

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
APRIL 23, 2012  
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Kristoff Bauer, Interim City Manager

Karen M. McDonald, City Attorney

Renner Eberlein, Assistant City Attorney

Lisa Smith, Chief Financial Officer

Rusty Thompson, Engineering & Infrastructure Director

Scott Shuford, Development Services Director

Craig Harmon, Planner II

Randall Hume, Transit Director

Rebecca Rogers-Carter, Management Services Manager

Jennifer Lowe, Public Information Officer

Douglas Peters, President/CEO, Cumberland-Fayetteville Chamber of Commerce

Pamela Megill, City Clerk

Members of the Press

#### **1.0 CALL TO ORDER**

Mayor Chavonne called the meeting to order.

#### **2.0 INVOCATION**

The invocation was offered by Reverend Jong-Su Hong, Senior Pastor at New Life Community Church of Fayetteville.

#### **3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by the Mayor and City Council.

#### **RECOGNITION**

Ms. Roberta Waddle, National Organization of Women (NOW), gave praise and recognition to Police Officer Stacy Sanders for all of her hard work and dedication to the homeless in the community and presented Officer Sanders with the Susan B. Anthony 2012 Honoree Award. Council Member Hurst congratulated and presented Ms. Kaycey Hall, Miss Fayetteville 2012, and Ms. Emma Carter, Miss Fayetteville Outstanding Teen 2012, with a City Coin in recognition of representing the City of Fayetteville. He wished both young ladies best wishes for their forthcoming respective pageants.

The Honorable Rick Glazier, member of the North Carolina House of Representatives, gave recognition and praise to Ms. Judy Dawkins, and on behalf of the Cumberland County Legislative Delegation and the Governor of the State of North Carolina, Ms. Beverly Purdue, to award her the Order of the Long Leaf Pine; the highest civilian order. Ms. Dawkins thanked The Honorable Rick Glazier and gave appreciation to all in attendance. All attending gave Ms. Dawkins a standing ovation.

#### **4.0 APPROVAL OF AGENDA**

**MOTION:** Mayor Pro Tem Arp moved to approve the agenda.

**SECOND:** Council Member Hurst

**VOTE:** UNANIMOUS (10-0)

#### **5.0 CONSENT**

**MOTION:** Council Member Hurst moved to approve the consent agenda.

**SECOND:** Mayor Pro Tem Arp

**VOTE:** PASSED by a vote of 9 in favor and 1 in opposition (Council Member Bates)

**5.1 Community Development - Approval of the Community Development 2012-2013 Annual Action Plan.**

**5.2 Approve "sole source" purchase of transit bus shelters, benches, solar lighting and associated spare shelter parts.**

Pursuant to N.C.G.S. 143-129(e)(6), Council approved the sole source purchase for bus shelters, benches, solar lighting kits, and shelter spare parts in the amount of \$95,405.00 from Tolar Manufacturing Company, Inc., Williamsville, NY, to be funded through Transit's Improvements and Enhancements - Equipment fund (City funds - available balance of \$49,763.23) and FTA FY 11 Capital Fund (Federal Formula Grant - available balance of \$50,000.00).

**5.3 Budget Ordinance Amendment 2012-9 (General Fund - Various Items).**

The amendment appropriated \$284,438.00 in the General Fund and would primarily be used to fund services to be provided in the Gates Four area beginning April 25, 2012. Other appropriation changes were related to the transfer of funding set aside for the City's 250th Anniversary celebration from the Mayor and Council budget to the Parks, Recreation and Maintenance Department budget, and additional funding needed for the City Manager's office related to the management transition. The source of funding for the amendment was a \$284,438.00 appropriation from General Fund fund balance.

**5.4 Case No. P12-11F. Rezoning from HI Heavy Industrial District to CC Community Commercial District, or a more restrictive district, on property located at 2133 Owen Drive. Containing 0.59 acres more or less and being the property of Dal H. Ahn and Myoung S. Ahn.**

**5.5 Substantive and housekeeping amendments to the Development Services fee schedule.**

**5.6 Fort Bragg Road rehabilitation contract – Re-advertise the award of the contract to Highland Paving Company, Fayetteville, NC, in the amount of \$557,026.36.**

Bids were received as follows:

Highland Paving Company (Fayetteville, NC)..... \$557,026.36  
Barnhill Contracting Company (Fayetteville, NC).... \$675,049.30

**5.7 Revisions to Article VII, Wrecker and Tow Service.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF ARTICLE VII, WRECKER AND TOW SERVICE, UNDER CHAPTER 24, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2012-005.**

**5.8 PWC - Bid recommendation to award contract for tubular steel structures to TransAmerican Power Products, Inc., Houston, TX, low bidder, in the amount of \$558,959.00.**

Bids were received as follows:

TransAmerican Power Products, Inc. (Houston, TX).. \$558,959.00  
Dis-Tran, LLC (Pineville, LA)..... \$629,079.00  
Bridgewell Resources (Tigard, OR)..... \$635,673.00  
Thomas & Betts Corporation (Memphis, TN)..... \$645,444.00  
M.D. Henry Co., Inc. (Pelham, AL)..... \$649,714.00  
Valmont/Newmark Industries (El Dorado, KS)..... \$782,528.00  
Valmont/Newmark Industries (Tulsa, OK)..... \$845,125.00  
HD Supply Utilities (Wake Forest, NC)..... \$904,659.00

**5.9 Special Revenue Fund Project Ordinance 2012-15 (2012 Badges for Baseball Program).**

The ordinance appropriated \$23,309.00 for the 2012 Badges for Baseball Program.

**5.10 Special Revenue Fund Project Ordinance 2012-16 consistent with FBRA and City Agreement for Bragg Boulevard Corridor Plan.**

The ordinance appropriated \$200,000.00 (\$50,000.00 City match and \$150,000.00 federal grant) for the Bragg Boulevard corridor project described in the interagency agreement.

## **5.11 PWC - Phase 5 Annexation Areas 8 and 9.**

### **RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.**

**RESOLUTION NO. R2012-016.**

## **6.0 PUBLIC HEARINGS**

**6.1 Case No. P12-16F. Initial zoning from C3 Commercial District (County) to HI Heavy Industrial District, or a more restrictive district, on property located at 4433 Claude Lee Road. Containing 1.62 acres more or less and being the property of Alfred Young and Linda Young.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was being petitioned for annexation into the City so that the owner could remain on the City's rotation for wrecker services. He explained the owner currently had a towing business located at Southern Avenue and W. Mountain Drive and due to a widening project on Southern Avenue, the owner would have to relocate. He further explained the property currently had a body shop and salvage yard on it and the salvage yard started on the property in question and extended to the property behind it. He advised the Zoning Commission and staff recommended that the property not be zoned into the City. He further advised that staff recommended that if the property were annexed, it should become an HI district based on the UDO requirement that all salvage yards be located in the HI district. This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

A brief question and answer period ensued.

**MOTION: Council Member Hurst moved to deny the rezoning.**

**SECOND: Council Member Bates**

**VOTE: UNANIMOUS (10-0)**

**6.2 Case No. P12-17F. Initial zoning from R10 Residential District (County) to SF-10 Single Family District, or a more restrictive district, on property located south of Snow Hill Road west of Claude Lee Road. Containing 28 acres more or less and being the property of Lakeside at Snow Hill LLC.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was being petitioned for annexation into the City as the owner wished to develop the property into a single-family subdivision and extend public utilities into the new development. He explained the property was in the airport flight zone and even though it was Phase II of an existing development, the Airport was against any further residential development in its flight path. He further explained the property was within the Airport Overlay District which regulates height of structures around the airport. He advised the Zoning Commission and staff recommended approval of the initial zoning to SF-10 if the property were annexed.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Del Crawford, 116 N. Cool Spring Street, Fayetteville, NC, appeared in favor and stated he was an attorney representing the property owners.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued between the City Council, Mr. Scott Shuford, Development Services Director, and Mr. Crawford.

**MOTION: Council Member Fowler moved to approve.**

**SECOND: Council Member Bates**

**VOTE: PASSED by a vote of 8 in favor and 2 in opposition (Council Members Haire and Crisp)**

**6.3 Case No. P12-18F. Initial zoning from R15 Residential District (County) to SF-10 Single Family Residential District, or a more restrictive district, on property located at 6342 and 6346 Caveson Court. Containing 0.45 acres more or less and being the property of Broadwell-Weber Investments.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property had petitioned for annexation into the City and would have to be considered for City zoning if that took place. He explained the property was located inside of the City's Municipal Influence Area (MIA) and the owner wished to annex a piece of property that would be split among two properties on Caveson Court in order to square each property off. He further explained the property was currently zoned R15 in the County, but it would be added to property in a subdivision zoned SF-10. He advised for that reason, staff was recommending that the property be zoned SF-10 in the City to match the remainder of the subdivision.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

A brief question and answer period ensued.

**MOTION: Council Member Bates moved to approve.**

**SECOND: Council Member Crisp**

**VOTE: UNANIMOUS (10-0)**

**6.4 Public hearing to consider a petition requesting annexation for a contiguous area known as "Greystone Farms - Rear of Lots 37 & 38".**

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and explained Greystone Farms had been under development since 1990 but Lots 37 and 38, located along the eastern side of Caveson Court, had not yet been developed. He stated the developer was requesting that a small part of an adjoining parcel be annexed. He explained if the land was annexed, it would be added to the rear of Lots 37 and 38. He further explained that since Lots 37 and 38 would be served by PWC water and sewer, and since the area to be added to the rear of the lots was in the Fayetteville MIA, the owners would be required to submit an annexation petition. He stated the City Council revised the policy on annexation petitions and initial zoning and this was the first petition submitted after the policies were revised. He stated the City staff had scheduled the petition based on the new policies. He advised staff recommended adoption of the annexation ordinance with an effective date of April 23, 2012.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

A brief question and answer period ensued.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [GREYSTONE FARMS – REAR OF LOTS 37 AND 38 (PIN 0541-12-0180 – SMALL PART OF)]. ANNEXATION ORDINANCE NO. 2012-04-537.**

**MOTION: Council Member Bates moved to approve the annexation with an effective date of April 23, 2012, and to rezone the property to SF-10.**

**SECOND: Council Member Crisp**

**VOTE: UNANIMOUS (10-0)**

**6.5 Public hearing to consider a petition requesting annexation for a non-contiguous area known as "Lakeside at Snow Hill, Phase 2".**

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and updated Council on the next phase of the residential development which was in the MIA. He explained the owner was now preparing to build Phase II. He briefly reviewed departmental concerns regarding police service, fire protection, and the distance vehicles would need to travel in order to get to the area. He further reviewed the zoning issues; the issue of whether the property would be developed according to City development standards as required by the new annexation petition policy, as the petition was submitted before the policy was changed; and airport compatibility issues. He advised staff recommended adoption of the ordinance with an effective date of April 23, 2012, and to establish the initial zoning as SF-10 Single Family Residential.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Del Crawford, 116 N. Cool Spring Street, Fayetteville, NC, appeared in opposition and stated he was an attorney representing the property owners.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued.

**MOTION: Mayor Pro Tem Arp moved to approve the annexation with an effective date of April 23, 2012, and to rezone the property to SF-10.**

**SECOND: Council Member Hurst**

**VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Fowler, Applewhite, Crisp, Davy, Haire, and Bates)**

**6.6 Public hearing to consider a petition requesting annexation for a non-contiguous area known as the "Young Property".**

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and stated the property was located at 4433 Claude Lee Road which was not in the MIA but was close. He stated the property owner had a wrecker service operating from a site on Southern Avenue and due to a road widening project, the wrecker service would no longer work at the Southern Avenue site. He stated the owner had not been able to find a new location in the City limits in order to remain on the City's wrecker service rotation list, therefore he moved the wrecker service to his property on Claude Lee Road which was not in the City limits. He stated the owner would like his property on Claude Lee Road annexed into the City as a satellite so that he could stay on the City's wrecker service rotation list. He stated the owner was not requesting annexation because he wanted to receive PWC water and/or sewer and that the owner would continue using a well and septic tank. He advised staff recommended denial of the petition for annexation.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Larry Brigman, 4412 Claude Lee Road, Fayetteville, NC 28306, appeared in opposition and stated he had lived in his home for over 30 years. He complained about the crime and vandalism in his residential area.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued.

**MOTION: Council Member Bates moved to deny the petition for annexation.**

**SECOND: Council Member Fowler**

**VOTE: UNANIMOUS (10-0)**

**6.7 Amendment to City Code Chapter 30, Section 30-5.A.3, Parking Lot Cross-Access, and Section 30-6.A.4(c), Lots and Lot Frontage, to modify certain access standards affecting both residential and non-residential development.**

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation and stated staff had identified the need to clarify and provide for access standards for both residential and nonresidential properties. She stated for residential properties, the need had been triggered by several inquiries and two waiver requests over the past several weeks to acquire access to landlocked properties. She further stated for commercial properties, an approach for "group development" that established standards for internal access in the previous development code was no longer in the code and no alternative was available to the requirement that all development would have direct access to a public street. She stated also impacting commercial properties was the requirement to provide cross-access to an adjacent property and to minimize the need for curb cuts on major streets and arterials. She stated the specific changes being proposed were (1) to clarify lot standards on a cul-de-sac and establish flag lot standards for residential properties; (2) that access for up to five lots would be via a recorded permanent easement with maintenance agreement acceptable to the City and the access built to City standards for commercial properties; and (3) to clarify the ability of the City Manager to waive the cross-access requirement when topography or the development pattern would make such access unnecessary or unreasonable. She stated staff recommended adoption of the amendment as proposed.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Morrison West, 421 N. Reilly Road, Fayetteville, NC, appeared in favor and expressed his frustration regarding his neighbor driving across his property.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF ARTICLE 5, DEVELOPMENT STANDARDS, AND ARTICLE 6, SUBDIVISION, OF CITY CODE CHAPTER 30, TO CLARIFY AND PROVIDE FOR ACCESS UNDER SPECIFIC CONDITIONS TO PARCELS THAT DO NOT ABUT A PUBLIC OR PRIVATE STREET. ORDINANCE NO. S2012-006.**

**MOTION:** Council Member Hurst moved to approve.

**SECOND:** Council Member Davy

**VOTE:** PASSED by a vote of 8 in favor to 2 in opposition (Council Members Fowler and Applewhite)

**6.8 Amendment to City Code Chapter 30, Articles 30-3.E and 30-5.A, B, C, F, and I, and 30-6.E, to amend standards for density, setbacks for certain uses, percent of door/window openings, parking, landscaping, open space, and parkland for the DT Downtown zoning district.**

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and provided background information on the Unified Development Ordinance (UDO), zoning map, and UDO amendments. He stated in December 2011 several adjustments to the Downtown standards were identified and considered by the Planning Commission in conjunction with possible changes to the separation standards associated with bars, nightclubs, child care, churches, and schools. He stated all proposed changes for the downtown district were deferred to allow discussion. He stated the separation standards were not part of the amendments being proposed. He stated the changes were discussed with various downtown groups and the UDO Advisory Committee as well as with the Planning Commission. He stated the issues being addressed by the proposed changes in the Downtown District (DT) standards were those of practicality--the exemption from landscaping, open space, and parkland requirements as well as the slight reduction in the required amount of window and door area and clarity. He stated changes to delete required parking in the DT and allow unlimited density would help strengthen the economics for downtown development as well as reinforce the urban form of the downtown area. He advised staff recommended adoption of the amendment as proposed.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 TO PROVIDE CHANGES IN ARTICLE 30-3, 30-5, AND 30-6, ALL RELATING TO THE DT DOWNTOWN ZONING DISTRICT, TO MODIFY DENSITY, DOOR/WINDOW GLAZING (OPENINGS), SETBACK, PARKING, LANDSCAPING, OPEN SPACE AND PARKLAND. ORDINANCE NO. S2012-007.**

**MOTION:** Council Member Davy moved to approve.

**SECOND:** Council Member Fowler

**VOTE:** UNANIMOUS (10-0)

**6.9 Amend City Code Chapter 30, Articles 4 and 9, to create, classify, and set special standards for transitional housing, and establish conditions to allow modification of the separation standards for certain group living facilities in business zoning districts through the special use permit process.**

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and stated the amendment was prompted by a request to establish a halfway house on Ramsey Street in a commercial location. He stated the location appeared appropriate for the use, but a separation standard had not been met. He stated group homes, some therapeutic homes, and halfway houses were required to be located at least 2,640 feet from any

other group home, therapeutic home, or halfway house. He stated the separation requirement was adopted in the past due to a large number of group and therapeutic homes being established to serve persons with mental illness or disability. He stated once the State started its policy of mainstreaming these individuals, the "market" for these facilities was greatly reduced. He stated staff proposed maintaining the separation requirements in residential districts, but allowing the separation standards to be reduced or waived in business districts through the special use permit process. He stated the special use permit process would permit individualized consideration of a particular group living or institutional facility's relationship to and/or concentration of similar facilities based on a variety of factors unique to the property, such as topographical or transportation facility barriers such as rivers, railways, and major highways, degree or extent of separation from other such uses, and surrounding neighborhood characteristics including proximity to social services and public transportation. Additionally, he stated a Transitional Housing use was needed because group homes, halfway houses, therapeutic homes, and assisted living facilities all addressed the housing needs of persons transitioning from confinement circumstances or suffering from various disabilities. He stated Transitional Housing would meet the housing needs of homeless persons not transitioning from confinement circumstances or suffering from various disabilities. He stated staff recommended adoption of the amendment as proposed.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Charles Morris, 831 Arsenal Avenue, Fayetteville, NC 28301, appeared in favor and stated the Planning Department had been extremely helpful and stated the text amendment would help protect the integrity of the neighborhood.

Mr. John Tyson, 101 Hay Street, Fayetteville, NC 28311, appeared in favor and stated the amendment would preserve the original intent which was to protect neighborhoods.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued.

**MOTION: Council Member Bates moved to approve.**

**SECOND: Council Member Fowler**

**VOTE: FAILED by a vote of 5 in favor (Council Members Chavonne, Bates, Crisp, Applewhite, and Fowler) to 5 in opposition (Council Members Davy, Haire, Massey, Hurst, and Arp)**

**MOTION: Council Member Bates moved to defer this item to a future City Council work session.**

**SECOND: Council Member Fowler**

**VOTE: UNANIMOUS (10-0)**

**6.10 Amendment to City Code Chapter 30, various sections, to make minor corrections for clarity and consistency, including an adjustment in parking location standards (Table30-5.I.3).**

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation and provided background information on the UDO, zoning map, and UDO amendments. She stated staff was continuing to compile identified errors and simple clarifications or corrections and, as now, was bringing them forward with other proposed amendments. She stated the one item of some substance was the proposed deletion of a footnote to a Parking Location table. She explained the footnote would limit the placement of any parking in front of the building to between the building edges. She stated development that either accesses the use from the side or locates some parking to the side would have drive aisles beyond the front façade or length of the building, and therefore would normally place some parking along those portions of the drive aisle. She stated the limitation would also have the unintended impact of encouraging design of low, very wide buildings so that more parking could be placed between the ends of the building. He stated staff recommended the adoption of the amendment as proposed.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

A question and answer period ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO CORRECT VARIOUS TYPOGRAPHIC AND MINOR ERRORS AND INCLUDING THE DELETION OF ONE FOOTNOTE TO OFF-STREET PARKING PARKING LOCATION STANDARDS, RELOCATION OF SPECIFIC PROCEDURES FOR APPEAL OF CONNECTION TO EXISTING STUB STREET, AND RE-ESTABLISHMENT OF REAR SETBACK REDUCTIONS IN CERTAIN INSTANCES FOR SINGLE FAMILY. ORDINANCE NO. S2012-008.**

**MOTION:** Mayor Pro Tem Arp moved to approve.

**SECOND:** Council Member Hurst

**VOTE:** UNANIMOUS (10-0)

Mayor Chavonne announced a change in the order of the agenda and stated Item 7.3 would be the next item for discussion

**7.3 Approval of updated Transit Programs for compliance with Title VI of the 1964 Civil Rights Act and the Disadvantaged Business Enterprise (DBE) requirements of the Federal Transit Administration.**

Mr. Randall Hume, Transit Director, introduced Ms. Colette Holt and Ms. Bessie Papailias, Project Team for the City of Fayetteville, Fayetteville Area System of Transit DBE Program and Title VI Program Review and Update.

Ms. Holt presented this item with the aid of a power point and a handout. She stated the City was the designated recipient for federal transit funds for the Fayetteville area. She stated as a condition to continue receiving these grants, the City must update its civil rights programs every three years. She stated for Title VI, the update would add provisions related to environmental justice and the FTA requirement to analyze the impacts of fare and service changes for disparate impacts on protected groups. She stated the proposed update would also expand and clarify the processes FAST would use for ensuring public outreach and participation. She stated for DBE, the update would address a new requirement regarding Small Business Enterprises.

She stated these were non-minority small businesses. She stated Transit must now track contract awards to these small businesses, including whether participation by non-DBEs differ from participation by DBEs. She stated in addition, the update would provide that Transit and PWC Purchasing must maintain a vendors listing of all vendors that bid or quote on USDOT assisted contracts. She stated the review examined the methodology used to set the goals for submission to the FTA. She stated the goal setting was now submitted as a triennial goal as opposed to the former annual goal. She stated there were other recommendations on ways to improve outreach to DBEs, to better encourage DBE participation in race-neutral procurements, to evaluate good faith efforts when no DBE was proposed by a vendor and to monitor DBE activity during the performance of contracts.

A brief discussion period ensued.

**MOTION:** Council Member Bates moved to accept the report.

**SECOND:** Council Member Hurst

**VOTE:** UNANIMOUS (10-0)

**MOTION:** Council Member Massey moved to accept Section 26.39 as policy.

**SECOND:** Council Member Bates

**VOTE:** UNANIMOUS (10-0)

Council continued with the agenda with Item 6.11.

**6.11 Case No. P12-13F. Request for a Special Use Permit for halfway house in a Community Commercial District, on property located at 3611-B Ramsey Street. Containing 5.63 acres more or less and being the property of Cedar Creek Crossing West LLC.**

Ms. Karen McDonald, City Attorney, recommended based on the action on Item 6.9 that council defer action on Item 6.11.

Mayor Chavonne stated Item 6.9 would be addressed at the May 7, 2012, City Council work session meeting.



**MOTION: Council Member Bates moved to defer action on Item 6.11 with no date certain.**

**SECOND: Council Member Haire**

**VOTE: UNANIMOUS (10-0)**

## **7.0 OTHER ITEMS OF BUSINESS**

### **7.1**

#### **a) Fayetteville Cumberland County Chamber of Commerce Economic Development Report - 3rd Quarter Report.**

Mr. Douglas Peters, President/CEO, Cumberland-Fayetteville Chamber of Commerce, presented the report. He briefly reviewed the following priorities of the Chamber:

Priority 1: Economic development and the creation of jobs. Retention and recruitment of additional, sustainable investment was essential for a thriving economy.

Priority 2: Leveraging the continuing BRAC build-up to improve the community's infrastructure.

Priority 3: Enhance the quality of offerings available locally. The Chamber membership was aware of the need to attract high-end retail to the community, a presence that was currently absent.

Priority 4: Develop and execute effective strategies to reduce crime, beautify the community, and to improve overall livability.

Priority 5: Better serve the growing membership of the Chamber, offering an increased return on investment, with innovative programming designed to enhance profitability for member businesses of all sizes.

#### **b) FY 2012 Strategic Plan's Policy and Management Action Agenda 3rd Quarter Report.**

Ms. Rebecca Rogers-Carter, Management Services Manager, presented the report with the aid of a power point presentation and handout. She stated the City's Strategic Plan had the following five main areas:

- 1.A vision statement that describes the type of community the Council would like to facilitate through policy direction and staff's work efforts.
- 2.A mission statement that describes our organizational purpose, "making Fayetteville a better place for all".
- 3.A list of core values that describes our standards of performance which is expressed with the acronym statement to "Serve with RESPECT".
- 4.Multi-year goals that provide an intermediate focus for the work of City Council and staff, and further outlines the activities Council believes are necessary to realize the vision.
- 5.A one-year action plan that identifies issues that Council wishes to address by providing policy direction and the necessary actions that the City management should complete during the upcoming fiscal year.

**MOTION: Council Member Bates moved to accept the report.**

**SECOND: Council Member Crisp**

**VOTE: UNANIMOUS (10-0)**

### **7.2 Uninhabitable Structures Demolition Recommendation**

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and multiple photographs of the properties. He stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

#### **7131 Ashwood Circle**

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure due to severe structural damage from a tornado in April 2011. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in April 2011. He further noted within the past 24 months there had been 29 calls for 911 service and no code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,779.00.

### **7526 Bethesda Court**

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure due to severe structural damage from a tornado in April 2011. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in April 2011. He further noted within the past 24 months there had been five calls for 911 service and one code violation with a pending assessment of \$199.50. He advised the low bid for demolition of the structure was \$1,779.00.

### **1018 Ellis Street**

Mr. Shuford stated the structure was a legal nonconforming store with an attached house in a C-1 commercial zone that was condemned as a dangerous/abandoned structure due to extensive structural damage from a fire. He also stated the fire damage exceeded 50 percent of the assessed value of the structure which left the remaining structure a nonconforming building. He stated the owner's attorney attended the hearing via telephone and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 60 days. He stated the owner demolished the store portion of the building and in order to repair the remaining house to its original condition, the owner was required to obtain a re-zone of the property to R-5 residential and obtain a subsequent variance. He noted the property owner obtained the re-zone of the property from C-1 to R-5 and the required variance. He also noted the property owner obtained a building permit. He explained the exterior siding and the interior finish had been removed and the low bid for demolition of the structure was \$500.00.

### **908 Marsh Street**

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2005. He further noted within the past 24 months there had been three calls for 911 service and three code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,400.00.

### **525 Mechanic Street**

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in April 2007. He further noted within the past 24 months there had been eight calls for 911 service and five code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,400.00.

### **2325 Rosehill Road**

Mr. Shuford stated the structure was a residential home that was inspected and condemned as a dangerous structure due to fire damage. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in January 2011. He further noted within the past 24 months there had been 41 calls for 911 service and no code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,900.00.

**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 BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (7131 ASHWOOD CIRCLE). ORDINANCE NO. NS2012-016.**

**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 BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (7526 BETHESDA COURT). ORDINANCE NO. NS2012-017.

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 BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1018 ELLIS CIRCLE). ORDINANCE NO. NS2012-018.

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 BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (908 MARSH STREET).ORDINANCE NO. NS2012-019.

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 BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (525 MECHANIC STREET). ORDINANCE NO. NS2012-020.

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 BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (2325 ROSEHILL ROAD). ORDINANCE NO. NS2012-021.

MOTION: Council Member Bates moved to approve the demolitions by adopting the ordinances.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for March 2012.

2011 Taxes.....	\$ 674,170.73
2011 Vehicle.....	371,229.84
2011 Taxes Revit.....	694.67
2011 Vehicle Revit.....	288.34
2011 FVT.....	44,702.07
2011 Transit.....	44,702.03
2011 Storm Water.....	22,841.63
2011 Fay Storm Water.....	45,683.29
2011 Fay Recycle Fee.....	67,678.62
2011 Annex.....	0.00
2010 Taxes.....	15,154.10
2010 Vehicle.....	32,079.55
2010 Taxes Revit.....	191.69
2010 Vehicle Revit.....	31.85
2010 FVT.....	5,643.00
2010 Transit.....	5,642.98
2010 Storm Water.....	217.31
2010 Fay Storm Water.....	434.59
2010 Fay Recycle Fee.....	688.11
2010 Annex.....	0.00
2009 Taxes.....	3,665.82
2009 Vehicle .....	2,157.37
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	0.00

2009 FVT.....	535.94
2009 Transit.....	535.96
2009 Storm Water.....	62.27
2009 Fay Storm Water.....	124.53
2009 Fay Recycle Fee.....	197.18
2009 Annex.....	0.00
2008 Taxes.....	423.54
2008 Vehicle .....	1,126.97
2008 Taxes Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	316.71
2008 Transit.....	216.70
2008 Storm Water.....	12.00
2008 Fay Storm Water.....	0.00
2008 Fay Recycle.....	0.00
2008 Annex.....	0.00
2007 and Prior Taxes.....	231.62
2007 and Prior Vehicle.....	3,126.19
2007 and Prior Taxes Revit.....	0.00
2007 and Prior Vehicle Revit.....	0.00
2007 and Prior FVT.....	608.33
2007 and Prior Storm Water.....	6.78
2007 and Prior Fay Storm Water.....	0.00
2007 and Prior Annex.....	32.49
Interest.....	40,767.05
Revit Interest.....	34.60
Storm Water Interest.....	830.94
Fay Storm Water Interest.....	1,642.56
Annex Interest.....	2.99
Fay Recycle Interest.....	1,415.48
Fay Transit Interest.....	1,503.80
Total Tax and Interest.....	\$1,361,247.20

**8.2 Tax Refunds of Less Than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Scriven, Deborah McDonald	2010	Duplicate Billing	<u>\$13.88</u>
			<u>\$13.88</u>

**9.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 10:50 p.m.