

**FAYETTEVILLE CITY COUNCIL  
SPECIAL MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
AUGUST 22, 2011  
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 6:20 p.m.); 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); James W. Arp, Jr. (District 9)

Others Present:

Dale Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
Lisa Smith, Chief Financial Officer  
Victor Sharpe, Community Development Director  
John Kuhls, Human Resource Development Director  
Scott Shuford, Development Services Director  
Frank Lewis, Senior Code Enforcement Administrator  
Rusty Thompson, Engineering and Infrastructure Interim Director  
Bart Swanson, Housing and Code Enforcement Division Manager  
Craig Harmon, Planner II  
David Nash, Planner II  
Randy Hume, Transit Director  
Jeff Thompson, Fayetteville Advisory Committee on Transit  
Rebecca Rogers-Carter, Management Services Manager  
Jennifer Lowe, Public Information Officer  
Nathan Walls, Public Information Specialist  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Chavonne called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Mayor Pro Tem Haire.

**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 Mohn moved to approve the agenda.**

**SECOND: Council Member Massey**

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

**5.0 CONSENT**

**MOTION: Council Member Hurst moved to approve the consent agenda.**

**SECOND: Mayor Pro Tem Haire**

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

**5.1 Municipal agreements for railway crossing signals and gates at McLamb Street and for Dobson Drive.**

**COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (MCLAMB STREET). RESOLUTION NO. R2011-039.**

**COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (DOBSON DRIVE). RESOLUTION NO. R2011-040.**

**5.2 Municipal agreement for a right-turn lane on Morganton Road.**

**5.3 Acquisition of residential lot located at 1633 Rosebud Drive.**

**5.4 Fee schedule adjustment for renovation projects.**

**5.5 Special Revenue Fund Project Ordinance Closeout 2012-1 (FY 2006 Justice Assistance Grant).**

Annually the City closes out several projects that were completed and no longer active. The FY 2006 Justice Assistance Grant project was completed in a previous fiscal year and the revenues and expenditures related to the project were audited.

**5.6 Capital Project Ordinance Amendment Change 2012-12 (NCDOT Municipal Grant Agreements) and Budget Ordinance Amendment 2012-1 (General Fund).**

The amendment appropriated \$45,000.00 for the funding of transportation and railroad crossing safety improvements at McLamb Street and Dobson Drive, as well as appropriated an additional \$100,000.00 for the Morganton Road widening project. The accompanying budget ordinance amendment appropriated \$135,000.00 from General Fund fund balance to provide required local funding for the project.

**5.7 Award contract for Summerhill storm drainage improvements to the lowest, responsible bidder, Pipeline Utilities, Inc., Raleigh, NC, for the bid amount of \$969,736.00.**

Bids were received August 4, 2011, as follows:

Pipeline Utilities, Inc. (Raleigh, NC).....	\$969,736.00
T. A. Loving Company (Goldsboro, NC).....	\$1,098,590.00
Triangle Grading & Paving, Inc. (Burlington, NC).....	\$1,117,022.00
Lanier Construction Company, Inc. (Snow Hill, NC).....	\$1,138,366.50
L-J, Inc. (Columbia, SC).....	\$1,175,843.25
Colt Contracting Company (Clinton, NC).....	\$1,417,043.55

**6.0 OTHER ITEMS OF BUSINESS**

**6.1 Approval of Transit service improvements.**

Mr. Randy Hume, Transit Director, presented this item and stated two community meetings and a City Council public hearing were held wherein concerns were raised regarding changes to Route 9. He briefly reviewed the recommended service changes as follows:

- Add evening hours to Route 5 until 9:00 p.m., Route 8 until 10:00 p.m., and Route 15 until 10:30 p.m.
- Extend Route 9 to Andrews Road (Cape Fear Valley North Pavilion)
- Reduce last trip on Route 9 (end at 9:30 p.m.)
- FASTTRAC! Paratransit services expanded

Mr. Hume stated the changes would become effective on September 26, 2011, if approved. A question and answer period ensued regarding the change to Route 9. Mr. Hume explained in response to the concerns raised on Route 9, the bus, after making a stop at University Estates, the bus would make a stop at Wal-Mart at 9:30 p.m. and then continue to downtown for those who wanted to make a transfer to Route 12.

**MOTION: Council Member Bates moved to approve the recommended changes with an effective date of September 26, 2011.**

**SECOND: Council Member Applewhite**

**VOTE: UNANIMOUS (10-0)**

**6.2 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 September 2011 vacancies:

BOARDS/COMMISSIONS	RECOMMENDATIONS
Airport Commission	Katherine Marable
Mark J. Cluff	Sailaja Vallabha
Animal Service Board	Dell Caramanno
Board of Adjustment	Carolyn Long Gaskins
Board of Appeals on Dwellings and Buildings	Beverly Keller
Paul Rodriguez	Ronald W. Adams

Ethics Commission	Alesia M. Shaw
FayettevilleAdvisory Committee on Transit	Jeff Thompson
Scott A. Gibson	Carlos Manuel
ony Paschall	Fayetteville-Cumberland Human Relations Commission
tyran Jamail George	Yanive Jensen
sim Raja	Judy Swanson
Fayetteville-CumberlandParksand Recreation Advisory Commission	BurtonLawson
Robert Lints	Nancy Shakir
Fayetteville Finance Corporation	William Brooks
C. Keith Love	FayettevilleMetropolitan Housing Authority
Calvin P. Poole, Jr.	FayettevillePlanning Commission
immy Holland, Jr.	Maurice W. Wren
Ronald Michael	Jessica Ranavaya
ohn L. Johnson (Alternate)	FayettevilleZoning Commission
Martin J. Hendrix	Marshall Isler
amie L. Bashore-Watts	David Baran (Alternate)
ointCity and County Appearance Commission	George M. Dudley
ointFayetteville-Cumberland CountySenior Citizens Advisory Commission	Saroya N. Pendleton-Brown
Carey D. Berg	Linear Park, Inc.
Robert A. Barefoot	Personnel Review Board
urLonna Walker	Public Works Commission
uis J. Olivera	Storm Water Advisory Board
Charles A. Donnell	Carlton G. Mercer
Kevin Briscoe	Taxicab Review Board
George Butterfly	Joseph A. Robinson

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

**SECOND:** Council Member Crisp

Council Member Mohn inquired if there would be a conflict of interest if an appointee was also someone the City could contract with for services. Ms. Karen McDonald, City Attorney, responded in the negative and explained the appointee would need to comply with the conflict of interest rules set forth in the ordinance and the statute.

**VOTE: UNANIMOUS (10-0)**

Council Member Hurst announced that vacancies were remaining on the Fayetteville-Cumberland Human Relations Commission, Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission, Storm Water Advisory Board, and Joint City and County Appearance Commission.

**6.3 Uninhabitable Structures Demolition Recommendations:**

**301 Cochran Avenue**

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, reviewed background information and photos and stated the structure on the property was blighted and there was no historical value. He stated the utilities to the structure had been disconnected since 2005 and stated within the last two years there had been seven 911 calls for service and six code violations. He stated there were assessments totaling \$393.92 and the low bid for demolition of the structure was \$2,900.00.

**1504 Gillespie Street**

Mr. Swanson reviewed background information and photos and stated the structure on the property was blighted and fire damaged in 2010 and there was no historical value. He stated the utilities to the structure had been disconnected since 2009 and within the last two years there had been two 911 calls for service and two code violations. He stated there were no outstanding assessments and taxes and the low bid for demolition of the structure was \$1,400.00.

#### **6418 Ginger Circle**

Mr. Swanson reviewed background information and photos and stated the structure on the property was blighted and fire damaged in 2010 and there was no historical value. He stated the utilities to the structure had been disconnected since 2005 and within the last two years there had been one 911 call for service and two code violations. He stated there were assessments totaling \$840.28 and the low bid for demolition of the structure was \$1,400.00. He stated late last Thursday they were contacted by the property owner who expressed a strong interest in rehabilitating the property. He stated as of this morning, the property owner did come down and take out a building permit for \$20,000.00 in improvements. He stated staff was recommending that no action be taken on the property to give the owner a chance to clean up the property.

Council Member Applewhite inquired if there would be a timeline for improvements. Mr. Swanson responded in the affirmative and stated it would come back to Council if there was no progress made on the improvements. Council Member Applewhite requested she be informed of the timeline so that she could respond to citizen inquiries as to the status and expectations. Mr. Swanson responded he could do that.

Council Member Bates inquired of the City Attorney if they could take action to approve the demolition of the property. Ms. McDonald responded that since the building permit was issued, she would have concerns with Council adopting the ordinance. She stated staff would be prepared to bring the property back to Council to adopt a demolition ordinance if the timelines were not met.

Council Member Bates inquired of the City Attorney if they would have to re-advertise and re-bid if the requirements were not met and it came back to Council and could that cost be added to what they were charging the homeowner or be a part of the lien process. Ms. McDonald responded they would need to look into that as a staff.

Council Member Crisp inquired if they could adopt the demolition ordinance but put a condition that it be demolished in four months, and could they rescind the ordinance if progress was not made. Ms. McDonald responded during their research they had not found the proper mechanism to adopt an ordinance and then rescind it for this type of situation. She explained Mr. Swanson would put progress steps in place as soon as he met with the Building Inspector and those steps would be very clear as to the progress required to meet the deadlines. She stated if those steps were not met within the timeline, it would be brought back to Council for action.

Council Member Applewhite inquired if a three-year threshold could be established and the blighted properties would have to come before Council before permits were issued and provide an opportunity for citizens in the neighborhood to voice their concerns. Ms. McDonald responded it could be researched.

**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 (301 COCHRAN AVENUE). ORDINANCE NO. NS2011-008.**

**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 (1504 GILLESPIE STREET). ORDINANCE NO. NS2011-009.**

**MOTION: Council Member Davy moved to adopt the ordinances authorizing demolition of 301 Cochran Avenue and 1504 Gillespie Street.**

**SECOND: Council Member Applewhite**

Council Member Mohn inquired if the structures were structurally sound. Mr. Swanson responded in the affirmative and stated they were in the blighted area and that was the reason they were added to the list.

Council Member Mohn inquired what areas were blighted. Mr. Frank Lewis, Senior Code Enforcement Administrator, responded there was a map with the blighted areas designated as a result of special legislation that the City Council petitioned for in 2006. He stated if the structures were outside the blighted area, they would require significant structural damage to be considered for demolition.

**FRIENDLY AMENDMENT: Council Member Bates made a friendly amendment to request a 30-day update on 6418 Ginger Circle.**

Council Members Davy and Applewhite accepted the friendly amendment.

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

**7.0 ADMINISTRATIVE REPORTS**

**7.1 Monthly statement of taxes for July 2011.**

2011 Taxes.....	\$144,263.48
2011 Vehicle.....	208,537.27
2011 Revit.....	12.65
2011 Vehicle Revit.....	367.68
2011 FVT.....	25,765.50
2011 Transit.....	25,765.50
2011 Storm Water.....	5,291.54
2011 Fay Storm Water.....	10,582.99
2011 Fay Recycle Fee.....	11,024.65
2011 Annex.....	0.00
2010 Taxes.....	64,740.45
2010 Vehicle.....	124,089.50
2010 Revit.....	1,394.68
2010 Vehicle Revit.....	0.00
2010 FVT.....	17,797.01
2010 Transit.....	17,802.00
2010 Storm Water.....	1,952.45
2010 Fay Storm Water.....	3,904.88
2010 Fay Recycle Fee.....	4,625.41
2010 Annex.....	0.00
2009 Taxes.....	3,673.52
2009 Vehicle.....	3,563.58
2009 Revit.....	29.03
2009 Vehicle Revit.....	0.00
2009 FVT.....	850.23
2009 Transit.....	850.23
2009 Storm Water.....	124.76
2009 Fay Storm Water.....	249.54
2009 Fay Recycle Fee.....	395.11
2009 Annex.....	0.00
2008 Taxes.....	1,813.54
2008 Vehicle .....	1,151.89
2008 Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	282.24
2008 Transit.....	194.03

2008 Storm Water.....	130.61
2008 Fay Storm Water.....	197.74
2008 Fay Recycle Fee.....	346.05
2008 Annex.....	0.00
2007 and Prior Taxes.....	1,024.28
2007 and Prior Vehicle.....	1,574.77
2007 and Prior Revit.....	11.16
2007 and Prior Vehicle Revit.....	0.00
2007 and Prior FVT.....	356.08
2007 and Prior Storm Water.....	108.00
2007 and Prior Annex.....	24.00
Interest.....	13,172.57
Revit Interest.....	94.77
Storm Water Interest.....	228.08
Fay Storm Water Interest.....	339.20
Annex Interest.....	37.13
Fay Recycle Interest.....	439.59
Fay Transit Interest.....	922.66
Total Tax and Interest.....	\$700,213.25

**7.2 Revenue and expenditure report for annually budgeted funds for the ten-month period ended April 30, 2011.**

**8.0 ADJOURNMENT**

There being no further business, the meeting adjourned.