

FAYETTEVILLE CITY COUNCIL

AGENDA

JANUARY 8, 2007

7:00 P.M.

CITY HALL COUNCIL CHAMBER

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3) Darrell J. Haire (District 4); Lois A. Kirby (District 5); Paul Williams (District 6); Curtis Worthy (District 7); Juanita Gonzalez (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Kyle Sonnenberg, Assistant City Manager

Stanley Victrum, Assistant City Manager

Karen M. McDonald, City Attorney

Lisa Smith, Chief Financial Officer

Jimmy Teal, Planning Director

Brad Whitted, Airport Director

Doug Hewett, Management Services Director

Tom McNeill, PWC Consultant

B.E.(Benny)Nichols, Fire/Emergency Management Chief

Bobby Teague, Engineering and Infrastructure Director

Candice White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Rev. Arnold Coley, Chaplain for the City of Fayetteville Police Department, Fayetteville, NC, followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Gonzalez

VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

There were no announcements or recognitions.

B. Comment Period

Mayor Chavonne opened the public comment period.

Mr. Karl Merritt, 4405 Biway Circle, Fayetteville, NC, expressed concern regarding a City Council makeup of six single-member districts and three at-large seats. Mr. Merritt stated he regrets having signed the petition in favor of the referendum and now serves as chairman of the Vote No 2 Referendum Committee whose purpose is to provide information to citizens so they will not vote on too few facts and emotion. Mr. Merritt stated the current City Council makeup of nine single-member districts ensures equal representation of all citizens.

Ms. Veronica Jones, 1517 Grandview Drive, Fayetteville, NC, expressed concern that when the six-three districts were rescinded in 1999, the approximate cost to taxpayers was \$75,000.00. Ms. Jones stated the \$75,000.00 of taxpayers' money should be used to resolve existing issues related to transportation, roads and education and doing what is best for the community as a whole. Ms. Jones stated the proposed six-three redistricting is about power, not race.

Mr. Thomas Hennessey, 219 Claremont Street, Fayetteville, NC, stated multi-member at-large districts are less representative and less democratic than single-member districts. Mr. Hennessey stated while everyone votes for at-large members, they are not elected by a majority of the people. Mr. Hennessey further stated single-member districts represent a majority of the people while at-large districts represent one-third of the districts, leaving the other two-thirds unrepresented.

Rev. Floyd W. Johnson, 716 Amber Drive, Fayetteville, NC, stated the past three at-large seats were done away with because they created division and did not provide equal representation. Rev. Johnson stated the proposed redistricting would again create division between those who are privileged and want to gain power and those who prefer a more equal way of life. Rev. Johnson stated the numbers and the history of the City of Fayetteville say vote no to the referendum.

Mr. Ted Mohn, 6961 Bone Creek Drive, Fayetteville, NC, expressed concern regarding the \$75,000.00 being wasted on the February 6, 2007 referendum and stated Council is responsible because they voted twice not to put the vote on the November 2006 ballot. Mr. Mohn showed a map of the current Council districts and stated current representation is unfair because six Council Members live within the same ten square miles in a city of ninety-four square miles.

Dr. Dave Wilson, 6326 Morganton Road, Fayetteville, NC, stated the Tiffany Pines Community Outreach Center (TPCOC) is vacating operations on Blue Street and relocating to several buildings throughout the city. Mr. Wilson stated the organization needs a location to operate a computer lab for school-age children who do not have computers in their homes and is requesting assistance from the City of Fayetteville to use the Hillsboro Street firehouse. Mr. Wilson stated the firehouse is ideal because of its size and location within the community that will benefit from the computer lab.

Mr. Moses Mathis, 624 Platinum Street, Fayetteville, NC, stated the Tiffany Pines Community Outreach Center (TPCOC) needs a building to house a computer lab for children who cannot get to library to do their homework and for children who need to learn how to operate a computer. Mr. Mathis stated senior citizens can also learn how to operate a computer for access to the internet and email. Mr. Mathis asked that Council give consideration to the organization's use of the Hillsboro Street firehouse and stated he will maintain insurance on the building or anything else the City requests.

Mr. Amir Eronomy Muhammed, 2700 Murchison Road, Fayetteville, NC, stated a process is underway to find a location for a hotel on Murchison Road and a black banking institution wants to come to Fayetteville. Mr. Muhammed stated these efforts are underway without the assistance of the City Council and with the use of Raleigh, North Carolina as an example.

3. CONSENT:

Council Member Evans requested that Item B.1. be pulled for discussion.

Council Member Gonzalez requested that Item 3.E. be pulled for discussion.

Council Member Haire requested that Item 3.G. be pulled for discussion.

Council Member Williams requested that Item 3.F. be pulled for discussion.

MOTION: Council Member Worthy moved to approve the consent agenda with the exception of Items B.1., 3.E., 3.G. and 3.F.

SECOND: Council Member Gonzalez

VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve minutes:

- 1. December 4, 2006 Work Session**
- 2. December 11, 2006 City Council Meeting**

B. Approve the following financial matters:

- 1. Pulled for discussion.**
- 2. Capital Project Ordinance Amendment 2007-12 (Airport Terminal Loop Repaving, Terminal Building Renovation Phase III, Beacon Replacement and Airfield Pavement Condition Index Study)**

This budget ordinance amendment will increase the appropriation to the construction project and allow for additional grinding of terrazzo. The \$100,000.00 will be transferred from the airport reserve fund to the capital project for terminal phase III.

3. Special Revenue Fund Project Ordinance Amendment 2007-1 (Appropriation of Federal Forfeiture and Controlled Substance Tax Revenues for Law Enforcement Purposes)

This \$242,603 amendment will appropriate \$181,240 in controlled substance tax revenues, \$54,113 in federal forfeiture funds and \$7,250 in associated interest income to increase resources available for law enforcement purposes. The Police Department has specifically requested that at least \$80,000 be used to upgrade the equipment in the training center. All of the funds must be used for authorized law enforcement purposes.

4. Purchase of One (1) Six-Wheel Broom Street Sweeper with Belt Conveyor from Public Works Equipment & Supply, Inc., Monroe, NC

Bids were received as follows:

Public Works Equipment and Supply, Inc. (Monroe, NC) . \$151,880.00

Carolina Industrial Equipment, Inc. (Charlotte, NC) . \$158,787.60

5. Bid Awards for Purchase of Miscellaneous Transformers with the option to purchase additional quantities within a one-year period: (PWC)

a. Howard Industries c/o Richardson Associates, Kenley, NC, lowest evaluated bidder, for the purchase of ten (10) 150 kVA Padmounted Transformers, PWC Stock No. 1-295-670

Bids were received as follows:

Howard c/o Richardson Assoc. (Kenley, NC) . \$74,590.00

National Transformer Sales (Raleigh, NC) . \$78,140.00

HD Supply (Wake Forest, NC) . \$95,970.00

WESCO (Raleigh, NC) . \$112,750.00

Shealy Electrical (Greenville, SC) . \$138,200.00

Stuart C. Irby (Rocky Mount, NC) . \$138,368.40

b. National Transformer Sales, Raleigh, NC, lowest evaluated bidder, for the purchase of ten (10) 300 kVA Padmounted Transformers, PWC Stock No. 1-295-701.

Bids were received as follows:

National Transformer Sales (Raleigh, NC) . \$107,200.00

Howard c/o Richardson Assoc. (Kenley, NC) . \$107,110.00

HD Supply (Wake Forest, NC) . \$116,030.00

WESCO (Raleigh, NC) . \$151,600.00

Shealy Electrical (Greenville, SC) . \$182,980.00

Stuart C. Irby (Rocky Mount, NC) . \$183,716.00

c. National Transformer Sales, Raleigh, NC, lowest evaluated bidder, for the purchase of three (3) 500 kVA Padmounted Transformers, PWC Stock No. 1-295-721.

Bids were received as follows:

National Transformer Sales (Raleigh, NC) . \$38,559.00

Howard c/o Richardson Assoc. (Kenley, NC) . \$47,247.00

HD Supply (Wake Forest, NC) . \$49,350.00

WESCO (Raleigh, NC) . \$39,663.00

Shealy Electrical (Greenville, SC) . \$91,503.00

Stuart C. Irby (Rocky Mount, NC) . \$91,683.00

d. National Transformer Sales, Raleigh, NC, lowest evaluated bidder for the purchase of four (4) 750 kVA Padmounted Transformers, PWC Stock No. 1-295-741.

Bids were received as follows:

National Transformer Sales (Raleigh, NC) . \$74,500.00

Howard c/o Richardson Assoc. (Kenley, NC) . \$85,112.00

HD Supply (Wake Forest, NC) . \$63,176.00

WESCO (Raleigh, NC) . \$118,120.00

Shealy Electrical (Greenville, SC) . \$131,788.00

Stuart C. Irby (Rocky Mount, NC) . \$121,084.00

e. National Transformer Sales, Raleigh, NC, lowest evaluated bidder for the purchase of four (4) 1000 kVA Padmounted Transformers, PWC Stock No. 1-295-755.

Bids were received as follows:

National Transformer Sales (Raleigh, NC) .\$77,564.00
Howard c/o Richardson Assoc. (Kenley, NC) .\$101,400.00
HD Supply (Wake Forest, NC) .\$69,624.00
WESCO (Raleigh, NC). .\$126,720.00
Shealy Electrical (Greenville, SC) .\$159,816.00
Stuart C. Irby (Rocky Mount, NC) .\$160,168.00

6. Bid Award for Two (2) Four-Wheel Drive Backhoe Loaders to Vause Equipment Company, Inc., Fayetteville, NC. (PWC)

Bids were received as follows:

Vause Equipment(Fayetteville, NC) .\$109,208.00
Interstate Equipment Co. (Cary, NC) .\$112,480.00
Southland Rental and Supply (Fayetteville, NC) .\$118,000.00
Linder Industrial Machinery (West Columbia, SC) .\$123,000.00
Gregory Poole Equipment (Hope Mills, NC) .\$127,260.00

7. Bid Award for One (1) 30,000 lb. Load Capacity Forklift to include the Cab Tilt Option to Doosan-Daewood Lift Trucks, Warrensville Heights, Ohio. (PWC)

Bids were received as follows:

Doosan-Daewood Lift Trucks (Warrensville Heights, OH) .\$100,942.00
Barloworld Handling (Fayetteville, NC) .\$227,990.00

8. Adopt Resolution approving conveyance of surplus fire trucks pursuant to G.S. 106A-279.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA APPROVING CONVEYANCE OF PROPERTY PURSUANT TO N.C.G.S. 160A-279. RESOLUTION NO. 2007-002

9. Adopt Resolution approving conveyance of property surplus boat and trailer pursuant to G.S. 106A-274.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA APPROVING CONVEYANCE OF PROPERTY PURSUANT TO N.C.G.S. 160A-274. RESOLUTION NO. 2007-003

C. Approve addition of certain streets to the City of Fayetteville System of Streets for maintenance.

D. Approval of Municipal Agreement for NCDOT to perform maintenance on the Louise Street Bridge.

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2007-004

E. Pulled for discussion.

F. Pulled for discussion.

G. Pulled for discussion.

B.1. Adopt Budget Ordinance Amendment 2007-9 (Costs for Special Election in February 2007)

This budget ordinance amendment will increase the appropriation for the Mayor and Council by \$75,000 to fund estimated costs of conducting the February 6, 2007 referendum on the City Charter amendment to revise the composition of the City Council. The source of funding for this appropriation increase is a general fund balance appropriation of \$75,000.

Council Member Evans stated he wanted to go on record in opposition to using the \$75,000.00 to fund the cost of the referendum and stated he was speaking on behalf of the silent majority as their elected representative. Council Member Evans stated the \$75,000.00 represents monies that Council has been entrusted to use to continue to provide quality services for all citizens of the City of Fayetteville.

MOTION: Council Member Evans moved not to adopt Budget Ordinance Amendment 2007-9.

SECOND: Council Member Worthy

Mrs. Karen M. McDonald, City Attorney, stated the item is a budget ordinance, which is required to appropriate the money.

Council Member Gonzalez stated the cost to add the referendum to a general election would have been \$40,000.00 so the actual additional cost is \$35,000.00. She further stated the delay in voting on the referendum was due to steps that needed to be followed and final maps will not be drawn until after the vote on the referendum.

Mayor Pro Tem Massey stated Council has no option but to move forward with the referendum and asked if the \$75,000.00 had to come from citizens of whom only 5001 signed the petition. Mrs. McDonald stated under the Budget and Fiscal Control Act which is a part of the General Statutes, there has to be a budget ordinance in order to spend money and this is an appropriation that is required as a result of the referendum that will be held on February 6, 2007.

VOTE: FAILED by a vote of 4 in favor (Council Members Haire, Worthy, Evans and Massey) to 6 opposed (Council Members Chavonne, Williams, Bates, Gonzalez, Kirby, and Meredith).

MOTION: Council Member Williams moved to adopt Budget Ordinance Amendment 2007-9.

SECOND: Council Member Gonzalez

VOTE: PASSED by a vote of 8 in favor to 2 opposed (Council Members Haire and Evans).

3.E. Adopt Resolution Confirming Assessment Roll and levying assessments for the extension of a sanitary sewer collection system to serve all or a portion of Taraway Drive, Hayden Lane, Memory Street, Stanton Street, Singleton Circle, Meadowbrook Drive, Butternut Drive, Hornbeam Road, Biltmore Drive, Buckhorn Road, Ironwood Drive, Mango Circle, Hope Mills Road, Lakeridge Drive, Westcliff Road, Westfork Drive, Rustlewood Drive, Nance Street, Ashton Road, Ramblewood Drive, Canterbury Road, Park Knoll Lane, Friar Avenue, Dewsberry Place, Strathmore Avenue, Camelot Drive, Cheltenham Road, Devonshire Road, Coventry Road, Odom Rive, Lakehurst Drive, Flintshire Road, Inverness Drive, Cawdor Drive, Quailridge Drive, Bluejay Court, Bent Pine Drive, Eagle Court, Wingate Road, Aspen Circle, Alder Road, Lombardy Drive, Shagbark Road, Amoorra Drive, Pala Verde Drive, Pala Verde Circle, North Sumac Circle, South Sumac Circle, and Poplar Drive.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. 2007-001.

MOTION: Council Member Gonzales moved to approve the resolution confirming the assessment roll and levying assessments with a modification to remove property located at 1849 Camelot Drive.

SECOND: Council Member Williams

Council Member Gonzalez stated the City Attorney had been able to confirm that the resident at 1849 Camelot Drive had been given incorrect information when the property was purchased and the property could be removed from the assessment roll.

VOTE: UNANIMOUS (10-0)

3.F. Approve Amendment to Chapter 25 Subdivision Ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 25-3, SUBDIVISION ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2007-001.

MOTION: Council Member Williams moved to set a public hearing for January 22, 2007 for the amendment to Chapter 25 Subdivision Ordinance.

SECOND: Mayor Pro Tem Massey

Council Member Williams stated no public hearings have been held on the change to the Subdivision Ordinance and he felt it was in order.

Mrs. McDonald advised adequate time would be needed to advertise the public hearing.

AMENDED MOTION: Council Member Williams moved to set a public hearing at a February meeting to consider the amendment to Chapter 25 Subdivision Ordinance.

SECOND: Mayor Pro Tem Massey

VOTE: FAILED by a vote of 5 in favor (Council Members Williams, Haire, Chavonne, Massey and Worthy) to 5 opposed (Council Members Bates, Gonzalez, Kirby, Evans and Meredith).

MOTION: Council Member Bates moved to approve the Amendment to Chapter 25 Subdivision Ordinance.

SECOND: Council Member Gonzalez

Council Member Williams encouraged Council to vote against the motion and stated the Planning Commission does not hold public hearings on ordinance changes and it is Council's job to hear from the public.

Council Member Gonzalez urged Council to vote in favor of the motion and stated the Planning Commission has waivers brought to it that Council is not made aware of and the Planning Commission at times approves things inconsistent with the philosophy of the City Council.

VOTE: PASSED by a vote of 9 in favor to 1 opposed (Council Members Williams).

3.G. Approve use of City Council Chambers by League of Women Voters for Redistricting Information Forum.

Council Member Haire stated he was opposed to redistricting and allowing City Council Chambers to be used for an open forum on the matter.

MOTION: Council Member Haire moved to deny the use of City Council Chambers by League of Women Voters for Redistricting Information Forum.

There was no second to the motion.

MOTION: Council Member Worthy moved to approve use of City Council Chambers by League of Women Voters for Redistricting Information Forum.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 9 in favor to 1 opposed (Council Member Haire).

4. PUBLIC HEARINGS:

A. Consider an appeal by John Gillis regarding the decision of the Planning Commission to require concrete curb & gutter for the Lake Rim North, Section 4, Subdivision.

Mr. Teal, Planning Director, presented this item and showed a map of the Lake Rim North area. He stated Mr. Gillis requested a waiver from the Planning Commission on the regulation requiring concrete curb and gutters and has requested asphalt curbing. Mr. Teal stated the Planning Commission held a public hearing on the matter and recommended denial of the request.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:50 p.m.

Mr. John Gillis, 128 South Churchill Drive, Fayetteville, NC, appeared in favor and stated asphalt curbing would allow for a more attractive subdivision from an appearance standpoint if it continued throughout the entire project, asphalt curbing would provide for more affordable housing and the absorption rate and ability to carry runoff water would be greater than concrete curbing.

Mr. Joe Gillis, 8623 Galatia Church Road, Fayetteville, NC, appeared in favor and stated asphalt curbing comes down to an affordability issue that will have a direct impact on the cost of housing.

There was no one further to speak and the public hearing closed at 8:05 p.m.

Council Member Haire asked about water run off issues related to roll down curbs. Mr. Joe Gillis stated he was told by the Department of Transportation that asphalt curbing and gutters would carry a higher volume of water due to its shape and the way it is constructed.

Mayor Pro Tem asked about the difference between asphalt and concrete storm drains. Mr. Joe Gillis stated asphalt drains are placed farther apart due to their higher water carrying capabilities.

MOTION: Council Member Gonzalez moved to follow the City Engineer and Planning Commissions recommendation and deny the request.

SECOND: Council Member Bates

Council Member Williams stated the developer is proposing to maintain continuity in the neighborhood and keep in mind the cost to homebuyers.

Council Member Bates stated if Council does not approve the request, he would like to see the waiver request come back as a special use permit through City Engineering and the Planning Commission and become a low impact development.

Council Member Kirby stated one of the problems the City faces is that rules and regulations get rescinded for political and various other reasons. Council Member Kirby encouraged Council to maintain the building of concrete curbs and continuity throughout the city.

Council Member Gonzalez stated the City Engineer's letter asks that serious consideration be given to denying the request because there is not a good reason to allow the streets to be constructed at anything less than full city standard.

VOTE: PASSED by a vote of 9 in favor to 1 opposed (Council Member Williams).

MOTION: Council Member Bates moved that the Lake Rim North, Section 4, Subdivision, be brought back as a special use permit.

FRIENDLY AMENDMENT: Council Member Meredith moved that the Lake Rim North, Section 4, Subdivision, be brought back as a conditional overlay.

SECOND: Council Member Paul Williams.

Mrs. McDonald stated the motion was not in order as the matter was not a rezoning item.

5. Consider approval of Territorial Agreement with South River Electric Membership Corporation.

Mr. Tom McNeill, PWC Consultant, presented this item and provided background information on South River Electric Membership Corporation and PWC service area rights. Mr. McNeill reviewed the basics of the Territorial Agreement with South River Electric Membership Corporation and stated the agreement not only incorporates existing agreements, it also defines areas to be served electrically in the future by both the Public Works Commission and the South River Electric Membership Corporation.

MOTION: Mayor Pro Tem Massey moved to approve the Territorial Agreement with South River Electric Membership Corporation and authorize the Mayor to execute the Territorial Agreement.

SECOND: Council Member Kirby

VOTE: UNANIMOUS (10-0)

6. Adopt Budget Ordinance Amendment 2007-11 (Fire Department), Approve Waiver of Public Bid Process for Aerial Ladder Pumper Truck Replacement, and Award Purchase Contract to Ferrara Fire Apparatus, Inc.

Mr. Dale Iman, City Manager, stated the item is being presented as a recommendation for Council to waive the public bid process for an aerial ladder pumper truck from Ferrara Fire Apparatus, Inc. and to appropriate \$550,000.00 from the general fund balance for the purchase of the vehicle. Mr. Iman stated the request is the result of an accident that occurred on December 18, 2006 in which an aerial truck sustained substantial damage and was determined to be a total loss. Mr. Iman stated the depreciated value of the fire truck is \$250,000.00 and this

amount will be recovered through the insurance process making the net cost to the general fund \$300,000.00. Mr. Iman further stated the aerial truck from Ferrara Fire Apparatus, Inc. is the only vehicle located that meets the Fire Department's needs.

MOTION: Council Member Worthy moved to approve the waiver of the bid process, award the purchase contract as requested and approve the budget ordinance amendment.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7. Consider adoption of 2007 Council Meeting Schedule.

Mr. Dale Iman reviewed the 2007 Council Meeting Schedule and stated the schedule is being presented to ensure Council Members, staff and the general public are aware of City Council's meeting and work session schedule for 2007. Mr. Iman recommended Council adopt the meeting schedule as presented.

MOTION: Council Member Worthy moved to adopt the 2007 Council Meeting Schedule as presented.

SECOND: Council Member Gonzalez

VOTE: UNANIMOUS (10-0)

8. Consider adoption of ordinance regarding revision of time limits for Council comments during City Council meetings.

Council Member Worthy stated during the last election season, the time limit for Council Members to speak in the first round of debates was changed from two minutes to one minute. Council Member Worthy stated Council Members have a duty and responsibility to citizens and should have the opportunity to speak for two minutes in the first round of debates. Mayor Chavonne asked for clarification of debate times when the year started. Karen M. McDonald, City Attorney, stated Council Members had two minutes in the first round and one minute in the second round and Council then went to one and one.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-4, PARLIAMENTARY PROCEDURE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2007-003.

MOTION: Council Member Worthy moved to adopt an ordinance amendment to Section 2-4 to provide Council Members the opportunity to speak one time for two minutes.

SECOND: Council Member Kirby

Council Member Williams stated Council Members are getting ready to enter an election cycle and the ordinance amendment should be reconsidered after that time. Council Member Williams suggested placing a time limit on City Council meetings rather than the length of time Council Members can speak.

VOTE: PASSED by a vote of 8 in favor to 2 opposed (Council Members Chavonne and Meredith).

9. Consider adoption of ordinance regarding time limits for reconsideration of a zoning matter.

Council Member Gonzalez stated during the December work session, Council discussed allowing only a Council Member in opposition to a rezoning the opportunity to reintroduce the matter for Council's consideration. Mrs. McDonald stated an ordinance amendment would be necessary if Council elects to implement the change.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-3, ORDER OF BUSINESS; AGENDA, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2007-002.

MOTION: Council Member Gonzalez moved to adopt an ordinance amendment to Section 2-3 to require rezoning to only be reintroduced by a Council Member in opposition to the rezoning.

SECOND: Mayor Pro Tem Massey

Council Member Gonzalez stated the ordinance would allow only a Council Member in opposition to the rezoning the opportunity to reintroduce the rezoning.

Council Member Williams noted the five exceptions to Section 2-3 and stated they should be removed.

FRIENDLY AMENDMENT: Council Member Williams amended the motion and moved to remove all exemptions.

Council Member Gonzalez did not accept the friendly amendment.

VOTE: UNANIMOUS (10-0)

10. Consider allowing use of the old Hillsboro Street Fire Station for computer repair by Moses Mathis (Requested by Council Member Evans).

Council Member Evans stated there has been discussion about the possibility of Mr. Moses Mathis and his nonprofit organization using the Hillsboro Street Fire Station and it is time to move forward so the City of Fayetteville can be of service to the organization just as the organization is of service to the City of Fayetteville.

MOTION: Council Member Evans moved to direct staff to discuss with the Tiffany Pines Community Outreach Center (TPCOC) the use of the former Hillsboro Street Fire Station for the purpose of operating a computer lab for school children and preparing computers for deserving children and shut-ins with a definite date set for a report back in February.

SECOND: Council Member Haire

Council Member Bates expressed concern that the fire station would not be large enough for a computer lab.

Council Member Gonzalez stated she did not understand why the motion was made to send the matter back to staff because the motion should make it clear that Council wants Mr. Mathis to use the Hillsboro Street Fire Station. Council Member Gonzalez stated staff should formulate a plan for the use of the fire station and bring it back to Council.

FRIENDLY AMENDMENT: Council Member Gonzalez moved to negotiate a contract with Tiffany Pines Community Outreach Center (TPCOC) for the use of the former Hillsboro Street Fire Station for the purpose of repairing computers for give away to deserving children and shut-ins and to discuss operating a computer lab for school children and report back to Council in February.

Council Member Evans accepted the friendly amendment.

Mayor Chavonne asked Mrs. McDonald if there were unresolved issues that Council needed to know more about. Mrs. McDonald stated staff would like the opportunity to engage in discussion with Mr. Mathis in order to be clear about issues related to the computer lab. Mrs. McDonald stated the initial request was to allow Mr. Mathis to use the space for computer repairs and the request now includes a lab. Mrs. McDonald stated staff needed to look at the location, the number of children and liability issues associated with having children at the fire station.

Council member Williams noted the Hillsboro Street Fire Station was not on the surplus property list he had two months ago and asked if the property was being used by the City of Fayetteville. Mr. Iman stated the City was using the fire station for record storage at the time the list was prepared and the records will be moved to a location on Grove Street.

Council Member Williams stated he could not support a motion made at taxpayers expense because the fire station should have been put on the auction block and sold some time ago.

VOTE: PASSED by a vote of 9 in favor to 1 opposed (Council Member Williams).

11. BOARDS AND COMMISSIONS:

APPOINTMENTS

PERSONNEL REVIEW BOARD – 3 vacancies – 3 nominations made – 3 appointments needed

Reuben Pettiford, Effie McGuire Willis and Michael J. Lysek were appointed by acclamation.

CITY OF FAYETTEVILLE LINEAR PARK, INC. – 1 appointment needed

Mr. Dale Iman was appointed by acclamation.

NOMINATIONS – First Week

NORTH CAROLINA FIREMEN’S RELIEF FUND BOARD OF TRUSTEES - 1 vacancy – 0

nomination made – 1 nomination needed

Mr. Duke J. Piner was nominated by Council Member Gonzalez.

INFORMATION ONLY – No Action Needed

PUBLIC ARTS COMMISSION – 3 vacancies

Museum of Art Member:

Virginia Oliver – First expires. **Eligible** for reappointment.

Arts Council Members:

Socorro Hernandez-Hinek – First term expires. **Eligible** for reappointment.

Soni Martin – Second term expires. **Ineligible** for reappointment.

12. Consider Closed Session to discuss land acquisition

MOTION: Council Member Gonzalez moved to go into closed session to discuss land acquisition, litigation and a personnel issue.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

The regular session recessed at 8:48 p.m.

MOTION: Council Member Gonzalez moved to reconvene in open session.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

The regular session reconvened at 9:10 p.m.

INFORMATION ITEMS:

1. Statement of taxes collected for the month of November 2006 from the Cumberland County Tax Collector.

2006 Taxes. \$3,598,590.85

2006 Vehicle Taxes 419,921.34

2006 Revit 5,039.74

2006 Vehicle Revit. 478.04

2006 FVT 44,024.42

2006 Storm Water 143,623.24

2005 Taxes \$16,559.76

2005 Vehicle Taxes 50,772.62

2005 Revit... 59.34

2005 Vehicle Revit... (3.51)

2005 FVT 6,888.74

2005 Storm Water 2,009.60

2004 Taxes 3,388.38

2004 Vehicle Taxes 2,607.55

2004 Revit..... 0.00

2004 Vehicle Revit..... 0.00

2004 FVT. 505.49

2004 Storm Water. 489.73

2003 Taxes 1,435.91

2003 Vehicle Taxes 1,377.95

2003 Revit..... 0.00

2003 Vehicle Revit..... 0.00

2003 FVT. 249.66

2003 Storm Water. 132.22

2002 and Prior Taxes 1,000.16

2002 and Prior Vehicle Taxes 2,765.88

2002 and Prior Revit..... 0.00

2002 and Prior Vehicle Revit..... 0.63
2002 and Prior FVT. 570.71
2002 and Prior Storm Water. 246.88
Interest 13,304.10
Interest (Revit)... 11.60
Interest (Storm Water). 409.55
Fayetteville Discount (Current).... 0.00
Fayetteville Discount (Revit)..... 0.00
Total Collections \$4,918,838.97

2. Report on costs for producing City song DVDs.

3. Office of Professional Standards – monthly report for November 2006.

4. Thank you note from Ms. Agnes Bundy.

MOTION: Council Member Worthy moved to adjourn the meeting.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)