

FAYETTEVILLE CITY COUNCIL

REGULAR MEETING

MARCH 26, 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); Paul Williams (District 6); Curtis Worthy (District 7); Juanita Gonzalez (District 8); Wesley A. Meredith (District 9)

Absent: Lois A. Kirby (District 5)

Others Present: Dale E. Iman, City Manager

Kyle Sonnenberg, Assistant City Manager

Stanley Victrum, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Lisa Smith, Chief Financial Officer

Brad Whitted, Fayetteville Regional Airport Director

Jimmy Teal, Planning Director

Bobby Teague, Engineering and Infrastructure Director

Victor Sharpe, Community Development Director

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

Greg Casion, Stormwater Services Manager

David Nash, Planning Department

Candice White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Pete Wong of the First Fil-Am Community Church of Fayetteville. The Pledge of Allegiance to the American Flag followed and was led by Troop 6 from St. Andrews United Methodist Church.

ANNOUNCEMENTS

Council Member Williams announced sign-up for boys and girls baseball and softball would be held on Saturday, March 31, 2007 between 10:00 a.m. and 2:00 p.m. at the Douglas Byrd recreational field.

Council Member Williams extended birthday wishes to his daughter, Mary Williams, on her 10th birthday.

Council Member Gonzalez announced a meeting of the Animal Adhoc Committee would take place on Wednesday, April 11, 2007 at 3:00 p.m. in the Lafayette Room at City Hall to discuss the dangerous dog ordinance.

Mayor Pro Tem Massey extended sympathies on behalf of the City Council to Mayor Chavonne on the loss of his mother.

Mayor Chavonne announced PWC would hold a public hearing for input on Smart Metering and Inner Connection Services as outlined in the Energy Act of 2005 on Wednesday, March 28, 2007 at 8:30 a.m. at the PWC Operations Center on Old Wilmington Road.

Mayor Chavonne announced Council Member Kirby was not in attendance as her son, Fayetteville Police Officer Doug Austin, was in the hospital as a result of a gunshot wound to his chest and cuts to his head. Mayor Chavonne further commented that his bulletproof vest saved his life.

1. APPROVAL OF AGENDA

Mayor Chavonne asked that the agenda be amended to add Resolution Endorsing the Cape Fear River Trail Project (Phase II) to the consent agenda as Item 2.L.

MOTION: Mayor Pro Tem Massey moved to approve the agenda to include the addition of Resolution Endorsing the Cape Fear River Trail Project (Phase II) as Item 2.L.

SECOND: Council Member Williams
VOTE: UNANIMOUS (9-0)

2. CONSENT:

Council Member Gonzalez requested Item 2.H. and Item 2.K.1. be pulled for discussion.
Council Member Williams requested Item 2.K.2. and Item 2.K.6. be pulled for discussion.

MOTION: Mayor Pro Tem Massey moved to approve the consent agenda with the exception of Item 2.H., Item 2.K.1., Item 2.K.2. and Item 2.K.6.

SECOND: Council Member Worthy
VOTE: UNANIMOUS (9-0)

- A. Approve minutes**
- 1. Annual Retreat held on February 16, 2007.**
 - 2. Annual Retreat held on February 17, 2007.**
 - 3. Special Meeting held on February 19, 2007.**
 - 4. Agenda Briefing held on February 22 2007.**
 - 5. Regular Council meeting held on February 26, 2007.**
 - 6. Special Meeting held on February 27, 2007.**
 - 7. Council Work Session held on March 5, 2007.**
 - 8. Special Meeting held on March 6, 2007.**
- B. Approve the following financial matters:**
- 1. Tax refunds greater than \$100.**

NAMEYearBasisCITY REFUND

Brooks, Esther M.	2005	Corrected Assessment	<u>\$151.20</u>
TOTAL			<u>\$151.20</u>

- 2. Phase IV-B Annexation Proposed Assessment Revisions.**
- 3. Items Related to Fayetteville Regional Airport.**

a.Adopt Resolution and Grant for Public Seating Upgrade.

b.Adopt Resolution and Grant for Security Screening Areas.

c. Capital Project Ordinance 2007-4 (Budget for Public Seating Upgrade).

This capital project ordinance will appropriate \$105,000 for the public seating upgrade project in the airport terminal building. The project will be funded by a \$94,500 state grant and a \$10,500 local match from the airport operating fund.

4. Budget Ordinance Amendment 2007-15 (Inspections and Other Appropriations)

This budget ordinance amendment will increase budget appropriations for the Inspections Department and Other Appropriations. The \$40,000.00 budget increase request for Inspections will fund additional lot cleanings and demolitions and is funded through increased revenues from assessments for these activities. The \$75,000.00 budget increase request for Other Appropriations will fund additional contracted sales tax reallocation services and is funded by a \$75,000.00 increase in sales tax revenues.

5. Bid Awards for Purchase of Various trucks to Parks Chevrolet, Kernersville, NC.

Bids were received as follows (GVWR Cab and Chassis with Service Body):

- Parks Chevrolet (Kenersville, NC) \$56,262.53
- Smith International Truck Center (Fayetteville, NC) \$68,700.00

Bids were received as follows (GVWR Cab and Chassis with Steel Platform Body):

- Parks Chevrolet (Kenersville, NC) \$66,564.04
- Smith International Truck Center (Fayetteville, NC) \$70,850.00
- Bleeker GMC (Red Springs, NC) \$71,846.52

6. Adopt Resolution Designating The Chief Financial Officer Of The Public Works Commission To Declare Official Intent On Behalf Of The City Of Fayetteville, North Carolina To Reimburse Expenditures For Improvements To The Utilities System

RESOLUTION DESIGNATING THE CHIEF FINANCIAL OFFICER OF THE PUBLIC WORKS COMMISSION TO DECLARE OFFICIAL INTENT ON BEHALF OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO REIMBURSE EXPENDITURES FOR IMPROVEMENTS TO THE UTILITIES SYSTEM. RESOLUTION NO. R2007-017

C. Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County, Surplus and Authorizing a Quit Claim of the City's title to the County in Order to Expedite sale of the Land by Cumberland County

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2007-015

D. Consider technical amendments to the Fayetteville City Code

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 1-9, CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2007-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 6-75 OF CHAPTER 6, ANIMALS AND FOWL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2007-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 24-24 OF CHAPTER 24, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2007-014

E. Approve the rezoning from R6 residential district to R5A residential district or to a more restrictive zoning classification for property located at 2113 and 2119 Cowan Street. Containing 1.02 acres more or less and being the property of Carroll Memorial Baptist Church as evidenced by deed recorded in Deed Book 5470, Page 131, Cumberland County Registry. Case No. P07-10F.

F. Approve the rezoning from R5 residential district to P2 professional district or to a more restrictive zoning classification for property located at 108 Moore Street. Containing 1 acre more or less and being the property of St. Joseph's Episcopal Church as evidenced by deed recorded in Deed Book 99, Page 385, Cumberland County Registry. Case No. P07-13F.

G. Approve the rezoning from R10 residential district to P2 professional district or to a more restrictive zoning classification for property located on the western side of Hope Mills Road and south of Sumac Circle. Containing 3.03 acres more or less and being the property of PSP of Fayetteville, LLC as evidenced by deed recorded in Deed Book 7205, Page 715, Cumberland County Registry. Case No. P07-14F.

H. Pulled for discussion at the request of Council Member Gonzalez.

I. Approve sign permit for the Creasy Proctor Masonic Lodge #679 for their annual charity barbecue scheduled for Friday, April 20th. Signs will be posted on Village Drive in the vicinity of the Masonic Center at 2880 Village Drive from Tuesday, April 17th through Saturday, April 21st.

J. Approve sign permit for Fort Bragg Morale, Welfare and Recreation Division for their annual Fort Bragg Fair held each spring. Signs will be posted in ten locations from April 23rd through May 22nd.

K. The following properties are found to contribute to blight in the neighborhood. After notice to the owners and their failure to repair or demolish the properties themselves, this action authorizes the City to demolish the property and place a lien against the property for the cost of that action.

1. Pulled for discussion at the request of Council Member Gonzalez.

2. Pulled for discussion at the request of Council Member Williams.

3. 310 Homewood Street (PIN 0436-27-8481); Earlise Jones

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-018

4. 1043 Hooks Street (PIN 0436-09-0331); Danny Singletary, Jr., Heirs; Gloria Jean Singletary, Heirs

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-017

5. 418 Moore Street (PIN 0437-57-2475); Daisy Brown, Heirs; James William Butler, Heirs; Leroy Butler, Heirs

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-016

6. Pulled for discussion at the request of Council Member Williams.

7. 1085 Progress Street (PIN 0436-15-5105); Roy S. Massengill

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-014

8. 1927 Progress Street (PIN 0436-03-6899); Doshia McCormick

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-013

L. Resolution Endorsing the Cape Fear River Trail Project (Phase II)

RESOLUTION ENDORSING THE CAPE FEAR RIVER TRAIL PROJECT (PHASE II). RESOLUTION NO. R2007-016

2.H. Approve the rezoning from R10 residential district to P1 professional district or to a more restrictive zoning classification for property located on the southwest corner of Village Drive and Conover Drive. Containing .36 acres more or less and being the property of VU Properties, LLC as evidenced by deed recorded in Deed Book 6783, Page 89, Cumberland County Registry. Case No. P07-15F.

MOTION: Council Member Gonzalez moved to set a public hearing for April 23, 2007.

SECOND: Council Member Evans

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Williams)

2.K.1. 5038 Haddock Street (PIN 0418-28-1828) (house, shed, 3 trailers); John J. & Jeannie Odom Pavlikianidis, Peter I. & Raven Pavlikianidis

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-020

Council Member Gonzalez stated the property owner contacted her and requested more time to conduct repairs to the property. Mr. Frank Simpson, Inspections Director, provided an overview of the findings of fact, hearings and extensions granted since February 2005 and stated nothing has been done over the past two years to correct conditions.

MOTION: Council Member Gonzalez moved to follow the recommendation of staff for condemnation of all structures.

SECOND: Council Member Bates

Council Member Evans asked the property owner why the property had not been brought up to minimum code standards over the past two years.

SUBSTITUTE MOTION:

Council Member Williams moved to condemn the shed and three trailers and grant an additional thirty days for repairs to the duplex.

SECOND: Council Member Haire

Mr. Simpson provided a video overview of the property and responded to questions posed by Council.

Council Member Haire withdrew his second to the substitute motion.

VOTE ON ORIGINAL MOTION:

UNANIMOUS (9-0)

2.K.2. 1328 Hamlet Street (PIN 0436-36-0060); Isaac R. Williams, Helen L. Williams

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-019

Council Member Williams stated the grandson of the property owner recently found out about the demolition and contacted him regarding the property. Mr. Simpson provided an overview of communications with the property owner and extensions granted over the past year. Mr. Simpson reviewed current conditions of the property.

MOTION: Council Member Williams moved to grant a ninety-day extension for completion of repairs to the property.

SECOND: Council Member Worthy

Mr. Simpson provided a video overview of the property and stated the property owner had completed some of the repairs to the property. Deliberation ensued.

VOTE: FAILED by a vote of 3 in favor to 6 opposed (Council Members Gonzalez, Bates, Massey, Chavonne, Evans and Meredith)

MOTION: Council Member Gonzalez moved to follow the recommendation of staff for condemnation.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Williams and Worthy)

2.K.6.214 Park Street (PIN 0427-96-8285); Linda J. Bailey Garrison, Robert G. Garrison

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 BUILDING MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2007-015

Mr. Simpson provided an overview of the property since it was first condemned in 2002. Mr. Simpson stated the property has been vandalized on numerous occasions, the Police Department has responded to frequent calls due to break-ins and neighbors have filed numerous complaints about the property.

Mr. Simpson provided a video overview of the property.

MOTION: Council Member Gonzalez moved to follow the recommendation of staff for condemnation.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Meredith and Worthy)

3. Consideration of Eastover Incorporation

MOTION: Council Member Haire moved to pull the item for discussion at an April 16th special meeting work session.

SECOND: Council Member Worthy

SUBSTITUTE MOTION:

Council Member Meredith moved to deny support for the proposal of Eastover's incorporation as identified by the boundaries submitted by the Progressive Eastover Committee on March 22, 2007.

SECOND: Council Member Bates

Council Member Worthy spoke in favor of further negotiations and discussion of boundaries with the Progressive Eastover Committee. Council Member Bates stated he supported the Eastover incorporation but he could not support the proposed boundaries.

FRIENDLY AMENDMENT:

Council Member Bates moved to continue with a work session.

Council Member Meredith did not accept the friendly amendment.

Mayor Pro Tem Massey spoke to the number of meetings held between the Governmental Relations Committee and the Progressive Eastover Committee. Mayor Pro Tem Massey spoke in opposition to the existing map and questioned whether there was any flexibility in the Progressive Eastover Committee's timeline.

VOTE ON SUBSTITUTE MOTION:

UNANIMOUS (9-0)

MOTION: Council Member Bates moved to set a special meeting work session for April 16th to discuss the potential boundaries with the Progressive Eastover Committee.

SECOND: Council Member Haire

Council Members offered comments related to further discussion of Eastover boundaries.

VOTE: FAILED by a vote of 4 in favor (Council Members Massey, Bates, Williams and Haire) to 5 in opposition (Council Members Chavonne, Gonzalez, Evans, Meredith and Worthy)

4. PUBLIC HEARINGS:

A. Consider the rezoning from R5 residential district to C3 commercial district or to a more restrictive zoning classification for property located at 1000 Ramsey Street.

Containing .49 acres more or less and being the property of the Fayetteville Metropolitan Housing Authority as evidenced by deeds recorded in Deed Books 7120, 7029 & 5212, Pages 647, 521 & 576, Cumberland County Registry. Case No. P07-03F.

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the Fayetteville Housing Authority wishes to have their property all zoned to C3 commercial. Mr. Teal stated the Zoning Commission and planning staff recommend C3 commercial district.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:00 p.m.

Ms. Dawn Driggers, PO Box 2349, Fayetteville, NC, Director of the Metropolitan Housing Authority, spoke in favor and stated the Metropolitan Housing Authority purchased the property several years ago and there are no immediate plans for its use. Ms. Driggers stated she did not anticipate using the land for anything other than future expansion of the administrative facilities and parking.

Mr. Jim Cooper, 1719 Ramsey Street, Fayetteville, NC, attorney for the Metropolitan Housing Authority, spoke in favor and provided an overview of the Metropolitan Housing Authority's performance record and its relationship to the city. Mr. Cooper stated the Metropolitan Housing Authority should have the flexibility to use the land as needed and do what is best for public housing tenants in Fayetteville.

Ms. Virlene G. Stewart, 207 Wall Street, Fayetteville, NC spoke in opposition and asked whether residents in the area would be required to relocate. Ms. Stewart expressed concern for the hardships that would be placed on senior residents in the area if they had to relocate as a result of the property being rezoned for commercial uses.

There was no one further to speak and the public hearing closed at 8:12 p.m.

MOTION: Council Member Evans moved to deny the rezoning from R5 to C3.

SECOND: Council Member Gonzalez

Mayor Pro Tem Massey asked what the plans were for the property that necessitated it being rezoned to C3. Mr. Cooper responded there are currently no plans for its use; however, the Board of Commissioners of the Metropolitan Housing Authority want the ability to use the property as determined by need.

Council Member Meredith posed questions to Mr. Teal regarding a special use permit for parking and whether P2 zoning would allow parking and an office building.

SUBSTITUTE MOTION:

Council Member Meredith moved to rezone the area being requested by the Metropolitan Housing Authority to P2.

SECOND: Council Member Worthy

Deliberation continued. Council Member Gonzalez advocated for keeping the property zoned R5 until plans are in place that would necessitate a rezoning.

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Gonzalez and Evans)

The regular session recessed at 8:30 p.m.

The regular session reconvened at 8:40 p.m.

B. Consider an application by Georgianna Muwwakkil for a special use permit as provided by the City of Fayetteville Code of Ordinances, Article IV, Section 30-107(24) to allow a daycare in an R6 residential district for property located at 114 Eastwood Avenue. Containing .47 acres more or less and being the property of Nathan Williams and wife as evidenced by deed recorded in Deed Book 565, Page 233, Cumberland County Registry. Case No. P07-11F.

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant wishes to open a daycare at 114 Eastwood Avenue and has proposed the use of a circular driveway in front of the house. Mr. Teal stated the Zoning Commission recommends approval with conditions.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:44 p.m.

Mr. Pat Melvin, 4155 Hwy. 701 North, Elizabethtown, NC appeared in favor and stated a daycare is needed in the area. Mr. Melvin stated the daycare would not create a nuisance for the neighborhood and would be subject to North Carolina licensing regulations.

Ms. Georgianna Muwwakkil, 513 Nottingham Drive, Fayetteville, NC appeared in favor and stated parents are always looking for a place to care for their children while they are at work. Ms. Muwwakkil stated the daycare would be good for the neighborhood.

Mr. Robert Gore, 2741 Briarcreek Place, Fayetteville, NC appeared in opposition and expressed concern for the operation of a daycare 24-hours a day, seven days a week for eighty-eight children. Mr. Gore stated the property is not large enough for children, parking, construction of a building addition and a play area. Mr. Gore stated there are better locations for a daycare.

There was no one further to speak and the public hearing closed at 8:50 p.m.

MOTION: Council Member Bates moved to disapprove the request for a special use permit.

SECOND: Council Member Evans

Council Member Williams spoke in favor of the daycare. Council Member Bates spoke to the level of noise created by eighty-eight children and stated the daycare will add to existing traffic hazards. Council Member Meredith recalled a recent Town Hall meeting at which citizens asked Council to reconsider allowing daycares in neighborhoods. Council Member Gonzalez spoke in opposition to allowing daycares in neighborhoods.

Discussion continued and Mr. Teal responded to questions posed by

Council. Ms. Muwwakkil clarified the hours of operation would be from 6:30 a.m. until 11:00

p.m. or 12:00 p.m.

VOTE: **FAILED by a vote of 4 in favor (Council Members Gonzalez, Bates, Chavonne and Evans) to 5 in opposition (Council Members Williams, Haire, Massey, Worthy and Meredith).**

MOTION: **Council Member Williams moved to approve the special use permit with conditions.**

SECOND: Council Member Worthy

VOTE: **PASSED by a vote of 6 in favor to 3 in opposition (Council Members Bates, Gonzalez and Evans)**

C. Consider the rezoning from R10 residential district to C1 commercial district or to a more restrictive zoning classification for property located at 714 Country Club Drive. Containing .46 acres more or less and being the property of Renwick McDonald as evidenced by deed recorded in Deed Book 4778, Page 310, Cumberland County Registry. Case No. P07-16F.

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant wishes to operate a barbershop at this location. Mr. Teal explained why the Zoning Commission had no recommendation and stated planning staff recommended denial. Mr. Teal responded to questions posed by Council Member Williams about whether the 2010 Land Use Plan had been based upon a land use study or existing zoning.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:10 p.m.

Mr. R. Jonathan Charleston, 201 Hay Street, Suite 2000, Fayetteville, NC appeared in favor as legal counsel for the owner. Mr. Charleston stated the character of Country Club Drive has changed to commercial uses since the 2010 Land Use Plan was adopted and there are existing commercial uses abutting the property. Mr. Charleston stated the owner should be allowed the highest and best use of his property and the proposed use would not adversely affect surrounding properties.

Ms. Kelli N. Diamond, 201 Hay Street, Fayetteville, NC stated she and Mr. Remwick McDonald, the property owner, deferred their time Mr. Charleston.

No one appeared in opposition and the public hearing closed at 9:20 p.m.

Council Member Gonzalez inquired about buffer requirements for C1, P2 and P4 zoning and Council Member Worthy inquired about permissible uses for C1, P2 and P4 zoning. Mr. Teal responded accordingly.

MOTION: **Council Member Bates moved to rezone the property to P2.**

SECOND: Council Member Worthy

Council Member Gonzalez expressed concern for buffers to protect neighborhoods abutting the property. Council Member Evans asked Mr. Charleston whether P2 would be acceptable to his client. Mr. Charleston stated it would make more sense to rezone the property consistent with the C1 surrounding uses. Council Member Worthy recommended changing the zoning, rather than the Land Use Plan, along Country Club Drive in order to allow for businesses. Mr. Teal responded to questions posed by Council and deliberation continued.

VOTE: **FAILED by a vote of 4 (Council Members Bates, Gonzalez, Meredith and Worthy) in favor to 5 in opposition (Council Members Chavonne, Williams, Haire, Massey and Evans)**

MOTION: **Council Member Evans moved to approve C1 commercial zoning.**

SECOND: Council Member Haire

VOTE: **PASSED by a vote of 8 in favor to 1 in opposition (Council Member Gonzalez)**

MOTION: **Council Member Worthy moved to start the process to rezone properties on the north side of Country Club Drive between Rosehill Road and McCowan Road to C1.**

SECOND: Council Member Williams

Mr. Teal explained the process that would be involved were the motion to pass. Council Member Bates asked about tax ramifications to property owners.

FRIENDLY AMENDMENT:

Council Member Williams moved to start the rezoning process on the corner lot that abuts the fire station.

Council Member Worthy did not accept the friendly amendment.

FRIENDLY AMENDMENT:

Council Member Evans moved to take the matter to a work session for further discussion.

Council Member Worthy did not accept the friendly amendment.

VOTE ON ORIGINAL MOTION:

FAILED by a vote of 3 in favor (Council Member Williams, Haire and Worthy) to 6 in opposition (Council Members Chavonne, Bates, Gonzalez, Massey, Evans and Meredith)
MOTION: Council Member Gonzalez moved to send the matter to a work session for discussion.

Mr. Dale E. Iman, City Manager, stated comprehensive rezoning of the entire city is a part of Council's Strategic Plan and time is needed to look at issues such as traffic counts, transportation, accessibility and zoning and land use patterns.

Council Member Gonzalez withdrew her motion.

D. Consider the financing of the construction and equipping of the Buhmann Drive Fire Station (Fire Station 15) and E.E. Miller Recreation Center.

Ms. Lisa Smith, Chief Financial Officer, stated the public hearing is required by the Local Government Commission in order to obtain financing and no additional action is required during the meeting. Ms. Smith stated financing proposals would be presented for Council's consideration at a later time.

This is the advertised public hearing set for this date and time. There being no one to speak, the public hearing opened and closed at 8:40 p.m.

E. Consider a request for payment-in-lieu of sidewalk construction on Parkview Avenue as requested by Buzz Loyd.

Mr. Teal explained the subdivision ordinance and the City Council sidewalk policy provides an opportunity for an individual to request a payment-in-lieu of constructing the sidewalk. Mr. Teal stated Mr. Loyd's required sidewalk length is 219.12 feet and at \$22 per linear foot, provides a payment of \$4,820.64. Mr. Teal further stated when the applicant submitted the request in December 2006, the linear foot cost was \$22. City Council in February 2006 increased that amount to \$25 per linear foot. Mr. Teal stated the Planning Commission recommends approval of the request at \$22 per linear foot.

In response to a question posed by Council Member Gonzalez, Mr. Teal explained the posting of bonds in accordance with the sub-division ordinance. Mr. Teal stated according to Council policy, in lieu of payments are credited to the sidewalk fund.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:50 p.m.

Mr. Buzz Loyd, 493 Windwood on Skye, Fayetteville, NC appeared in favor and stated although he is a strong proponent of sidewalks, installing a sidewalk on this particular piece of property would necessitate removing all of the trees subsequently destroying the front of the lot. Mr. Loyd stated he felt the payment in lieu would be better used if it were grouped with other funds to install sidewalks where they are really needed.

No one appeared in opposition and the public hearing closed at 8:51 p.m.

MOTION: Council Member Worthy moved to approve the payment in lieu of constructing a sidewalk at \$22 per linear foot.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

5. Consider the rezoning from R6 residential and P2 professional district to C1P commercial district or to a more restrictive zoning classification for property located on the southern side of Cliffdale Road between Branchwood Road and Rim Road. Containing 12.01 acres more or less and being the property of Ethel Pate as evidenced by deeds recorded in Deed Books 5984 and 2296, Pages 702 and 129, Cumberland County Registry. Case No. P07-09F.

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant wishes to use the property for retail uses. Mr. Teal stated the Zoning Commission recommends approximately nine of the twelve acres rezoned to C1P.

MOTION: Council Member Worthy moved to accept the recommendation of the Zoning Commission to rezone nine of the twelve acres to C1P.

SECOND: Council Member Meredith

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Gonzalez)

6. Consider the rezoning from R15 residential district to R6 residential district or to a more restrictive zoning classification for property located on the western side of Hoke Loop Road. Containing 20 acres more or less and being the property of John Gillis and wife, Roy Turner and wife, Joseph Gillis and wife and James Gillis as evidenced by deed recorded in Deed Book 4093, Page 285, Cumberland County Registry. Case No. P07-12F.

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicants wish higher density of residential development. Mr. Teal stated the Zoning Commission recommends R10 residential district and the petitioners are in agreement.

MOTION: Council Member Worthy moved to approve R10 zoning.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

7. Consider request to waive one-year waiting period for application for rezoning by George Rose on the eastern side of Santee Drive.

Mr. Teal reviewed the outcome of the applicant's initial application in the summer of 2006 and the one-year waiting period. Council Member Haire stated the developer met with citizens and they jointly worked out issues that arose from his initial rezoning application.

MOTION: Council Member Haire moved to waive the one-year waiting period for the rezoning application.

SECOND: Council Member Worthy

SUBSTITUTE MOTION:

Council Member Williams moved that the City Council initiate the rezoning process for the piece of property on the eastern side of Santee Drive.

SECOND: Council Member Worthy

Mr. Teal explained the property owner is required to make application for conditional use zonings but Council could move to waive the application fee.

Council Member Williams withdrew his substitute motion.

AMENDED MOTION:

Council Member Haire moved to waive the one-year waiting period for a rezoning application and the accompanying application fee.

SECOND: Council Member Worthy

Mr. Iman explained fees are based on costs associated with the process.

Council Member Gonzalez expressed concern that Council would set a precedence and asked Mr. George Rose, the applicant, to explain what transpired during his talks with residents. Discussion ensued and Mr. Rose clarified that representatives from the residential neighborhood participated in the talks.

VOTE ON ORIGINAL MOTION:

PASSED by a vote of 8 in favor to 1 in opposition (Council Member Bates)

8. Policy 160.2 Sidewalk Construction and Maintenance Policy

Council Member Gonzalez spoke to budget constraints and recommended an amendment to Policy 160.2 that would require citizens to pay for petition-initiated sidewalks in accordance with charges for payment in lieu of installing sidewalks.

MOTION: Council Member Gonzalez moved to amend Policy 160.2 to change the \$5 per linear foot consistent with charges for payment in lieu of installing sidewalks.

SECOND: Council Member Evans

Council Member Williams asked how many citizens had installed sidewalks in their neighborhoods consistent with Policy 160.2. Council Member Worthy stated the intent of the policy is to encourage the installation of sidewalks and raising fees would be counterproductive. Council Member Gonzalez stated the city does not have the budget to supplement the costs and the amounts reflected in the policies should be aligned.

VOTE: FAILED by a vote of 4 in favor (Council Members Gonzalez, Bates, Evans and Meredith) to 5 in opposition (Council Members Chavonne, Williams, Haire, Massey and Worthy).

9. BOARDS AND COMMISSIONS

INFORMATION ONLY – No Action Needed

FAYETTEVILLE REDEVELOPMENT COMMISSION – 1 vacancy due to resignation for position expiring December 2009

INFORMATION ITEMS:

1. Statement of taxes collected for the month of February 2007 from the Cumberland County Tax Administrator.

2006 Taxes. \$1,206,289.22

2006 Vehicle Taxes 457,893.57

2006 Revit 3,292.06

2006 Vehicle Revit. 283.40

2006 FVT 50,986.44

2006 Storm Water 68,780.12

2005 Taxes \$20,095.19

2005 Vehicle Taxes 51,632.10

2005 Revit. 746.25

2005 Vehicle Revit..... 0.00

2005 FVT 7,365.07

2005 Storm Water 2,252.54

2004 Taxes 8,000.88

2004 Vehicle Taxes 2,416.84

2004 Revit. 746.25

2004 Vehicle Revit..... 0.00

2004 FVT. 516.56

2004 Storm Water 1,188.32

2003 Taxes 5,629.14

2003 Vehicle Taxes 1,360.58

2003 Revit. 714.12

2003 Vehicle Revit..... 0.00

2003 FVT. 326.93

2003 Storm Water 1,041.68

2002 and Prior Taxes 19,484.59

2002 and Prior Vehicle Taxes 4,594.00

2002 and Prior Revit 3,490.31

2002 and Prior Vehicle Revit..... 0.00

2002 and Prior FVT. 966.96

2002 and Prior Storm Water 1,705.18

Interest 67,351.81

Interest (Revit) 2,272.71

Interest (Storm Water) 3,493.73

Fayetteville Discount (Current).... 0.00

Fayetteville Discount (Revit)..... 0.00

Total Collections \$2,063,991.08

2. Strategic Business Decisions Report for the month of January 2007 from the Chairman of the Public Works Commission.

3. Copy of letter of support and endorsement for Fayetteville State University's efforts to establish a Regional Electron Microprobe Facility at the university.

There being no further business, the meeting adjourned at 10:15 p.m.