS AVENUE AND A PORTION OF AN UNNAMED ALLEY OFF OF OLD WILMINGTON ROAD IN THE CITY OF FAYETTEVILLE STREET PLAN. RESOLUTION NO. R2011-004.

7.4 Addition of streets to the City of Fayetteville's System of Streets.

7.5 Adoption of municipal speed ordinances.

MUNICIPAL SPEED ORDINANCE. ORDINANCE NO. NS2011-002.

7.6 Adopt a resolution designating the Chief Financial Officer of the City to declare official intent to reimburse expenditures under United States Department of Treasury Regulations on behalf of the City.

RESOLUTION DESIGNATING THE CHIEF FINANCIAL OFFICER OF THE CITY TO DECLARE OFFICIAL INTENT TO REIMBURSE EXPENDITURES UNDER UNITED STATES DEPARTMENT OF TREASURY REGULATIONS ON BEHALF OF THE CITY. RESOLUTION NO. R2011-005.

7.7 Budget Ordinance Amendment 2011-6 (General Fund and Airport).

This amendment appropriated \$266,610.00 in the General Fund to fund the first debt service payment for the parking deck loan, and transferred existing budgeted funding between the Information Technology and Police Departments; the Parks, Recreation and Maintenance and Environmental Services Departments; and the City Attorney's office and the Engineering and Infrastructure Department. This amendment also appropriated \$173,359.00 of net assets for the Airport Fund to facilitate the early repayment of an interfund loan from the General Fund.

7.8 Special Revenue Fund Project Ordinance Closeouts 2011-6 (FY 08 Operation Ceasefire) and 2011-7 (FY 06 Homeland Security).

The projects were completed in a previous fiscal year and the revenues and expenditures audited. This would formally authorize closure of the projects for accounting purposes.

7.9 Special Revenue Fund Project Ordinance 2011-7 (FY 2011 Operation Ceasefire Program).

The ordinance established the budget for the Operation Ceasefire Program for fiscal year 2011. The program was funded by a \$21,800.00 grant awarded by the State of North Carolina Department of Crime Control and Public Safety, Division of the Governor's Crime Commission. The grant funded supplies and other operating costs of the program.

7.10 Special Revenue Fund Project Ordinance 2011-8 (FY 2011 Juvenile Restitution Program).

The ordinance appropriated \$129,735.00 for the Juvenile Restitution Program for fiscal year 2011.

7.11 Adopt resolution to accept a report of unpaid taxes for 2010 and direct the advertisement of tax liens.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2011-006.

7.12 Bid recommendation - voltage regulators.

The Public Works Commission approved bid award for purchase of three 833kVA, 7.2kV voltage regulators, PWC Stock No. 1-245-013 to HD Supply Utilities, Wake Forest, NC, low bidder meeting specifications in the total amount of \$125,240.01, with option to purchase additional quantities within a one-year period upon agreement of both parties. Bids were solicited from five vendors with three vendors responding. Bids were received December 8, 2010, as follows:

<u>Bidders</u>	<u>Unit Cost</u>	<u>Total Cost</u>
HD Supply Utilities (Wake Forest, NC).....	\$41,746.67.....	\$125, 240.01
**Stuart C. Irby (Rocky Mount, NC).....	\$27,921.00.....	\$83,763.00
**Siemens Energy (Richland, MS).....	\$33,765.00.....	\$101,295.00
**HD Supply Utilities (Wake Forest, NC) (Alternate).....	\$34,175.14.....	\$102,471.42

**The bids submitted were found to be noncompliant to specifications.

7.13 PWC financial matters – budget amendments.

The Public Works Commission approved the following financial matters:

1.Annexation Phase V – Project 1 Capital Project Fund, Amendment #4, Final Close: The amendment closed out the Capital Project Fund and allowed the distribution of the remaining balance to the City General Fund (\$688,156.00) and PWC Phase V Annexation Reserve Fund (\$727,903.00. One million dollars was previously transferred to each of the City General Fund and PWC W/S Fund. Total project cost was \$11,017,183.00.

2.Annexation Phase V Reserve Fund – Amendment #3: The amendment reduced the transfer from PWC Water/Wastewater General Fund of \$727,903.00 and received the transfer of \$727,903 from the Annexation Phase V Project 1 Capital Project Fund.

3.Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Amendment #2:
Electric Fund

- Increase the transfer to City – Street lights by \$130,000.00
- Decrease General and Administration – Contingency by \$130,000.00
- Increase Capital Expenditures – Structures and improvements/parking deck by \$281,000.00
- Provide for a renewable energy loan - \$2,000,000.00
- Reduce generation plant – Cross Creek methane project by \$2,054,925.00
- Reduce appropriation to electric net assets by \$226,075.00

Water/Wastewater Fund

- Reduce the appropriation to the Annexation Phase V CPF by \$727,903.00
- Increase the appropriation to the water/wastewater net assets by \$727,903.00

Fleet Maintenance Internal Service Fund

- Increase capital expenditures – Fleet storage building conversion by \$200,000.00
- Increase appropriations from FMISF net assets \$200,000.00

7.14 Interlocal agreement for fiber services.

7.15 Site Solutions proposal for assisting with bond package.

8.0 OTHER ITEMS OF BUSINESS

8.1 Consider adoption of resolution authorizing condemnation to acquire right-of-way for the Murchison Road Sidewalk Project.

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided background information. He stated Fayetteville State University (FSU) executed a municipal agreement with North Carolina Department of Transportation (NCDOT) making FSU responsible for right-of-way acquisition with NCDOT funding the construction at \$20,000.00. He stated FSU executed a memorandum of understanding with the City making FSU responsible for funding right-of-way from Council Street to Langdon Street and the City responsible for funding right-of-way from Langdon Street to Lakeland Street. He stated the City acquired 11 parcels needed to complete the construction of the sidewalk with 1 outstanding parcel remaining. He stated the

City offered \$830.00 for the needed right-of-way and the owner was not interested in selling the right-of-way but the entire parcel. He stated that option was declined and the City made numerous attempts to contact the owner unsuccessfully.

**A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY.
RESOLUTION NO. R2011-007.**

MOTION: Council Member Bates moved to approve.

SECOND: Council Member Massey

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

8.2 Consider recommended award for Veterans Park exhibit item.

Mr. Craig Hampton, Special Projects Director, presented this item and explained a ribbon exhibit was being recommended for the North Carolina Veterans Park Visitor Center. He stated the ribbon exhibit would replicate all service ribbons given to all service members of the five branches of the military. He stated this was reviewed by the project management team and the Content Committee and they were recommending the high bid which was the only bid that met the specifications.

Mayor Chavonne inquired if it was the bid from CG&D. Mr. Hampton responded in the affirmative and stated the bid was in the amount of \$98,270.17.

A question and answer period ensued regarding the design of the display, the order placement of the ribbons, and the capability to add ribbons to the display.

MOTION: Council Member Bates moved to award the contract as recommended to CG&D Studios.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

8.3 Consider award of Sole Source Contract for Veterans Park exhibit item.

Mr. Craig Hampton, Special Projects Director, presented this item and explained the placement of the globe exhibit at the Veterans Park Visitor Center. He stated the design architect spent many months reviewing different vendors and manufacturers for this particular item. He stated one of the design criteria that they tried to follow in the process was "Made in America" and also using North Carolina indigenous materials whenever they could. He stated an investigation led them to a vendor in North Dakota and they had spent the last two months negotiating specifications and pricing. He stated this was the only known source they had found after four months of investigation. He explained the design of the globe and stated it would be remotely operated from a touch screen which would allow visitors to pick an area and the globe would rotate on three dimensions with a laser pointer pointing to the area.

MOTION: Council Member Davy moved to award the contract as recommended to Bohl Iron Works, LLC, for \$117,500.00

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

Mayor Chavonne requested that Mr. Hampton provide the information for the opening of the Veterans Park. Mr. Hampton responded the dedication for the Park would be July 4, 2011, at 10:00 a.m.

8.4 Adopt a resolution authorizing condemnation to acquire property for the Multi-Modal Transportation Center.

Mr. Doug Hewett, Assistant City Manager, presented this item and stated this item was requesting authorization for acquisition through condemnation of properties located on a portion of 135 Robeson Street and at 500 West Russell Street for use as a Multi-Modal Transportation Center. He provided a brief history of the project. He reviewed an aerial of the site and stated to date the City had acquired three of the five parcels and had been unsuccessful in acquiring the remaining two parcels. He stated given negotiations, they felt it was unlikely they would be successful without further City Council action. He reviewed the FTA requirements for the property acquisition.

**A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY
(PARCEL 1). RESOLUTION NO. R2011-008A.**

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY (PARCEL 2). RESOLUTION NO. R2011-008B.

MOTION: Council Member Applewhite moved to approve the resolution authorizing acquisition of the properties at 135 Robeson Street and 500 West Russell Street as recommended.

SECOND: Council Member Hurst

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

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

Council Member Hurst presented this item and requested the City Council accept the following recommendations for the March 2011 vacancies:

BOARDS/COMMISSIONS	RECOMMENDATIONS	TERM
Airport Commission	Katherine Marable	Fill-in
Fair Housing	David B. Lucas	2nd
Charles Gibbs	1st	Delisa Berhow
1st	Historic Resources Commission	Neil Grant (Category 3)
2nd	Eric Lindstrom (Category 4)	1st
John S. Duvall, Sr. (Category 5)	1st	Catherine M. Mansfield (Category 6)
2nd	Paul H. Monroe (Category 6)	2nd
Calvin J. Dalton (Category 6)	1st	Sara Hayes (Category 6)
1st	JointCity and County Senior Citizens Advisory Commission	Carey D. Berg
Fill-in	Linear Park Corporation	Molly Arnold
2nd	Amy Renee Wilson	Fill-in
North Carolina Firemen’s Relief Fund Board of Trustees	Robert A. Nobles	2nd
Personnel Review Board – 1 vacancy remaining	Alicia L. Chinlund	2nd
Catherine L. Ramos	1st	FayettevillePlanning Commission
Maurice Wren	Fill-in	Public Arts Commission
Dell K. Hollstein (Museum of Arts)	2nd	Dwight Smith (Arts Council)
2nd	Suzanne Frank (Arts Council)	1st
Wrecker Review Board	Lloyd Lietz	Fill-in

MOTION: Council Member Hurst moved to approve the appointments as recommended.

SECOND: Council Member Crisp

Mayor Chavonne inquired if there were requirements for any of the positions on the Linear Park Corporation or were they open to citizens at-large. Council Member Hurst responded the City Manager, City Chief Financial Officer, and five at-large.

VOTE: UNANIMOUS (10-0)

Council Member Hurst stated there was an at-large vacancy remaining on the Linear Park Corporation and one vacancy on the Personnel Review Board.

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for January 2011.

2010 Taxes.....	\$9,544,76.45
2010 Vehicle Taxes.....	368,611.48
2010 Revit.....	36,159.05
2010 Vehicle Revit.....	290.07
2010 FVT.....	46,825.74
2010 Transit Tax.....	6,825.75
2010 Storm Water.....	311,288.26
2010 Fay Storm Water.....	622,552.59
2010 Recycle Fee.....	208,677.17
2010 Annex.....	35.87
2009 Taxes.....	12,152.38
2009 Vehicle Taxes.....	44,581.49
2009 Revit.....	0.00
2009 Vehicle Revit.....	0.00
2009 FVT.....	7,147.42
2009 Transit Tax.....	7,147.43
2009 Storm Water.....	2,171.23
2009 Fay Storm Water.....	4,342.46
2009 Recycle Fee.....	529.12
2009 Annex.....	0.00
2008 Taxes.....	4,010.41
2008 Vehicle	1,989.49
2008 Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	481.50
2008 Transit Tax.....	326.49
2008 Storm Water.....	2,041.51
2008 Fay Storm Water.....	3,939.03
2008 Recycle.....	131.28
2008 Annex.....	0.00
2007 Taxes.....	3,807.73
2007 Vehicle	1,037.94
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00
2007 FVT.....	225.00
2007 Storm Water.....	2,006.44
2007 Fay Storm Water.....	3,888.00
2007 Annex.....	0.00
2006 and Prior Taxes.....	52,056.49
2006 and Prior Vehicle.....	2,332.47
2006 and Prior Revit.....	0.00
2006 and Prior Vehicle Revit.....	0.00
2006 and Prior FVT.....	567.65
2006 and Prior Storm Water.....	11,628.00
2006 Annex.....	95.49
Interest.....	69,679.36
Revit Interest.....	126.02
Storm Water Interest.....	8,743.77
Fay Storm Water Interest.....	3,540.87
Annex Interest.....	17.46
Fay Recycle Interest.....	876.21

Total Tax and Interest..... \$11,437,632.57

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 11:05 p.m.