

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JULY 22, 2013
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) (via telephone); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Tracie Davis, Corporate Communications Director
Gizelle Rodriguez, City Engineer
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
David Nash, Planner II
Brian Meyer, Assistant City Attorney
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 Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to approve the agenda with the addition of Item 8.2 – Discussion of forming a task force on crime prevention and a task force on economic development.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne and Council Member Applewhite presented a proclamation to Ms. Teresa Fletcher and Ms. Priscilla Cabral, members of the National Contract Management Association – Research Triangle Park Chapter, in honor of Contract Management Week.

Mayor Chavonne announced that a group of our teens in the Fayetteville-Cumberland Parks and Recreation (FCPR) Counselors In Training (CIT) Program attended a two-day conference at UNC-Chapel Hill the end of June. Prior to the summit, they discussed, designed and constructed a model for grant presentations and presented their grant proposal to Outdoor Nation at the conference. The FCPR teens were selected over 15 other organizations to receive a grant in the amount of \$1,500 to implement their ideas. Council Member Davy and FCPR Youth Development and Cultural Arts Coordinator Crystal Glover presented each teen with a Certificate of Achievement.

Council Member Applewhite announced the “Murchison Road Empowerment Day” will be held on Saturday, July 27, 2013, beginning at 9 a.m. Dr. Eric Mansfield will be the keynote speaker.

Council Member Haire announced the “Stop the Violence” event will be held on Saturday, August 10, 2013, beginning at 9 a.m. at the Murchison Road/Hood Avenue intersection.

5.0 PUBLIC FORUM

Mr. Blarrie Gibbs, P.O. BOX 8081, Fayetteville, NC 28301, stated concerns regarding the potential demolition of the Patel Motel and stated he is an advocate for homeless and disabled veterans.

6.0 CONSENT

MOTION: Council Member Davy moved to approve the consent agenda.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

6.1 Addition of Certain Streets to the City of Fayetteville System of Streets

Council officially accepted the dedication of streets for maintenance and addition to the City of Fayetteville system of streets. The list included four residential paved streets adding up to a total of 0.49 miles.

6.2 Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim of the City's Interest in Order to Expedite Cumberland County's Sale of Property

RESOLUTION DECLARING PROPERTY EXCESS TO CITY’S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2013-035

6.3 Approve Purchase of Tasers for the Police Department

Approval of the purchase of (200) Taser X2 units with associated cartridges, holsters and battery packs for the total amount of \$279,434.85 from Taser International, Inc., Scottsdale, AZ, in accordance with the "sole source" bidding exception found in N.C.G.S. 143-129(e)(6).

6.4 P13-05F. The rezoning of property to BP/CZ – Business Park Conditional district or to a more restrictive district, located on Coalition Boulevard being the property of Military Business Park, Inc.

6.5 P13-15F. Initial zoning of property to LI – Light Industrial or to a more restrictive district, located at 185 Airport Road and being the property of Fullblock LLC.

6.6 P13-18F. The rezoning of property from SF-10 Single Family Residential to CC – Community Commercial or to a more restrictive district, located on Yadkin Road near the All American Expressway and being the property of Hyung S. Sackos.

6.7 Resolution Authorizing the Exchange of Property

RESOLUTION AUTHORIZING THE SALE OF PROPERTY. RESOLUTION NO. R2013-036

6.8 Resolution to Set Public Hearing to Consider Closing a 12 foot wide Alley running between Franklin Street and Russell Street

RESOLUTION CALLING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF AN UNNAMED ALLEY LOCATED BETWEEN FRANKLIN STREET AND RUSSELL STREET. RESOLUTION NO. R2013-037

6.9 Approve Meeting Minutes:

March 20, 2013 Agenda Briefing

March 25, 2013 Discussion of Agenda Items

March 25, 2013 Regular Meeting

May 6, 2013 Work Session

May 8, 2013 Budget WKS

May 13, 2013 Discussion of Agenda Items

May 13, 2013 Regular Meeting

May 15, 2013 Budget WKS

May 22, 2013 Agenda Briefing

May 22, 2013 Budget WKS

May 28, 2013 Discussion of Agenda Items

May 28, 2013 Regular Meeting

June 3, 2013 Work Session

June 10, 2013 Discussion of Agenda Items

June 10, 2013 Regular Meeting

June 19, 2013 Agenda Briefing

June 24, 2013 Regular Meeting

6.10 Bid Recommendation to Award Contract for Rockfish Creek Water Reclamation Facility Alkalinity Feed Improvements to State Utility Contractors, Monroe, NC lowest responsive bidder in the amount of \$714,000.00

Bids were received as follows:

| | |
|--|--------------|
| State Utility Contractors, Monroe, NC..... | \$714,000.00 |
| Morrison Engineers, Raleigh, NC | \$779,800.00 |
| Turner Murphy, Rockville, SC | \$845,208.00 |
| Dellinger, Inc., Monroe, NC | \$931,906.00 |
| T.A. Loving Co., Goldsboro, NC | \$947,000.00 |
| Water & Waste Systems, Garner, NC | \$949,000.00 |

6.11 Bid Recommendation to Award Contract for U.S. 301 Water Main Replacement to Sandy’s Hauling and Backhoe Service, Roseboro, NC in the total amount of \$601,000.00

Bids were received as follows:

| | |
|---|--------------|
| Sandy’s Hauling & Backhoe Service, Roseboro, NC | \$601,000.00 |
| T.A. Loving Co., Goldsboro, NC | \$662,520.00 |

**6.12 Resolution Accepting State Revolving Loan Offer for the Construction Portion of the PO Hoffer Water Treatment Plant Phase I and Resolution to Establish a 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund and Related Budget
RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT A STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2013-038**

RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ESTABLISH A 2013 PO HOFFER PHASE I STATE REVOLVING LOAN CAPITAL PROJECT FUND. RESOLUTION NO. R2013-039

6.13 Special Revenue Fund Project Ordinance 2014-1 (Special Victim Unit Project)

This ordinance appropriates \$3,000 for the Special Victim Unit Project of the Police Department.

6.14 Special Revenue Fund Project Ordinances 2014-2 and 2014-3 (FY2013-2014 CDBG and HOME Program Budgets)

The ordinances appropriate \$65,263 for the FY2013-2014 Community Development Block Grant Program and \$21,892 for the FY2013-2014 HOME Investment Partnership Program.

6.15 Tax Refunds Greater Than \$100

| <u>Name</u> | <u>Year</u> | <u>Basis</u> | <u>City Refund</u> |
|-------------|-------------|----------------|--------------------|
| WCP Inc. | 2007-2011 | Clerical Error | \$1121.13 |
| Total | | | <u>\$1121.13</u> |

7.0 PUBLIC HEARINGS

7.1 P13-12F. Initial zoning of property from R6A County Residential to LC – Limited Commercial or to a more restrictive district, located at 1030 Palm Springs Drive and Honeycutt Road and being the property of James Sanders, Donna Muraski and Charlotte Strickland.

Mr. Craig Harmon, Planner II, stated the applicant has requested this item be tabled until the August 26, 2013 City Council meeting.

MOTION: Mayor Pro Tem Arp moved to table item 7.1 and item 7.6 to the August 26, 2013, City Council meeting agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.2 P13-21F. The rezoning of property from AR – Agricultural Residential to SF-10/CZ Single Family Residential Conditional Zoning or to a more restrictive district, located in River Glen Subdivision on Vandenberg Drive containing 196 acres more or less and being the property of Estate Builders, LLC. (Appeal)

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 this property is located on the east side of the Cape Fear River and is the undeveloped portion of River Glen Subdivision. Prior to the initial approval of this subdivision in 2007, the owner requested that a flood study be conducted on this property. The resulting study greatly reduced the amount of floodplain. This subdivision was originally approved for 469 lots under the old AR district with zero lot line and 111 of those lots were platted in Phase I. In July of 2011, the developer was issued a Zoning Permit to obtain their Vested Rights for this project. [Zoning Permits may be obtained three times to extend a project's approval time before construction must start. The first two permits each last two years, and the third permit lasts one year, for a total extension of five years from the time a project is approved.] Properties developed in Phase I range in size from approximately 10,000 square feet to 35,000 square feet. The requested conditional zoning allows up to a total of 682 zero lot line lots in this development, which is an increase of 213 lots over what is currently approved. Approximately one hundred acres, most of which is floodway or floodplain, will be designated as open space. The typical lot size is approximately 8,700 square feet as shown on the applicant's site plan. Lots are much smaller than the lots in phase I. The proposed subdivision would be accessed through the existing Phase 1 of River Glen Subdivision through two separate routes. The City's Land Use Plan (LUP) is in conflict with what has previously been built and with what is proposed. Areas that are zoned and built for residential are shown on the LUP as heavy industrial. The area on the LUP shown as 1 acre lots has been developed and is being proposed for a much higher density. This discrepancy is likely due to water and sewer being extended into the area since the time when the LUP was adopted. Conditions for approval offered by the applicant are (1) attached preliminary site plan and (2) attached conditions of approval. Mr. Harmon stated the Zoning Commission met on June 11th and held a public hearing on this case. There were two speakers in favor and three in opposition to this request. The applicant offered to accept a more restrictive SF-15/CZ district. The Zoning Commission however voted to deny any rezoning request 3-1. The applicant appealed this case to the City Council.

The Zoning Commission and staff recommend denial of this rezoning based on:

- 1.The significant increase in density from the approved plan to the plan proposed with this rezoning. (River Glen is currently approved for 469 lots. This rezoning would increase the subdivision's total number of lots to 682, an increase of 213 lots.)
- 2.All traffic from the proposed subdivision will go through existing neighborhoods with larger lot sizes.
- 3.The proposed development includes 8,700 square foot lots throughout, independent of surrounding and adjacent property's size.
- 4.The site plan submitted as a condition of approval raises many concerns from staff.

Mr. Harmon further advised that no additional road connections are proposed. Under this plan there would be only two road outlets serving 682 lots. This development is located along the Cape Fear River, and includes approximately 107 lots in the 100 year floodplain, of the 571 proposed in this rezoning. Open Space and Community areas are located along the periphery of the development, away from most of the residential lots, as remnants of land having no significance to the design of the site. Mr. Harmon stated the property owner is now requesting rezoning to SF-15 and staff recommends that the City Council move to deny the rezoning to SF-15.

Council Member Bates expressed concerns regarding the additional traffic that would be traveling through the adjacent neighborhood.

Mayor Pro Tem Arp asked if the zoning commission and staff recommendation for denial was for SF-10 or SF-15. Mr. Harmon responded the denial is for both requests.

Council Member Applewhite asked if the 569 units are for a SF-15 rezone. Mr. Harmon responded that is correct, in addition to the 111 units that have already been developed.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Jimmy Kizer, 115 Broadfoot Avenue, NC 28303, appeared in favor and stated he is the engineer for the proposed project.

Mr. John Koenig, 1763 Wilmington HWY, NC 28306, appeared in favor and stated he is the owner/developer for the project and requested rezoning to SF-15.

Mr. Jeff Kasper, 1405 Pepperchase Drive, NC 28312, appeared in opposition and stated he and fellow residents of the adjacent Riverside Estates have major concerns regarding potential for a significant increase in traffic through their neighborhood and the safety of residents walking on streets that have no sidewalks.

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

Council Member Bates stated his concerns for the potential increase for service from the Police and Fire Departments.

Council Member Davy asked Mr. Koenig if the 569 lots would all be developed as housing. Mr. Koenig responded they would. Mr. Koenig stated some time ago he had deeded 200 acres to the Fire Department for the purpose of building a fire station, at a location selected by prior Fire Chief Nichols.

Council Member Fowler asked if the builders hire local crews. Mr. Koenig confirmed the builders do hire locally.

Council Member Applewhite asked Mr. Harmon to identify on the map where the stub out would be required. Mr. Harmon pointed to the specified point.

MOTION: Council Member Davy moved to approve the rezoning to SF-15 with the addition of a stub out, identified by staff.

SECOND: Council Member Haire

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

7.3 P13-22F. The rezoning of property from SF-10 Single Family Residential to SF-6/CZ Single Family Residential Conditional Zoning or to a more restrictive district, located at 6959 Fillyaw Road being the property of Kewon Edwards.

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 Lane Use Plan. This property is located on Fillyaw Road and currently has four single family houses on it. The City's Land Use Plan calls for low density residential on this property. The existing four homes is the maximum allowed on this property in the SF-10 district. The owner is requesting a rezoning to SF-6/CZ which would allow up to 13 units on this property under a Special Use Permit. This property has single family residential on three sides and multifamily across the street. The single family lots that are behind and on two sides of this property range in size from around 12,000 square feet to 17,000 square feet. A new SF-6 district would allow lots to be half the size of the smallest lots on this part of the south side of Fillyaw Road.

Mr. Harmon stated the Zoning Commission met on June 11th and held a public hearing on this case. There were two speakers in favor and none in opposition to this request. The Zoning Commission voted 3-1 to approve the rezoning to SF-6/CZ.

The Zoning Commission recommends approval of the rezoning to SF-6/CZ based on:

- 1.Redvelopment of a blighted area.
- 2.This property is across the street from a large multi-family development.
- 3.Proximity to Yadkin Road and Fort Bragg.
- 4.A SUP will be required for this property to be developed as multi-family.

The staff recommends denial of this rezoning to SF-6/CZ based on:

- 1.The Land Use Plan calls for low density residential; SF-6 is one of the City's medium density districts.
- 2.Single Family Residential is on three sides of this property.
- 3.SF-6 is not in keeping with the housing density on the south side of Fillyaw Road.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Scott Brown, 409 Chicago Drive, Suite 112, NC 28306, appeared in favor, and stated he is the engineer/developer for the project.

Mr. Kewon Edwards, 3343 Dalcrest Drive, Charlotte, NC 28269, appeared in favor and stated he is the property owner and requested approval of the rezone request.

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

MOTION: Council Member Haire moved to approve the rezoning to SF-6/CZ.

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (10-0)

7.4 A requested variance from the Stormwater Ordinance.

Mr. Rusty Thompson, PE, PTOE Engineering and Infrastructure Director, presented this item and stated this property faces Owen Drive and is approximately 0.2 mile south of Southern Avenue. The owners, H. Ronald Solomon and Melanie Solomon-Keefe, have requested a variance from the 5,000 square foot requirement to the 20,000 square foot requirement. The property is located at 2898 Owen Drive. This property has had some pavement installed at some time in the past. Due to the pavement, the owner would be limited to 5,000 square feet of additional impervious area before complying with the stormwater ordinance. The lot size of 0.66 acres is a very small parcel for development and the property owner is requesting to be allowed to develop to the 20,000 square foot criteria.

This is the advertised public hearing set for this date and time. The public hearing was opened. Ms. Melanie Keefe, 370 Echo Lane, NC 28303, appeared in favor and stated she is one of the property owners.

Mr. Ronnie Solomon, 3558 Turnberry Circle, NC 28303, appeared in favor.

Mr. Jimmy Keefe, 370 Echo Lane, NC 28303, appeared in favor.

Ms. Lori Epler, P. O. BOX 53787, NC 28305, appeared in favor.

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

A brief discussion ensued.

MOTION: Council Member Davy moved to approve the variance.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

7.5 Public Hearing to Consider a Petition Requesting Annexation of a Non-Contiguous Area Known as the Fullblock LLC Property-Located at 185 Airport Road

Mr. David Nash, AICP, Planner II, presented this item and stated this request originated on February 25, 2013, when Fullblock, LLC submitted an annexation petition to the City. The petition was signed by Mr. William B. Fuller, Jr, Managing Member of Fullblock, LLC. The property requested for annexation is located at the intersection of Airport Road and Aviation Parkway. An office/warehouse building is currently under construction on the property. The Fullblock property is not contiguous to the City, but it can be annexed as a satellite. Fullblock previously built another office/warehouse building nearby (at 135 Airport Road); this other property was annexed as a satellite on December 13, 2010. According to the City Engineering staff's metes and bounds description, the property requested for annexation consists of 4.47 acres, more or less. The Zoning Commission held its public hearing on May 14, 2013. The City's Real Estate staff has verified that Fullblock, LLC, is the owner of the property requested for annexation. City operating departments and PWC divisions have reviewed the proposed annexation and they should be able to serve the property.

The Fire Department reports that the travel distance is 4.3 miles from the closest City station; it might take the department 10 minutes to travel to the property. The department's goal is 5.3 minutes for the first arriving unit. The Pearces Mill Volunteer Fire Department is only .08 miles (3 minute travel time) from the property; Pearces Mill could provide 24 - hour uninterrupted response service. Therefore, the Fire Department will establish a contract with Pearces Mill to provide response coverage to this property. The Police Department and the Engineering and Infrastructure Department reported that they would have no significant impacts from annexing the area. The Environmental Services Department would not be responsible for providing garbage pick-up services because the building will not be residential. PWC water, sewer, and electrical services are all available to the property. There is also a private sewer line in Aviation Parkway and a private sewer lift station at the end of Aviation Parkway. There are five standards

that a satellite annexation must meet in order to be annexed. This area meets the five standards, as shown in the ordinance (included in the packet). Originally, this area would not have met the "do not split a subdivision" standard. However, the City's Legal Department has recently interpreted that standard in a new way - it applies only for residential properties. Based on this interpretation, the area complies with that standard. Policy 150.2, as amended on February 13, 2012, states that all property within the City's MIA that meets the statutory requirements for annexation must be annexed before water or sewer service will be provided or expanded. In this situation, because of an unusually lengthy research process on a satellite standard, an agreement enabled PWC water and sewer to be provided before annexation; services will be discontinued if, for instance, the petition is withdrawn. Mr. Nash concluded by stating City staff recommends City Council move to adopt the proposed ordinance annexing the area effective July 22, 2013, and establish the initial zoning consistent with the prior action on the zoning case.

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 ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [Fullblock LLC Property-Located at 185 Airport Road-Includes Tax Parcel – (0435-24-2118). ANNEXATION ORDINANCE NO. 2013-07-544
MOTION: Council Member Davy moved to adopt the proposed ordinance annexing the area effective July 22, 2013.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

7.6 Public Hearing to Consider a Petition Requesting Annexation of a Non-Contiguous Area Known as the Honeycutt Road at Palm Springs Drive Property

This item was tabled until the August 26, 2013 City Council regular meeting.

7.7 Text amendment to City Code Chapter 30 various articles for clarification, consistency and adjustments to provide greater flexibility and options.

Ms. Karen S. Hilton, AICP, Manager, Planning and Zoning presented this item with the aid of a PowerPoint presentation. Ms. Hilton stated the proposed amendments reflect corrections staff has been accumulating, or adjustments that staff considers minor that have emerged during daily application of the new development code. This is part of an ongoing overall fine-tuning and correcting typical of completely re-written codes. There is one section of more substantive change: the expansion of uses and ability to propose less restrictive numerical standards in conditional zoning requests. The Planning Commission considered a second more substantive item but requested, with staff's concurrence, that that section be withdrawn for later consideration. There is one section of more substantive change; the expansion of uses and ability to propose less restrictive numerical standards in conditional zoning requests. The change to allow less restrictive conditions is intended to add flexibility relative to dimensional standards and to minimize the need to use an overly intense district or much higher density zoning district "conditioned down" to one or two uses. That practice creates the expectation that the scale, character or full range of uses in that higher zoning district is appropriate for the area when, in fact, the very basis for the conditions is that the full range of uses or densities or scale is not acceptable. All amendments to Chapter 30 are evaluated with regard to seven criteria; all proposed changes are supportive of or consistent with these criteria. Ms. Hilton concluded by stating the Planning Commission and staff recommend that the City Council move to approve the ordinance of minor adjustments to Chapter 30 as presented by staff.

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 UNIFIED DEVELOPMENT ORDINANCE FOR CLARITY, CONSISTENCY, AND SMALL ADJUSTMENTS TO PROVIDE GREATER FLEXIBILITY AND OPTIONS IN REDEVELOPMENT (Set 8). ORDINANCE NO. S2013-014

MOTION: Council Member Bates moved to adopt the proposed ordinance as presented by staff.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.8 Text amendments to City Code Chapter 30 for consolidation and adjustment of tree save, open space and parkland standards to provide greater flexibility and options in (re)development.

Mr. Scott Shuford, AICP, Development Services Director presented this item with the aid of a PowerPoint presentation. Mr. Shuford stated this amendment is the second major revision to the tree save, open space and parkland standards. Prepared in conjunction with a developer advisory group, these revisions consolidate and reduce the standards to better fit both community objectives and the range of sites, new development, and redevelopment options throughout the city.

Continued experience with site plan reviews has illustrated the unusually large impacts the combination of stormwater, tree save, open space, and parkland requirements can have on the developable area of a site. The current standards plus stormwater facilities can require over 30% of a site in some instances, particularly for small sites. The revisions, developed in conjunction with a private sector advisory committee, make significant adjustments in the standards and the alternatives.

Council Member Haire asked Mr. Shuford how is the relationship between city staff and the developer community. Mr. Shuford responded that the relationship is very good. There has been a great exchange of information; the relationship has definitely been enhanced and both sides have realized mutual interests.

This is the advertised public hearing set for this date and time. The public hearing was opened. Ms. Lori Epler, P.O. Box 53787, NC 28305, appeared in favor and stated over the last two years, it has become obvious that while the UDO promotes desirable development, there are some areas that it has prohibited revitalization and rendered smaller parcels nearly useless. Ms. Epler requested the Council approve the ordinance set before them.

Mr. Joe Riddle, 238 North McPherson Church Road, NC 28303, appeared in favor and stated appreciation and thanks to city staff and certain members of the developer community that have participated in many hours of stakeholders meetings to work together to bring forth these ordinance amendments to Council.

Mr. Greg West, 506 Charleston Place, NC 28303, appeared in favor and asked for support of the amendments to the UDO ordinance; it will help with redevelopment on the gateway corridors.

Mr. Jimmy Kizer, 115 Broadfoot Avenue, NC 28305, appeared in favor and commended the Development Services staff for their hard work with the Developer Community on this item. Mr. Kizer stated he hopes to continue this collaborative effort.

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

Council Member Fowler stated the Development Community brings a great value to the City and this has been a really important step to take towards economic growth.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CITY CODE CHAPTER 30, VARIOUS SECTIONS, TO COMBINE TREE SAVE, PARKLAND AND OPEN SPACE REQUIREMENTS, PROVIDE INCENTIVES AND CREDITS FOR CERTAIN FEATURES, AND ADJUST STANDARDS TO FACILITATE REDEVELOPMENT AND USE OF SMALL LOTS. ORDINANCE NO. S2013-015

MOTION: Mayor Pro Tem Arp moved to adopt the proposed ordinance as presented by staff.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Uninhabitable Structures Demolition Recommendation

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

442 S. Eastern Boulevard

Mr. Shuford stated the structures are vacant commercial buildings formerly used as a motel that were inspected and condemned as dangerous buildings on January 7, 2013. The motel was closed as a public nuisance by a Superior Court order in March 2012. A hearing on the condition of the buildings was conducted on January 23, 2013, in which the owner attended. A subsequent Hearing Order to repair or demolish the buildings within 60 days was issued and mailed to the owner on January 28, 2013. To date there have been no repairs to the buildings. The utilities to the office building have been disconnected since September 2012; utilities to the second building were disconnected approximately March 2012. There is no record of the utilities to the third building. In the past 24 months, there have been 193 calls for 911 service to the property. There have been no code violation cases and no pending assessments. Mr. Shuford stated the estimate to demolish the structures (not including asbestos removal) to be \$155,000. Mr. Shuford concluded by stating staff recommends Council move to adopt the ordinance authorizing demolition of the structure.

Council Member Applewhite stated Mr. Gibbs (an interested party of the property) had provided her with a copy of a proposal from a construction company to provide for a motel conversion to a room and boarding facility for the sum of \$2,763,000. Council Member Applewhite asked Mr. Gibbs if he had received approved funding for the proposed refurbishing. Mr. Gibbs responded he is awaiting grant funding.

Mayor Chavonne asked Mr. Gibbs if he owns the property. Mr. Gibbs stated he has a contract to purchase the property from Mr. Patel.

Council Member Crisp asked Mr. Gibbs what he is requesting. Mr. Gibbs responded he would like 60-90 days to see if the grant funding will be provided.

A brief discussion ensued.

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 (442 S. Eastern Boulevard, PIN 0437-90-7308). ORDINANCE NO. NS2013-026.

MOTION: Council Member Massey moved to adopt the ordinance authorizing demolition of the structure to be effective on August 30, 2013, unless the property owner provides documentation of proof of ownership and identifiable funding sufficient for the repairs and renovation of the structures.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 8 in favor and 2 in opposition (Mayor Chavonne and Council Member Hurst)

8.2 Discussion on forming a task force for crime prevention and a task force for economic development

MOTION: Council Member Crisp moved to charge the City Manager with creating a task force for crime prevention and a task force for economic development

SECOND: Mayor Pro Tem Arp

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

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for June 2013.

| | |
|-------------------------|--------------|
| 2012 Taxes..... | \$194,225.50 |
| 2012 Vehicle..... | 361,192.69 |
| 2012 Taxes Revit..... | 190.81 |
| 2012 Vehicle Revit..... | 253.46 |
| 2012 FVT..... | 40,199.30 |

| | |
|-------------------------------------|-----------|
| 2012 Transit..... | 40,199.32 |
| 2012 Storm Water..... | 4,714.15 |
| 2012 Fay Storm Water..... | 9,428.27 |
| 2012 Fay Recycle Fee..... | 11,387.11 |
| 2012 Annex..... | 0.00 |
| 2011 Taxes..... | 4,806.22 |
| 2011 Vehicle..... | 6,019.51 |
| 2011 Taxes Revit..... | 0.00 |
| 2011 Vehicle Revit..... | 0.00 |
| 2011 FVT..... | 1,066.08 |
| 2011 Transit..... | 1,066.06 |
| 2011 Storm Water..... | 262.49 |
| 2011 Fay Storm Water..... | 524.98 |
| 2011 Fay Recycle Fee..... | 728.43 |
| 2011 Annex..... | 0.00 |
| 2010 Taxes..... | 969.13 |
| 2010 Vehicle..... | 479.87 |
| 2010 Taxes Revit..... | 0.00 |
| 2010 Vehicle Revit..... | 0.00 |
| 2010 FVT..... | 220.81 |
| 2010 Transit..... | 220.81 |
| 2010 Storm Water..... | 24.00 |
| 2010 Fay Storm Water..... | 48.00 |
| 2010 Fay Recycle Fee..... | 76.00 |
| 2010 Annex..... | 0.00 |
| 2009 Taxes..... | 266.88 |
| 2009 Vehicle..... | 482.07 |
| 2009 Taxes Revit..... | 0.00 |
| 2009 Vehicle Revit..... | 0.00 |
| 2009 FVT..... | 155.68 |
| 2009 Transit..... | 155.68 |
| 2009 Storm Water..... | 24.00 |
| 2009 Fay Storm Water..... | 48.00 |
| 2009 Fay Recycle..... | 76.00 |
| 2009 Annex..... | 0.00 |
| 2008 and Prior Taxes..... | 233.39 |
| 2008 and Prior Vehicle..... | 1,518.85 |
| 2008 and Prior Taxes Revit..... | 0.00 |
| 2008 and Prior Vehicle Revit..... | 0.00 |
| 2008 and Prior FVT..... | 336.61 |
| 2008 and Prior Transit..... | 45.60 |
| 2008 and Prior Storm Water..... | 144.00 |
| 2008 and Prior Fay Storm Water..... | 0.00 |
| 2008 and Prior Fay Recycle Fee..... | 0.00 |
| 2008 and Prior Annex..... | 14.38 |
| Interest..... | 20,004.84 |
| Revit Interest..... | 10.31 |
| Storm Water Interest..... | 419.48 |
| Fay Storm Water Interest..... | 645.55 |
| Annex Interest..... | 1.68 |
| Fay Recycle Interest..... | 790.00 |
| Fay Transit Interest..... | 1,059.51 |

Total Tax and Interest..... \$704,462.51

9.2 Tax Refunds of Less Than \$100

| <u>Name</u> | <u>Year</u> | <u>Basis</u> | <u>City Refund</u> |
|------------------|-------------|----------------------|--------------------|
| S&S Tree Service | 2012 | Double Tax Listed | \$ 2.00 |
| Bright, Herbert | 2011 | Corrected Assessment | <u>79.68</u> |
| TOTAL | | | <u>\$81.68</u> |

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:44 p.m.