

FAYETTEVILLE CITY COUNCIL

MINUTES

JULY 23, 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: Council Member Lois A. Kirby (District 5)

Others Present: Dale E. Iman, City Manager

Stanley Victrum, Assistant City Manager

Kyle Sonnenberg, Assistant City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Lisa Smith, Chief Financial Officer

Bobby Teague, Engineering and Infrastructure Director

Bradley Whited, Airport Director

Jeff Brown, Engineer

Jimmy Teal, Planning Director

Kyle Garner, Planner

Craig Hampton, Special Projects Director

Candice H. White, City Clerk

Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Pastor Pete Wong of the Gospel International Fellowship, Fayetteville, NC, followed by the Pledge of Allegiance to the American Flag.

Council Member Gonzalez announced the fourth and final Town Hall meeting of the year would be held on Monday, July 30, 2007 at Cliffdale Recreation Center, 6404 Cliffdale Road. She stated the Informational Fair would begin at 6:30 p.m. and the Open Forum would begin at 7:00 p.m.

Mayor Chavonne shared a letter from Kate Sarosy, Mayor of the City of Casper, Wyoming, congratulating him on the Fayetteville Guard's win of the championship game on July 14, 2007 and enclosing five pounds of Wyoming buffalo jerky.

RECOGNITIONS AND ANNOUNCEMENTS

Council Member Haire awarded Certificates of Appreciation to City of Fayetteville Police Officer Scott A. Andreatta and dispatcher Malia N. Robinson for their efforts in response to a fire emergency in the home of the Randall family.

1. APPROVAL OF AGENDA

Mrs. Karen M. McDonald, City Attorney, requested the removal of Items 2.N. and 3.B. because proper notification had not been sent regarding the items. Mrs. McDonald further requested the addition of a closed session for consultation with attorney.

Council Member Worthy requested the addition of discussion of a resolution to protect the water supply as a natural resource.

MOTION: Council Member Massey moved to approve the agenda with the removal of Items 2.N. and 3.B., the addition of a closed session for consultation with attorney and the addition of discussion of a resolution to protect water as a natural resource.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

2. CONSENT:

Council Member Bates requested Item 2.M. pulled for discussion, Mayor Chavonne requested Item 2.D. pulled for discussion and Council Member Meredith requested discussion of Item 2.N.

Mrs. McDonald advised dialogue regarding Items 2.N. and 3.B. would be appropriate in order to clarify what had been removed from the agenda and why. The caption for Item 2.N. was recited following which Mrs. McDonald reaffirmed appropriate notification had not been sent for the item.

MOTION: Council Member Meredith moved to send out the appropriate notices and set a public hearing for Item 2.N. on August 13, 2007.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (9-0)

The caption for Item 3.B. was recited following which Mrs. McDonald advised proper notification could be sent for a public hearing on the August 27, 2007.

MOTION: Council Member Massey moved to approve the consent agenda with the exception of Items 2.D. and 2.M.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (9-0)

A. Approve minutes:

1. Regular Meeting held on July 9, 2007

B. Capital Project Ordinance 2008-1 (FY2008 Street Resurfacing Project)

This ordinance will establish a \$3,500,000 capital project budget for the FY2008 annual street resurfacing contract. The source of funds for this action is a transfer from the General Fund as approved in the FY2008 General Fund budget. The Engineering and Infrastructure Department provided a proposed street resurfacing list to City Council during the FY2008 budget process. The department plans to obtain bids on this project in the fall of 2007. City Council must approve the street resurfacing contract before work can begin.

C. Capital Project Ordinance 2008-2 (Ray and Franklin Streetscape Project)

This ordinance will establish a \$107,888 capital project budget for the Ray and Franklin streetscape project. The source of funds for this action is a \$53,944 transfer from the General Fund and a \$53,944 transfer from the Central Business Tax District Fund as approved in the FY2008 annual budget.

D. Pulled for discussion at the request of Mayor Chavonne.

E. Capital Project Ordinance Amendment Change 2008-3 (EE Miller Recreation Center Project)

This amendment will expand the scope of the EE Miller Recreation Center project to allow for budget available beyond the construction costs to be expended for equipping, furnishing, and landscaping the facility. The total funding for the project remains unchanged.

F. Budget Ordinance Amendment 2008-1 (Cross Creek Cemetery Restoration Grant)

This budget ordinance amendment will increase the appropriation for Parks, Recreation and Maintenance by \$9,500 to provide funding to restore a portion of the grave markers damaged by vandals at Cross Creek Cemetery Number One. The City has received a \$4,500 grant from the State Historic Preservation Office of the NC Department of Natural Resources. The required local match of \$5,000 is funded by reappropriating \$5,000 of general fund balance resulting from unspent fiscal year 2006-2007 funding for the Historic Resources Commission.

G. Special Revenue Project Ordinance 2008-2 (Gangs Across the Carolinas Conference Grant)

This ordinance will appropriate \$87,744.00 for the 2007 Gangs Across the Carolinas training conference. The City of Fayetteville has been awarded a \$65,808 grant by the NC Department of Crime Control and Public Safety, Division of Governor's Crime Commission, with \$21,936 for the local match being provided by the North Carolina Gang Investigator's Association. This annual conference provides training to law enforcement officials on gang issues specific to the Carolinas.

H. Approve the rezoning from R10 residential district to R6 residential district\conditional zoning to allow a 253 unit development on property located on Rosehill Road north of Walstone Road and south of Hickory Hill Road. Containing 28.2 acres more or less and being the property of Green Valley South, LLC. Case Number P07-

41F.

I. Approve the rezoning from C1 commercial district to R6 residential district or to a more restrictive zoning classification for property located at 751 Bunce Road. Containing .59 acres more or less and being the property of Jason and Nancy Johnson. Case Number P07-42F.

J. Approve the rezoning from P2 professional district to C1 commercial district or to a more restrictive zoning classification for property located at 1018 Hope Mills Road. Containing .31 acres more or less and being the property of Marian and Kimberly Starling. Case Number P07-43F.

K. Approve the rezoning from AR agricultural\residential district to MUD mixed use district\conditional zoning to allow an expansion of an existing dog kennel facility for property located at 2102 Strickland Bridge Road. Containing 4.1 acres more or less and being the property of Lisa Adams-Turner. Case Number P07-45F.

L. Approve the rezoning from R6 residential district to C1 commercial district or to a more restrictive zoning classification for property located at 1302 and 1304 Ramsey Street. Containing .95 acres more or less and being the property of Winnie Cotton and Brenda Johnson. Case Number P07-46F.

M. Pulled for discussion at the request of Council Member Bates.

N. Removed from agenda at the request of Mrs. McDonald.

O. Approve special sign permit for the 16th annual UMOJA African American Family and Cultural Festival to be held at Seabrook Park on Saturday, August 25, 2007 from Noon to 7:00 PM.

P. *Adopt a Resolution for a Public hearing Regarding a Proposed Permanent Closing of a Portion of Bingham Place*

RESOLUTION CALLING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF A PORTION OF BINGHAM PLACE AS A CITY STREET. R2007-042

Q. **Master Agreement with Talbert and Bright Consulting Engineers**

R. **Fort Bragg Utility Easements**

2.D.Capital Project Ordinance Amendment Change 2008-2 (300 Block of Hay Street Project)

This amendment will increase the 300 Block of Hay Street project budget by \$123,475. The source of funds for the amendment is a transfer from the General Fund as approved in the FY2008 General Fund budget. If the amendment is approved, the budget for this project will be \$1,857,475. These funds will be used to meet the City's obligations for the project as outlined in the City's agreement with the developer.

Mayor Chavonne requested clarification from Mrs. McDonald regarding whether his vote on Item 2.D. would pose a potential conflict of interest because of his plans to purchase a unit in the 300 Block of Hay Street. Mrs. McDonald advised the capital ordinance amendment budget increase was for the excavation of substandard soil and not for an expansion of the scope of the project. Mrs. McDonald further advised the project was initially approved on December 16, 2005, which was prior to Mayor Chavonne's election to office, and therefore his vote on the capital ordinance amendment did not pose a conflict of interest.

Mrs. Lisa Smith, Chief Financial Officer, responded to questions posed by Council Members Gonzalez and Bates regarding additional funds applied to the project. Mrs. Smith stressed that the developer had not requested additional funding and approval of the capital ordinance amendment was necessary for the city to fulfill its obligations under the agreement originally approved in 2005. Mr. Craig Hampton, Special Projects Director, explained in addition to the remediation of substandard soil from the site, the excavation of 60,000 tons of petroleum-contaminated soil had depleted the budget.

MOTION: Council Member Massey moved to approve Capital Project Ordinance Amendment Change 2008-2.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (9-0)

2.M.Approve the rezoning from R10 residential district to R6 residential district or to a more restrictive zoning classification for property located at 1366 Bingham Drive. Containing 21 acres more or less and being the property of Richard and Georgia Matthews, Jon and Dawn Boyles, Janice Simpson, Glyndetta Hubbard, Annette Fox and Samuel Tolar. Case Number P07-49F.

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 construct apartment units on the property. Mr. Teal stated the Zoning Commission and planning staff concur with the request.

Council Member Bates expressed concern for stormwater run-off.

MOTION: Council Member Bates moved to delay action for thirty days to allow for development of a stormwater plan.

SECOND: Council Member Haire

Mrs. McDonald advised action by Council would be to approve the rezoning or set a public hearing.

AMENDED MOTION:

Council Member Bates moved to set a public hearing for August 27, 2007.

SECOND: Council Member Haire

Council Member Worthy asked whether the case could be approved with the condition for a stormwater plan. Mr. Jimmy Teal, Planning Director, restated options available to Council were to approve the rezoning or set a public hearing. Council expressed concern regarding development related stormwater issues and Mr. Teal and Mr. Jeff Brown, City Engineer, responded to additional questions.

Mr. Dale E. Iman, City Manager, explained the Phase II permit, when received, would outline requirements for the city's ordinances and should Council adopt new stormwater regulations, stormwater requirements would be provided to all developers. A brief discussion followed.

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

3. PUBLIC HEARINGS:

A. Consider approval of a Resolution Requiring the Paving Without Petition of Certain Soil Streets

Mr. Bobby Teague, City Engineer and Infrastructure Director, presented this item and stated following the public hearing, Council is asked to approve a resolution requiring the paving without petition of Oscar Street, Milan Road, Meeting Street, Church Street, Seminole Drive, and Como Street. Mr. Teague stated the six streets were proposed for paving with remaining 2005 bond funds and twenty-nine other soil streets remained on the list to be paved over the next three years.

In response to a question from Council Member Haire, Mr. Teague confirmed property owners would be assessed for the paving and stated information regarding payment assistance was included in letters sent to the property owners.

Council Member Massey asked why Milan Road had been recommended for paving since it contained no residences. Mr. Teague explained Milan Road was selected because of the amount of traffic and maintenance. Discussion ensued regarding the paving of streets without residences.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:55 p.m. and no one appeared in favor.

Clarence Wilson Goins, 2138 Goins Drive, Fayetteville, NC appeared in opposition to the paving of Como Street and expressed concern that there were no driveways connecting to the street and therefore the paving served no purpose.

Kenny Ray Dunn, 2150 Tina Drive, Fayetteville, NC appeared in opposition to the paving of Como Street on behalf of his sister-in-law and expressed concern that no one owning property on the street wanted it paved.

Champ Goins, 2150 Tina Drive, Fayetteville, NC appeared in opposition to the paving of Como Street and expressed concern because Goins Mobile Home Trailer Park had its own private drive.

J. J. Barnes, 8397 Ramsey Street, Fayetteville, NC appeared in opposition to the paving of Milan Road and expressed concern that the only vehicles using the street were trash collection vehicles.

The public hearing closed at 8:05 p.m.

MOTION: Council Member Worthy moved to close and condemn Como Street, remove it from the list for paving and follow staff recommendation for paving of the remaining streets.

SECOND: Council Member Bates

Mrs. McDonald advised a statutory process would be involved for the closing of Como Street.

AMENDED MOTION:

Council Member Worthy moved to adopt the attached resolution with the exception of Como Street.

SECOND: Council Member Haire

FRIENDLY AMENDMENT:

Council Member Evans moved to adopt the attached resolution with the exception of Como Street and Oscar Street.

Council Member Worthy did not accept the friendly amendment.

FRIENDLY AMENDMENT:

Council Member Williams moved to adopt the attached resolution with the exception of Como Street and Milan Street.

Council Member Worthy did not accept the friendly amendment.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF OSCAR STREET, MILAN ROAD, MEETING STREET, CHURCH STREET AND SEMINOLE DRIVE. R2007-043
RESTATED MOTION:

Mayor Chavonne moved to adopt the attached resolution requiring the paving of soil streets with the exception of Como Street and to explore the closing of Como Street.

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

B. Removed from the agenda at the request of Mrs. McDonald.

C. Consider the rezoning from R10 residential district to R6 residential district\conditional zoning to allow a 96 unit apartment complex on property located at 862 Santee Drive. Containing 11.76 acres more or less and being the property of Pauline Longest. Case Number P07-40F.

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 submitted plans for 96 apartment units with no access onto Criss Drive, a 30-foot vegetative buffer along the southern lot line adjacent to the homes on that side of the property and no dwelling unit built east of the creek running through the property. Mr. Teal stated the Zoning Commission recommends denial. Mr. Teal reminded Council Members this case previously came before Council and was denied due to concerns about low density housing in the area and traffic flow. Mr. Teal stated the applicant then requested conditional zoning.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:15 p.m.

Mr. George Rose, 1206 Longleaf Drive, Fayetteville, NC appeared in favor and updated Council on the series of meetings that had been held with residents and what had been done to address their concerns.

Ms. Wendy Chestnut, 4804 Criss Drive, Fayetteville, NC appeared in favor and stated residents feel the conditions agreed upon made the development of the 96-unit apartment complex the best situation possible for Criss Drive.

Ms. Linda Glisson, 604 Adair Street, Fayetteville, NC appeared in favor and stated concessions made by Mr. Rose were appreciated.

Mr. Kirk Nance, 330 *** Street, Fayetteville, NC appeared in opposition representing Neill Bullard and expressed concern about ingress and egress to the proposed apartment complex and traffic problems at the intersection of Santee Drive and Yadkin Road.

Mr. Thomas Bullard, 868 Santee Drive, Fayetteville, NC appeared in opposition and expressed concern regarding the lack of an adequate buffer and fencing, increased stormwater run-off onto his property and traffic issues that would be created by the development of the apartment complex.

On rebuttal, Mr. George Rose reviewed his interactions with the North Carolina Department of Transportation (NCDOT) and traffic engineers and his plans for a bulb improvement at the driveway intersection onto Santee Drive. Mr. Rose stated a natural retention basin with a pond would provide adequate drainage for stormwater.

On rebuttal, Mr. Kirk Nance spoke to general traffic concerns on Yadkin Road and stated the proposed apartment complex would compound already existing traffic problems.

On rebuttal, Mr. George Rose stated the NCDOT indicated there would no issues created by the proposed apartment complex.

On rebuttal, Mr. Thomas Bullard stated he had lived on Santee Drive for forty years and knew the nature of problems created by water flow.

The public hearing closed at 8:42 p.m.

MOTION: Council Member Haire moved to approve the rezoning from R10 residential district to R6 residential district\conditional zoning.

SECOND: Council Member Worthy

Accident statistics for the Yadkin Road/Santee Drive area requested by Council Member Worthy were not available. Council Member Haire requested a copy of the letter from NCDOT. Mr. Teal responded to additional questions regarding buffer requirements and whether the access road would accommodate two-way traffic. Mr. Teal confirmed sixty-eight units could be constructed under the current zoning.

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Evans)
D. Consider the rezoning from R10 residential district to R6 residential district or to a more restrictive zoning classification for property located on Beaver Creek Drive. Containing 2.5 acres more or less and being the property of Watermark Homes, Inc. Case Number P07-44F.

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 build multi-family housing on the property and the Zoning Commission recommends denial.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:52 p.m. and no one appeared in favor.

Mr. Bobby Hill, 5311 Brookfield Road, Fayetteville, NC appeared in opposition and expressed concern that traffic from multi-family housing would overcrowd residential streets in the Foxfire area and create additional problems at the intersection of Brookfield Road and Yadkin Road.

Mr. Ray Smith, 5110 Foxfire Road, Fayetteville, NC appeared in opposition and expressed concern regarding gangs and gunfire in Foxfire and stated the Foxfire neighborhood did not need additional issues that multi-family housing would bring.

The public hearing closed at 9:02 p.m.

MOTION: Council Member Haire moved to deny the rezoning request as recommended by the Zoning Commission.

SECOND: Council Member Worthy

Mr. Teal confirmed the only access to the proposed multi-family housing was on Beaver Creek Road. Council Member Bates pointed out fourteen units could be constructed even if the request was denied.

VOTE: UNANIMOUS (9-0)

The regular session recessed at 9:05 p.m.

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

E. Consider an application by Margarita DeBlanche for a Special Use Permit to allow a daycare in an AR agricultural/residential district for property located at 1511 Rim Road. Containing .67 acres more or less and being the property of Margarita DeBlanche. Case Number P07-47F.

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 daycare at the location for a maximum of twenty-one children. Mr. Teal stated the Zoning Commission recommends approval of the Special use Permit with conditions. 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 9:15 p.m.

MOTION: Council Member Gonzalez moved to approve the Special Use Permit with conditions.

SECOND: Council Member Worthy

VOTE: UNANIMOUS (9-0)

F. Consider an application by David Matthews for a Special Use Permit to allow an expansion of an existing mini-storage facility in a C3 commercial district for property located on Bonnie Street. Containing 3.96 acres more or less and being the property of American Flag Bragg Boulevard, LLC. Case Number P07-48F.

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 City Council approved a mini-storage facility on Bragg Boulevard and Bonnie Street on May 13, 2005. Mr. Teal stated the applicant wishes to build an addition to the existing mini-storage facility. Mr. Teal stated the Zoning Commission recommends approval of the Special Use Permit with conditions.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:20 p.m.

Mr. David A. Matthews, 115 Broadfoot Avenue, Fayetteville, NC appeared in favor and stated as the applicant, he was available for questions.

Mr. Allen Brewer, 218 Stacy Weaver Drive, Fayetteville, NC appeared in favor and stated as the Senior Vice President of Lamply Management, which owns and operates America Flag Storage, he was also available for questions.

The public hearing closed at 9:22 p.m.

MOTION: Council Member Gonzalez moved to approve the Special Use Permit with conditions.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

G. Consider a request for payment-in-lieu of sidewalk construction on Dundle Road as requested by Franklin Johnson.

Mr. Teal stated the subdivision ordinance and City Council sidewalk policy provides an opportunity for an individual to request for payment-in-lieu of constructing a sidewalk. Mr. Teal stated Mr. Johnson's required sidewalk length is 809 feet and at \$33 per linear foot, provides a payment of \$26,697. Mr. Teal stated the Planning Commission recommends approval of the payment-in-lieu request.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:23 p.m.

Mr. James A. McLean III, 1233 Hunter Trail, Hope Mills, NC appeared in favor representing the applicant and stated internal sidewalks would be built according to code but constructing

sidewalks over the wetlands fronting Dundle Road could create run-off problems.

Mr. Cedric Rice, 2813 Arbor Grove Court, Fayetteville, NC appeared in opposition on behalf of Preston Homeowners Association and expressed concern that a sidewalk was needed on Dundle Road and if it was not installed at the time of construction, it might never be installed.

Ms. Sandra Larrimore, 5545 Grimes Road, Fayetteville, NC appeared in opposition and expressed concern because sidewalks improve the quality of life in Fayetteville and are needed for the safety of pedestrians and children.

On rebuttal, Mr. James A. McLean III reiterated that the payment-in-lieu request was only for the perimeter on Dundle Road and not interior sidewalks and expressed concern for issues related to the wetlands.

On rebuttal, Mr. Cedric Rice emphasized residents need a sidewalk over the pond area and want the sidewalk constructed.

On rebuttal, Ms. Sandra Larrimore stated corrective methods are available for what is being referred to as wetlands.

The public hearing closed at 9:35 p.m.

Council Member Williams spoke in favor of the request for payment-in-lieu.

Council Member Gonzalez stated sidewalks are needed as a start to future development in the area.

Council Member Worthy spoke in opposition to the motion and stated Council should consider extenuating circumstances such as wetland issues.

MOTION: Council Member Gonzalez moved to deny the request for payment-in-lieu of constructing a sidewalk.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Williams, Massey and Worthy)

H. Consider an amendment to the Fayetteville Code of Ordinances, Section 30-113 Zoning, MHPD manufactured home park district, to prohibit Class C manufactured homes.

Mr. Teal stated adoption of this ordinance prohibits the future installation of Class C manufactured homes in manufactured home parks with the exception of a manufactured home park that is closed. Mr. Teal stated existing Class C manufactured homes may remain in place provided they comply with housing code. Mr. Teal stated the Planning Commission recommends approval of the ordinance amendment.

Mr. Teal responded to questions posed by Council Members and stated permits are required by the County Tax Office to move manufactured homes to ensure property taxes have been paid. At the request of Council Member Gonzalez, Mr. Teal reviewed A, B, and C classifications for manufactured homes.

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 9:50 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, ZONING, ARTICLE IV, DISTRICT USE REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. S2007-031

MOTION: Council Member Gonzalez moved to adopt the ordinance amendment as recommended by the Planning Commission.

SECOND: Council Member Evans

Council Member Gonzalez confirmed the ordinance amendment would become effective immediately.

VOTE: UNANIMOUS (9-0)

4. Consider the rezoning from R10 residential district to C1 commercial district or to a more restrictive zoning classification for ninety feet from the rear property line for property located at 211 Eucalyptus Street. Containing .17 acres more or less and being the property of Perry Smith. Case Number P07-38F.

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 rezone 6,750 square feet (90 feet x 75 feet) of the rear property from R10 residential to C1 commercial leaving 8,062 square feet of the property zoned R10 residential. Mr. Teal stated the Zoning Commission recommends approval of 4,500 square feet, 60 feet from the rear property line, in order for the lot to have at least 10,000 square feet in order to remain in compliance with R10 zoning. Mr. Teal explained the case was a regular item because the recommendation was different from the request but the applicant did not appeal.

MOTION: Council Member Gonzalez moved to set a public hearing for August 27, 2007.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

5. Consider Fayetteville State University's request for replacing signage on Langdon Street at Capel Arena.

Mr. Teal stated City Code Section 30-257(3) provides for universities to have on-premise signage greater than 32 square feet if approved by City Council. Mr. Teal stated Fayetteville State University is requesting a 100 square foot sign to replace the existing 54 square foot sign. Mr. Joshua D. Malcolm, Fayetteville State University Assistant General Counsel, addressed Council and provided a brief presentation and renderings of the proposed replacement signage. Mr. Malcolm stated the signage would not be detrimental to the surrounding areas.

Council Member Williams questioned why a larger sign was being requested. Mr. Malcolm responded the LED size contained numerous lines, which would allow for more information to be displayed.

Council sought clarification as to whether the sign's base size was included in the square footage calculations. In response to a question from Council Member Worthy, Mrs. McDonald confirmed the codes contained an exemption for educational institutions.

MOTION: Council Member Evans moved to approve the signage for Fayetteville State University.

SECOND: Council Member Gonzalez

VOTE: UNANIMOUS (9-0)

6. Resolution to Protect the Water Supply as a Natural Resource

Council Member Worthy expressed the need for a resolution that would require all water providers in the City to take necessary steps to preserve water in the event there was a leak or watermain break in order to protect the water supply as a natural resource.

MOTION: Council Member Worthy moved to direct staff to develop a resolution to protect the water supply as a natural resource.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

7. BOARDS AND COMMISSIONS:

APPOINTMENTS

JOINT CITY AND COUNTY APPEARANCE COMMISSION – 2 vacancies – 2 nominations made – 2 appointments needed

Upon vote by Council, and Julie Donahue and Bernadette R. Bogertey were appointed by acclamation to the Joint City and County Appearance Commission.

FAYETTEVILLE-CUMBERLAND PARKS AND RECREATION ADVISORY COMMISSION – 3 vacancies – 6 nominations made – 3 appointments needed

Upon vote by Council, Hank Debnam, Dorothy Fielder and Christine S. Smith were appointed to the Fayetteville-Cumberland Parks and Recreation Advisory Commission.

FAYETTEVILLE CITY PLANNING COMMISSION– 4 vacancies – 6 nominations made – 4 appointments needed

The nominations of Marshall Faircloth and Ted W. Mohn were withdrawn.

Upon vote by Council, Charles H. Astike, Thomas C. Dempster, Mark A. Ledger and Debra L. Patillo were appointed by acclamation to the Fayetteville City Planning Commission.

TAXICAB REVIEW BOARD– 2 regular vacancies – 2 nominations made – 2 appointments needed

Upon vote by Council, John C. Barrington and Ronda Beattie were appointed by acclamation to the Taxicab Review Board.

FAYETTEVILLE CITY ZONING COMMISSION– 2 vacancies – 5 nominations made – 2 appointments needed

Upon vote by Council, John Crawley and Peter A. Paoni were appointed to the Fayetteville City Zoning Commission.

Nominations for an Alternate to the Taxicab Review Board, nominations for a regular position to the Board of Adjustment and appointment of an Alternate to the Fayetteville City Zoning Commission were postponed until the August 13, 2007 meeting.

6. Consider Closed Session for consultation with attorney.

MOTION: Council Member Worthy moved to go into closed session for consultation with attorney.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

The regular session recessed at 10:20 p.m.

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

The regular session reconvened at 10:30 p.m.

THERE WERE NO INFORMATION ITEMS.

There being no further business, the meeting adjourned at 10:31 p.m.