

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 9, 2007
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

Absent: Council Members Darrell J. Haire (District 4); Lois A. Kirby (District 5)

Others Present: Stanley Victrum, Assistant City Manager

Kyle Sonnenberg, Assistant City Manager

Karyn M. Brunson, Assistant City Attorney

Doug Hewett, Assistant City Manager

Lisa Smith, Chief Financial Officer

Victor Sharpe, Community Development Director

Jackie Tuckey, Communications Manager

James Rose, PWC Support Services

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Dr. Murthy Pinapaka, a Hindu Priest of Fayetteville, NC, followed by the Mayor leading in the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda with the removal of Item 4., Proposed Change to Solid Waste Service.

SECOND: Council Member Gonzalez

VOTE: UNANIMOUS (8-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Council Member Worthy expressed appreciation for all the prayers and acts of kindness his family received during the recent loss of his father-in-law.

Presentation of Certificate to Sonja Denise Brown, Westover Senior High Student

Council Member Evans presented a Certificate of Appreciation to Ms. Sonja Denise Brown, a Senior at Westover High School, in recognition of her commitment to community service by registering to vote and being a member of the Student Government Association and the Future Business Leaders of America.

Presentation of Proclamation in Honor of Air Quality Week

Mayor Pro Tem Massey read and presented Mr. George Breece with a Proclamation declaring the week of May 1-7, 2007 as Air Quality Week. Mr. Breece thanked the Council for their support and stated that air quality was the key to economic development in the community.

Presentation of Proclamation in Honor of National Community Development Week

Council Member Gonzalez read and presented Mr. Victor Sharpe, Community Development Director, with a Proclamation declaring the week of April 9-15, 2007 as Community Development Week. Mr. Sharpe gave a brief summary of available programs and stated one of the important goals of the Community Development Department is citizen awareness.

B. Comment Period

Ms. Robbie C. Harrell, P.O. Box 576, Parkton, NC 28371, expressed concern for not receiving proper notification for a lien placed on her rental property at 733 Galloway Drive seven years ago as the result of illegal dumping and requested Council to remove the interest from the lien. Ms. Donna LaFayette, 1512 Paisley Avenue, Fayetteville, NC 28304, expressed concern regarding a scheduled pickup for tree debris and being told a couple of days later the debris would not be picked up without a \$357.00 payment.

Mayor Chavonne requested an update from Mr. Kyle Sonnenberg, Assistant City Manager. Mr. Sonnenberg reported that the quantity of trees had exceeded the amount that would be picked up for free. He stated the property owner would be obligated to arrange for pickup of the trees by someone else or pay the City for the pickup. Mayor Chavonne informed Ms. LaFayette that they were working on resolving the issue.

Mr. Jerry Thrasher, Cumberland County Public Library, 300 Maiden Lane, Fayetteville, NC 28301, briefed Council on the library project called "The Big Read". He stated the goal of this initiative was to restore reading to the center of American culture by encouraging communities to read for pleasure and enlightenment.

Ms. Rose Marie Hare, 7338 Pebblebrook Drive, Fayetteville, NC 28314, spoke regarding service animals being allowed in public establishments and stated she had been told that the policy would be changed and police officers would be trained on this matter. She stated she was making a formal complaint because this had not been done.

Ms. Beverly Hamm, 116 Bethune Street, Fayetteville, NC 28305, presented historically significant baskets and bricks to the City Council from property located at 212 Park Street. Ms. Hamm explained the vines represented the Civil War and the bricks were from the 1920s.

Dr. David R. Hayes, 1702 McGougan Road, Fayetteville, NC 28303, commended Council for taking up the issue of curbside recycling and encouraged the Council to set good policy and look into established best practices.

Mr. Jim Lowe, 1609 Greenock Avenue, Fayetteville, NC 28304, spoke to the upcoming sewer installation in his neighborhood and stated road conditions warrant repaving, not patching, when the installation is completed.

Mr. Carl Keiper, 1420 Blairwood Drive, Fayetteville, NC 28304; Mr. Richard Van Wy, 1413 Paisley Avenue, Fayetteville, NC 28304; Ms. Suzanne W. Skene, 6018 McDougal Drive, Fayetteville, NC 28304; and Mr. Michael J. Lysek, 5818 McDougal Drive, Fayetteville, NC 28304; expressed support for repaving the roads in the Arran Lakes Subdivision and spoke to the negative impact patching the roads would have on the area.

Mr. Ronald H. Harrison, 1575 Mintz Avenue, Fayetteville, NC 28303, spoke in support of curbside recycling and asked that Council clarify where they stand on the issue so as not to force a referendum.

Mr. Thomas E. Wall, 827 Dalmore Drive, Fayetteville, NC 28311, presented photographs and spoke to standing water issues under and around homes in several subdivisions. Mr. Wall asked why this occurred, who was at fault and stated something needs to be done to resolve the situation.

Ms. Jean Hutchinson, 320 Summerchase Drive, Fayetteville, NC 28311, expressed concerns about code enforcement violations and water accumulation problems with her home and homes in several subdivisions. Ms. Hutchinson asked Council Members to work with residents to identify and resolve the problems.

3. CONSENT:

Council Member Williams asked that Item 3.E. be pulled for discussion.

MOTION: Council Member Williams moved to approve the consent agenda with the exception of Item 3.E.

SECOND: Mayor Pro Tem Massey

VOTE: UNANIMOUS (8-0)

The following items were approved:

A. Approve minutes:

- 1. Town hall meeting held on March 19, 2007.**
- 2. Agenda briefing meeting held on March 21, 2007.**
- 3. Special meeting held on March 21, 2007.**

B. Approve the following financial matters:

- 1. Consider adoption of Budget Ordinance Amendment 2007-16 (Parks, Recreation, and Maintenance).**

This budget ordinance amendment would increase the appropriation for the Parks, Recreation, and Maintenance Department by \$9,500.00 to develop educational exhibits at Lake Rim Park. The exhibits would tell about the original Native American population and about the Depression era Fayetteville Fish Hatchery. The source of funding for this appropriation increase would be a grant received from The Lilly Legacy Fund through the Cumberland Community Foundation.

2. Capital Project Ordinance 2007-5 (FY 2007 Transit Capital Grant for Security Enhancements and Bus Transfer Facility Renovations).

This ordinance would appropriate \$50,209.00 for solar powered lights for bus shelters, upgraded security gates, and Transit transfer facility renovations. The source of funds for this project would be \$40,167.00 in Federal Transit Administration grant funds and a required local match of \$10,042.00 available in the Transit Capital Project Fund.

C. Dogwood Festival request:

1. Approve sign permit for the annual Dogwood Festival April 27-29, 2007.

Nine signs would be posted in various locations of the City April 22-29. The sign ordinance provides for temporary signage for festivals and special events. The City Council has approved this request for several years.

2. Approve waiver of tent fee inspection for the Dogwood Festival.

City Council approved a waiver of the fee for the last several years. The Fire Chief recommended a waiver this year.

D. Resolution requesting NCDOT Enhancement Funds for sidewalk improvements.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR NCDOT ENHANCEMENT FUNDS FOR SIDEWALKS ALONG REILLY ROAD AND CLIFFDALE ROAD. RESOLUTION NO. R2006-018.

E. *Pulled for discussion by Council Member Williams.*

F. *Authorize advertisement of a citizen's offer to purchase a vacant City-owned lot on Montgomery Street for upset bids.*

G. Approve transfer of Lot 24 (320 Kingdom Estates Drive) in the Fairley Estates II Subdivision to Kingdom Community Development Corporation for the construction of affordable housing.

H. Consideration of an amendment to the 2006-2007 Community Development Annual Action Plan by awarding a contract to Cumberland Community Action Program for the acquisition and rehabilitation of three houses to provide affordable rental housing to low/moderate income persons.

I. Approve the Mutual Reciprocal Easement with GDP, LLC, for Robeson Street Substation property.

E. County ordinance amendment for the provision of a City-only stormwater fee.

Council Member Williams expressed opposition to an additional tax and stated citizens expect the general fund to pay for stormwater and drainage problems.

Mr. Sonnenberg, Assistant City Manager, explained Council is being asked to direct staff to work with the County to amend the Stormwater Ordinance to allow the City to establish a City-only Stormwater Fee in addition to the fee currently being charged by the City and the County. He stated the concept behind this is that the additional stormwater revenue would go to address stormwater quantity issues. He stated the current stormwater fee is directed towards quality issues as mandated by federal law. He further stated Council has discussed the issue in the past and at least \$43 million dollars worth of potential stormwater improvements have been identified.

Council Member Worthy asked if negotiations could begin with the County to amend the Stormwater Ordinance and change the verbiage to remove the implication of an additional fee or tax.

MOTION: Mayor Chavonne moved to begin the process that will allow discussion and consideration of whether there needs to be a fee, how the fee would be used and how the fee would be generated.

SECOND: Council Member Worthy

Council Member Gonzalez stated her understanding was that the County was asking to be excluded from the program.

Mr. Sonnenberg clarified that as part of Phase II of the federal Stormwater Program, the State of North Carolina will be enforcing the program in unincorporated areas of the county. He stated he believed Cumberland County was interested in getting out of a local program with the City and allowing the State to enforce the program. He stated indications from the State had been that this could happen simply and quickly and will take beyond the first of the fiscal year to occur. Mr. Sonnenberg stated consequently, in order to consider stormwater fees for quantity issues in the upcoming budget year, the City needs to proceed with this action. He further stated at the time the County is allowed to drop out of the local program, a new stormwater ordinance for the City's jurisdiction would be brought back to Council for adoption. He stated the ordinance would also address the fee for qualities to implement the Phase II as well as any quantity issues. Mr. Sonnenberg stated this is an interim measure that assumes the County will be able to participate in the State program.

REWORDED MOTION:

Mayor Chavonne moved to direct the City staff to work with the County to amend the stormwater ordinance to allow the City to consider establishing a City-only stormwater fee.

SECOND: Council Member Worthy

Discussion ensued on stormwater improvements, needs, quality and quantity issues, and fees.

RESTATED MOTION:

Mayor Chavonne moved to direct the City staff to work with the County to amend the stormwater ordinance to allow the City to consider establishing a City-only stormwater fee in addition to the fee currently charged by the City and County.

FRIENDLY AMENDMENT:

Council Member Worthy requested to remove "in addition to the fee currently charged by the City and County" from the motion.

Mayor Chavonne accepted the friendly amendment.

RESTATED MOTION:

Mayor Chavonne moved to direct the City staff to work with the County to amend the stormwater ordinance to allow the City to consider establishing a City-only stormwater fee.

VOTE: PASSED by a vote of 6 in favor to 2 in opposition (Council Members Evans and Williams)

4. Proposed change to solid waste service.

This item was removed from the agenda by Council Member Williams.

5. BOARDS AND COMMISSIONS

NOMINATIONS

FAYETTEVILLE REDEVELOPMENT COMMISSION– 1 vacancy – 0 nominations made – 1 nomination needed

Mr. Ronald Harrison was nominated by Council Member Gonzalez.

INFORMATION ITEMS:

1. Project Homeless Connect Announcement

MOTION: Council Member Worthy moved to adjourn the meeting.

SECOND: Council Member Evans

VOTE: UNANIMOUS (8-0)

The meeting adjourned at 8:25 p.m.