

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AND
FAYETTEVILLE CITY COUNCIL
SPECIAL JOINT MEETING
CAPE FEAR BOTANICAL GARDENS, GRAND HALL
536 N. EASTERN BOULEVARD, FAYETTEVILLE, NC
SEPTEMBER 29, 2011, 7:30 AM
MINUTES

COMMISSIONERS

PRESENT: Kenneth S. Edge, Chairman
Commissioner Jeannette Council
Commissioner Billy King (departed at 9:30 am)
Commissioner Charles Evans
Commissioner Jimmy Keefe (departed at 8:50 am)
Commissioner Ed Melvin

COMMISSIONERS

ABSENT: Commissioner Marshall Faircloth, Vice Chairman

COUNTY STAFF:

James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications and Strategic Initiative Manager
Dr. John Lauby, Animal Services Director
Kenny Currie, Emergency Services Director
Bob Stanger, County Engineer
Bobby Howard, Solid Waste Director
Thomas Lloyd, Planning and Inspections Director
Kristine Wagner, Transportation Community Planner
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board

FAYETTEVILLE
CITY COUNCIL

PRESENT: Anthony G. Chavonne, Mayor (departed at 9:40 am)
Council Member D. J. Hair, Mayor Pro Tem
Council Member Keith A. Bates, Sr. (departed at 9:30 am)
Council Member Kady-Ann Davy
Council Member Bobby Hurst
Council Member Bill J. L. Crisp
Council Member Valencia A. Applewhite
Council Member James William Arp, Jr.

FAYETTEVILLE
CITY COUNCIL

ABSENT: Council Member Robert A. Massey, Jr.
Council Member Theodore W. Mohn

FAYETTEVILLE
CITY STAFF:

Dale E. Iman, City Manager
Kristoff T. Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Michael Gibson, Parks and Recreation Director
Randy Hume, Transit Director
Victor Sharpe, Community Development Director
Tom Bergamine, Fayetteville Police Department Chief
Bradley Chandler, Fayetteville Police Department Assistant Chief
Rebecca Rogers-Carter, Management Services Manager
Pamela Megill, City Clerk

Jennifer Sullivan, Cape Fear Botanical Gardens Executive Director, provided opening remarks and welcomed those in attendance.

The meeting was called to order by the Chairman Kenneth S. Edge, Board of County Commissioners, and Mayor Anthony G. Chavonne, Fayetteville City Council.

Mayor Chavonne called on Council Member D. J. Hair for the invocation followed by unanimous approval of the agenda by both bodies. Mayor Chavonne advised members of the Fayetteville City Council and Board of County Commissioners were gathered to discuss issues affecting the greater community.

1. DETENTION CENTER UPDATE

James Martin, County Manager, called on County Engineer Bob Stanger who reported since November 2010, there have been a number of iterations on the design for the facility and at present the expansion is 322 beds consisting of four sixty-four bed dormitory style housing units and one sixty-six single cell maximum security unit. Mr. Stanger also reported the county has recently selected a Construction Manager at Risk, who will be responsible for constructing the facility, and the county is in the process of negotiating the terms of that agreement which will likely go to the Board of Commissioners at their mid-month October meeting. Mr. Stanger stated the county has also completed the design development phase of the project and the Board's Facilities Committee will receive an update on this phase of the design at its October 6, 2011 meeting; this will be followed by an update to the full Board. Mr. Stanger also stated the county anticipates the construction plans and specifications will be completed by the end of the year and the next phase will be for the construction manager to subdivide the work into bid packages, prequalify the subcontractors, and develop a guaranteed maximum

price. Mr. Stanger stated the construction period will likely begin as early as February 2012 and the county anticipates the facility will be operational by April of 2014.

Council Member Keith Bates asked whether the contract specified the use of minority-owned and local businesses as subcontractors. Mr. Stanger stated when the Board approved the \$15 million budget for the project, they also approved a minority participation goal of 40%. Mr. Stanger further stated the county will do all it can to encourage both local and minority subcontractor participation.

Council Member Bill Crisp asked whether there was a provision in the contract should the contractor run over the construction timeline. Mr. Stanger stated the county always includes a liquidation of damages clause in its contracts.

2. ANIMAL CONTROL ORDINANCE

Rick Moorefield, County Attorney, stated basic revisions to the Animal Control Ordinance are complete and awaiting review by the Policy Committee and the full Board. Mr. Moorefield advised the county has basically streamlined the document to eliminate duplicate provisions and has shifted away from the existing privilege license tax concept and moved to a pet tax proposal like the one with which New Hanover County has had success. Mr. Moorefield stated the proposed pet tax will likely generate revenue for the Animal Control department. Mr. Moorefield also stated the revised ordinance has a more streamlined enforcement mechanism that is written in such a way that the City of Fayetteville, or any of the other municipalities who decide to apply it directly to their jurisdictions, will not need to make any further revisions. Mr. Moorefield stated he has kept the city attorney's office, other municipalities, Shelby Townsend and FAPS apprised throughout the process, and he anticipates the Board of Commissioners will adopt the revised ordinance in October.

Council Member D. J. Haire asked about tethering and barking dogs. Mr. Moorefield stated the city's noise ordinance is very specific about barking dogs and the county does not have the authority to enforce the city's ordinance, which creates a lot of confusion for both city and county residents. Mr. Moorefield further stated when it comes to nuisance animals, the county has made it clear that the sole method of enforcement is for the complainant to obtain a criminal summons. Mr. Moorefield explained why civil penalties have not worked in these instances. Mr. Moorefield explained if a dog remains tethered for fourteen days following a notice of violation, it will be seized by Animal Control and the owner will then be given seventy-two hours in which to become compliant. Mr. Moorefield stated should the owner remain noncompliant, the animal will become the property of Animal Control and will be disposed of in accordance with Animal Control policies. Council Member Haire asked about assistance for pet owners who can not afford a shelter for their animals. Mr. Moorefield stated although not addressed under the ordinance, his understanding is that Shelby Townsend has a program that may be able to provide assistance and this has been in place for more than a year.

Mayor Chavonne requested clarification regarding the number of pets within the city and the county. Mr. Moorefield stated the zoning ordinance for the county provides fairly stringent limitations; however, his understanding is that the city's zoning regulations are a little different and residents may be able to have more animals. Mr. Moorefield stated the proposed method to address it under the new ordinance is to maintain the zoning enforcement within the county and to reference whatever is in place under the jurisdiction of the individual municipalities. Mayor Chavonne asked whether Animal Control would receive the increased revenues generated by the proposed pet tax. Mr. Moorefield confirmed any revenue generated would go to the Animal Control program.

Karen McDonald, City Attorney, stated once the county adopts its ordinance, the city will proceed to adopt the county's ordinance in its entirety. Ms. McDonald further stated this will eliminate past difficulties with enforcement.

Council Member Crisp asked if there were plans to increase the number of Animal Control officers. Mr. Moorefield explained four positions were added in the current budget cycle; however, Animal Control is one of the departments in which it is difficult to retain employees.

Council Member Valencia Applewhite asked about provisions for aggressive dogs. Mr. Moorefield stated the ordinance has always contained aggressive or dangerous dog provisions and once an animal is deemed by the Animal Control Director to be dangerous, the owner is noticed and has to have a hearing before a bad-dog appeal board. Mr. Moorefield also stated the bad-dog appeal board has the final say and should the dog be deemed dangerous, then there are regulations within the ordinance to which the owner must comply. Mr. Moorefield stated the revised ordinance will likely make the process easier to work through. Council Member Applewhite asked whether a dog that has bitten a child would be considered dangerous. Mr. Moorefield explained under state statute the dog would be considered a dangerous dog; however, the incident must be reported to Animal Control for the provisions to apply.

Council Member James William Arp requested an update efforts related to the wild dogs. Mr. Moorefield stated the contract with the private vendor had been renewed for a second month and would expire at the end of the week. Dr. Lauby reported one-hundred five dogs have been removed to date. Mr. Moorefield stated it has been an aggressive program that the county does not anticipate continuing when the current contract expires because the number of reports of wild dogs is definitely down. Mr. Moorefield also stated the provision for the apprehension and capture of wild dogs has always been in the Animal Control ordinance and will remain within the ordinance.

3. COMMUNICATIONS CENTER IMPROVEMENTS

Assistant Chief Bradley Chandler, Fayetteville Police Department, stated in 2009 both call centers looked at improving efficiencies and in 2010 both call centers went live with CAD systems purchased from OSSI and also standardized their operating procedures with the purchase of PROQA call-taking software. Assistant Chief Chandler further

explained the city did not go live in 2010 with emergency medical dispatch because it had not participated in emergency medical dispatch in the past and had to await approval from the state and local medical directors. Assistant Chief Chandler advised the Public Safety Answering Point (PSAP) consolidation was broken down into three phases: 1) both communication centers would need to utilize CAD to CAD, 2) both communication centers would need to operate the same CAD, and 3) both communication centers would merge into one building and become one organization.

Assistant Chief Chandler reviewed the following actions needed by both the city and the county to advance the issue:

- A. Complete the assessment of current operations (technology, staffing and facility)
- B. Evaluate the assessment (do we continue or not)
- C. Moving forward-develop a plan
- D. Develop project management
- E. Identify needs for operations, technology, facility, and budget/funding
- F. City and county leaders enter into a Memorandum of Understanding of intergovernmental agreement, a joint services agreement, and establish project status updates

Assistant Chief Chandler stated phase one (CAD to CAD) is still operational and will continue to be utilized until December 2011; phase 2 (using the same CAD) is projected to be operational in December 2011; and because of the challenges associated with phase 3, it will require additional research, planning and identification of a funding source for the consolidation. Assistant Chief Chandler stated the projected timeline for phase 3 is three to five years and possibly longer should the economy not rebound.

Kenny Currie, County Emergency Services Director, stated city and county Information Technology departments have worked diligently on the design for phase 2 and have brought a lot of knowledge and skill to the table to eliminate any possible hiccups when the phase 2 system goes live. Mr. Currie stated the hope is to have phase 2 completed by March 2012 and a steering committee has been organized with representatives from the City of Fayetteville, Spring Lake, Hope Mills, Cumberland County and EMS from Cape Fear Valley Hospital System to make certain every agency has input and the right decisions are being made as the process moves forward.

Council Member Crisp asked about estimated start up costs and grant monies. Assistant Chief Chandler stated start up would be between \$5 and \$7 million, to include costs associated with a new facility, and grants are available through E911 if certain criteria are met. Assistant Chief Chandler spoke to some of the possible barriers for grants and the commitments that would be needed before moving forward with grant applications.

Council Member Kady-Ann Davy asked whether existing facilities had been explored. Mr. Currie stated an existing facility would not meet the new requirements and codes for a combined 911 center.

Council Member Bates asked about county residents who would possibly be land-locked by the I-295 construction. Assistant Chief Chandler explained the city would take the calls and they would automatically be transferred and dispatched.

Council Member Crisp asked how a situation would be handled were an accident to occur in Hoke County with a call coming from a resident of Fayetteville/Cumberland County. Mr. Currie explained the ring-down system that would be employed since Hoke County utilizes different call-taking software.

Council Member Applewhite asked whether federal funding would be available through Ft. Bragg. Assistant Chief Chandler stated a lot of the Homeland Security grants are drying up and although there have been conversations with Ft. Bragg, a lot of decisions are not made locally and money has not come from Ft. Bragg.

Dale E. Iman, City Manager, cautioned elected officials not to take the estimated budget as stated seriously because an in-depth analysis and assessment will be conducted. Chairman Edge explained the county had looked at using a floor of the former Public Health building as a possible location; however, due to the change in the codes, it turned out to be cost prohibitive. Chairman Edge stated the county would like to take advantage of grants for brick and mortar and will basically be looking at a new site and a new call center.

4. PARKS AND RECREATION PROPOSED BOND REFERENDUM

Michael Gibson, Parks and Recreation Director, provided background information leading up to the development of the fifteen projects within the 2006 master plan and stated a vote of the people will be required to authorize the issuance of general obligation bonds to finance the proposed capital projects. Mr. Gibson emphasized that neither the city nor the county general fund would be stressed by the project and when the package was put together, it was decided that citizens who use the facilities the most could help support the facilities through the implementation of user fees.

Mr. Gibson reviewed the following timeline and stated he believes all the appropriate vetting processes will have been completed before the financing goes before voters:

- A. Late September – finish structural plan and project costs for each project
- B. Early October – finish financial plan and payment schedule for all projects
- C. Early October – working session with city and county finance directors
- D. Mid October – presentation of final projects and financial plan to city manager and county manager
- E. Mid November – presentation of final projects and financial plan to Fayetteville City Council and Board of County Commissioners
- F. December – request ordinance approval for ballot initiative to support general obligation bonds to fund Parks and Recreation capital improvement

Mr. Gibson responded to questions about the Martin Luther King (MLK) Park and the MLK Committee.

Mayor Chavonne asked whether a market analysis had been conducted to determine whether the bond referendum was timed appropriately for the current economic climate. Mr. Gibson stated he hopes that will be vetted over the next sixty days before it comes before city and county elected officials.

Commissioner Charles Evans asked whether the project was too aggressive and whether it could be scaled back. Mr. Gibson stated the project is aggressive due to the need within the community for quality of life services and part of the vetting process will be to scale back some of the projects. Commissioner Evans asked about the 3 cent increase in property taxes and whether it would place a burden on citizens. Mr. Gibson stated the 3 cent increase is the worst case scenario and the tax increase will likely be lower. Commissioner Evans asked about efforts being made to ensure all citizens across Cumberland County will be able to utilize the facilities. Mr. Gibson stated all citizens will have access to the facilities but no plan has been developed to get them to the facilities. Mr. Gibson explained some of the designs created for citizens in the rural areas.

Council Member Applewhite asked if options could be presented that would look at service needs and access to those services. Mr. Gibson stated the multi-purpose senior center will always remain within the plan and options can be included if requested by the elected bodies.

Council Member Arp asked about the timeframe for completion of the interlocal agreement and what was in place to capture revenue generated by current facilities. Mr. Gibson stated the timeframe is the last of November or first part of December. Mr. Gibson described the Sports Authority that had been developed for revenue generating athletics. Mr. Arp suggested a phased approach be used that would capitalize on outdoor facilities first so they could begin generating revenue that could be used for the indoor facilities.

Council Member Bates asked about the financial model for handling the 3 cent property tax. Mr. Gibson stated no citizen would be double taxed and the model would be vetted by both city and county financial directors. Mr. Bates asked whether the department was working with the Fayetteville-Cumberland County Chamber of Commerce. Mr. Gibson stated one of the things that interested the Chamber was the better the quality of life the project would bring to the area because it meant the community could be better sold. Mr. Gibson stated the Chamber's endorsement of the plan is important.

5. MURCHISON ROAD CORRIDOR – REVITALIZATION TIMEFRAME

Victor Sharpe, Fayetteville Community Development Director, stated the study of the Murchison Road corridor had yielded nine catalyst sites and the Murchison Road Corridor Redevelopment Plan focused on three of the catalyst sites. Mr. Sharpe reviewed

the location of the three catalyst sites. Mr. Sharpe stated the Fayetteville-Cumberland County Chamber of Commerce manages the city's economic development activities and City staff members have met with the Chamber to explore the process for acquiring land within the three catalyst sites for the development of projects identified in the Murchison Road Redevelopment Plan. Mr. Sharpe also stated the city is working to locate funds to support property acquisition efforts. Mr. Sharpe reviewed efforts that have been undertaken with Fayetteville State University for the redevelopment of the Washington Drive School located in one of the catalyst sites.

Council Member Haire asked about the difficulties involved with the search for a developer and funding for the project. Mr. Sharpe stated without a developer, the application for the Section 108 loan would have been weak. Mr. Sharpe stated should the city and/or county allocate the \$2.25 million, then the project can move forward but in the meantime, the city is moving forward with acquisition efforts so the plan can progress in smaller stages and accomplish the same goal.

Council Member Haire stated he could not understand nor had he heard that a developer could not be located. Mr. Sharpe stated bringing a developer into the plan was based on having the land assembled so a developer could make use of it. Mr. Sharpe stated once the land acquisitions are complete, a developer will be located to work on the sites.

Commissioner Evans asked whether there was a priority for the redevelopment of the catalyst sites. Mr. Sharpe stated there was no real priority but the current focus is on catalyst 2 because of activity that is occurring at that site and catalyst 1 will likely be the next focus due to the activity of the State Veterans Park and the realignment of the Rowan Street bridge. Commissioner Evans asked whether focus could be shifted to the Jasper Street area. Mr. Sharpe stated there may be some things that can be done as property is acquired in the area but the return of businesses would be part of the development phase.

Commissioner King asked about local funding. Mr. Sharpe stated the first phase of the plan involved the city borrowing \$2.25 million through a Section 108 loan and the same thing could be accomplished through the use of local dollars. Commissioner King asked whether the project could move forward if the leadership of the community would commit local dollars. Mr. Sharpe confirmed it could move forward if that were to happen.

6. IMPROVEMENTS TO CITY AND COUNTY TRANSIT

Randy Hume, City Transit Director, stated the city and the county both provide transportation services to area residents and visitors. Mr. Hume provided a brief summary of the city's transit operations and the Cumberland County Community Transportation Program (CCCTP). Mr. Hume stated citizens sometimes experience difficulties understanding which programs apply to them and which do not.

Council Member Kady-Ann Davy asked about services within the city for citizens sixty and over. Kristine Wagner, County Transportation Community Planner, stated the CCCTP operates programs to take citizens to work and school in urbanized areas when either the FAST schedule does not work for them or they are more than one and one half mile from a FAST route. Council Member Davy asked about the agreement to support the Phase III work program. Mr. Iman stated the city was not prepared to discuss the matter and the only action he was aware of between the city and the county was to fund the next phase.

7. SUGGESTIONS FOR IMPROVING WORKING RELATIONSHIP BETWEEN CITY AND COUNTY GOVERNMENTAL BODIES

Chairman Edge stated in the essence of time, Item 7. would be delayed for another discussion period.

MOTION: Commissioner Evans moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS (4-0)

MOTION: Council Member Hair moved to adjourn.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 9:45 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board