

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MARCH 22, 2010
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); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Janet Smith, Assistant City Attorney
Rob Anderson, Development Services Director
Charles Lewis, Senior Code Enforcement Administrator
Jeffery Brown, Engineering & Infrastructure Director
Craig Harmon, Planner II
Luis Collazo, Human Relations Specialist
Jackie Tuckey, Public Information Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Pastor Lillie Council of Jesus Is The Answer Worship Center.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda with the removal of Items 6.8 and 6.10.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne and Council Member Davy, on behalf of the City Council and City of Fayetteville, presented a proclamation congratulating the Fayetteville State University Girl's Basketball Team for winning the 2010 CIAA Championship. Comments followed.

Mr. Luis Collazo, Human Relations Specialist, provided a brief presentation regarding the 2010 Census.

6.0 CONSENT

Council Member Massey requested to pull Items 6.5, 6.6, 6.7, 6.9, and 6.11 for staff presentation.

MOTION: Council Member Meredith moved to approve the consent agenda with the exception of Items 6.5, 6.6, 6.7, 6.9, and 6.11.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

6.1 Approve Minutes:

§ December 7, 2009 - Inauguration

§ February 22, 2010 – Regular Meeting

§ March 1, 2010 – Work Session Meeting

§ March 8, 2010 – Dinner and Discussion Meeting

§ **March 8, 2010 – Regular Meeting**

6.2 Development Services (Planning and Zoning Division) – Case No. P10-01F: The rezoning of the property located at 1800 Fargo Drive and 3505 Village Drive from R10 Residential and P2 Professional to P2/CZ Professional Conditional Zoning District. Tochari Investments, LLC, owner.

6.3 Development Services (Planning and Zoning Division) - Special sign permit request for temporary event signs for the Tarheel Quilters Quilt Fest on March 26-28, 2010.

The special sign permit was granted with the stipulation that the signs be removed by the end of the day on March 29, 2010, and the number of signs be limited to 25 with the locations to be approved in advance by staff.

6.4 Development Services (Planning and Zoning Division) - Special sign permit request for temporary event signs between April 5 and 10, 2010, for the Fayetteville Area Dogwood Exchange Club barbecue plate sale on April 9, 2010.

The special sign permit was granted with the stipulation that the signs be removed by the end of the day on April 10, 2010, and the number of signs be limited to 25 with the locations to be approved in advance by staff.

6.5 Pulled for staff presentation by Council Member Massey.

6.6 Pulled for staff presentation by Council Member Massey.

6.7 Pulled for staff presentation by Council Member Massey.

6.8 Development Services (Housing/Code Enforcement Division) – Condemnation – 206 Campbell Avenue (PIN 0437-61-1518); Robert C. and Mary Jo Anderson.

This item was removed from the agenda.

6.9 Pulled for staff presentation by Council Member Massey.

6.10 Development Services (Housing/Code Enforcement Division) – Condemnation – 317 S. Racepath Street (PIN 0447-10-0734); Cumberland Interfaith Hospitality Network.

This item was removed from the agenda.

6.11 Pulled for staff presentation by Council Member Massey.

6.12 Environmental Services - Bid award for the purchase of two low entry truck cab and chassis with 30 cubic yard rear loading high density refuse compactor bodies.

Environmental Services needed to purchase two low entry truck cab and chassis with compactor bodies. These units were budgeted replacements for Unit Nos. 93/410 and 2000/4013. The total budgeted amount was \$373,000.00.

Formal bids were received February 18, 2010, as follows:

BIDDER	UNIT PRICE	TOTAL PRICE
Transource, Inc. (Raleigh, NC)	\$169,561.00	\$339,561.00
Transource, Inc. (Raleigh, NC)	\$175,965.00	\$351,930.00
Amick Equipment (Lexington, SC)	\$191,413.00	\$382,826.00
Volvo & GMC Truck Center (Charlotte, NC)	\$193,209.00	\$386,418.00
Southern Truck Service, Inc. (Charlotte, NC)	\$195,657.00	\$391,314.00
Carolina Environmental (Kernersville, NC)	\$196,600.00	\$393,200.00
Volvo & GMC Truck Center (Charlotte, NC)	\$196,613.00	\$393,226.00
Lodal South (Rockingham, NC)	\$201,476.00	\$402,952.00
Peterbilt (Dunn, NC)	\$229,076.00	\$458,152.00
Peterbilt (Dunn, NC)	\$235,884.00	\$471,768.00

All bids received contained some exceptions or variations to the bid specifications. PWC Fleet and City Environmental Services personnel thoroughly evaluated all bids, to include consideration of all exceptions and variations. The compactor body on the lowest bid submitted by Transource was determined to be unacceptable for the needs of the City. The cab and chassis and compactor body submitted by Transource (second lowest bid) was visually and physically inspected by PWC Fleet and City Environmental Services staff and was found to be acceptable to the needs of the department. Therefore, the second lowest bid was recommended. In addition, the price listed above for this unit included phone-booth style doors (bi-fold) on both sides of the unit, which were priced as an option in their bid.

6.13 Finance – Approve tax refunds greater than \$100.00.

NameYearBasisCity Refund

Williams, Clayton S.

And wife, Doris	2004-2008	Clerical Error	<u>\$227.90</u>
TOTAL			<u>\$227.90</u>

6.14 Finance - Capital Project Ordinance Closeout 2010-11 (Phase V Annexation Water and Sewer Projects).

6.15 Finance - Capital Project Ordinance Closeout 2010-12 (FY 2008 Annual Street Resurfacing Contract).

6.16 Finance - Capital Project Ordinance Closeout 2010-13 (Gillespie and Franklin Traffic Light and Ottis Jones Parkway Resurfacing).

6.17 Finance - Special Revenue Fund Project Ordinance 2010-15 (2009 Community Waste Reduction and Recycling Project).

This ordinance appropriated funds needed for the purchase of 96-gallon roll carts to be placed at public events and buildings. The 96-gallon roll carts would be given away during festivals and other venues to educate the public on the City's curbside recycling program. The funding sources for this project would be a \$22,000.00 grant awarded by the NC Department of Environment and Natural Resources, \$3,458.00 in a transfer from the Recycling Fund, a \$500.00 match from the Fayetteville/Cumberland Arts Council, and a \$500.00 match from Pratt Industries, USA.

6.18 Finance - Special Revenue Fund Project Ordinance 2010-16 (FY 2009 Assistance to Firefighters Grant - Operations and Safety Program).

This ordinance appropriated a federal grant of \$115,848.00, awarded through the FY 2009 Assistance to Firefighters Grant, and a required local match from the General Fund of \$28,962.00. The funds would be used to purchase structural protective clothing and operational equipment.

6.19 Finance - Capital Project Ordinance Amendment 2010-28 [American Recovery and Reinvestment Act (ARRA) Grant for Hybrid Electric Buses and Security Plan Development].

This amendment appropriated an additional \$31,290.00 to build ADA compliant pedestrian access walkways.

Council Member Massey pulled Items 6.5, 6.6, 6.7, 6.9, and 6.11 for staff presentation as follows.

Mr. Rob Anderson, Development Services Director, informed Council that the subject properties referred to in Items 6.5 through 6.11 were found to contribute to blight in the neighborhood. He stated that after notice to the owners and their failure to repair or demolish the properties themselves, this action would authorize the City to demolish the property and place a lien against the property for the cost of that action. He stated staff reviewed these properties and verified there were no listings on the National Register, local landmark properties, or in the historic district.

6.5 Development Services (Housing/Code Enforcement Division) – Condemnation - 1320 Ramsey Street (PIN 0438-52-6763); Unknown Heirs of La Dean Ahhaitty, c/o Lara Armelia Hobbs and Leonard Ellington Byrd.

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. ORDINANCE NO. NS2010-002.

6.6 Development Services (Housing/Code Enforcement Division) – Condemnation - 2141 Southern Avenue (PIN 0426-92-3994); Roland S. and Susan M. Pridgen.

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. ORDINANCE NO. NS2010-003.

6.7 Development Services (Housing/Code Enforcement Division) – Condemnation - 820 Whitfield Road (PIN 0436-09-9367); W. Edward Murphy.

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. ORDINANCE NO. NS2010-004.

6.9 Development Services (Housing/Code Enforcement Division) – Condemnation - 225 Nimocks Avenue (PIN 0437-61-7911); Abraham Washington).

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. ORDINANCE NO. NS2010-005.

6.11 Development Services (Housing/Code Enforcement Division) – Condemnation - 310 Oakland Drive (shed only) (PIN 0438-32-8199); Frederick Elliott.

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. ORDINANCE NO. NS2010-006.

MOTION: Council Member Bates moved to approve Items 6.5, 6.6, 6.7, 6.9, and 6.11.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

7.1 Development Services (Planning and Zoning Division) - Case No. P10-

06F: Appeal of Zoning Commission denial of a request to rezone a portion of the property located at 980 Kennesaw Road from AR Agricultural Residential to C1/CZ Commercial Conditional Zoning District. Jesus Peace Ministries, Inc., owner.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon 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. He stated the property owners would like to use the old church and fellowship hall as an after school care and a day treatment center (substance abuse program). He stated both uses would be operated by a business put together by church members, but would not be part of the church itself. He stated the minimum zoning district for a day treatment center was C1 Commercial District. He stated the after school care could be a private business with a R15 or greater residential district with a Special Use Permit or in any of the City's commercial districts. Mr. Harmon reviewed the original conditions as follows: (1) hours of operation from 6:00 a.m. to 6:00 p.m. for both the after school care and day treatment facility, (2) no more than 15 substance abuse patients at any one time, (3) no more than 24 after school kids at any one time, (4) condition down the C1 zoning to only allow for a day treatment center and an after

school care facility, and (5) facilities would use the current access and parking areas provided by the church. He stated the Zoning Commission and staff recommended denial based on (1) the 2010 Land Use Plan calling for medium-density residential on the property and the properties surrounding it on three sides, with the fourth side low-density residential; (2) the only access to the property being through a low-density single family development; (3) the 2030 Growth Vision Plan stating that higher intensity development was generally not permitted through an area of lower intensity development; and (4) staff's opinion that a day treatment facility would not be a good mix of use for property located in the middle of a residential development. He stated that since the Zoning Commission hearing, the applicant informed staff of his intentions to delete the after school care program from the original request. Mr. Harmon noted the handout regarding spot zoning.

Mayor Pro Tem Haire inquired if the commercial zoning request had evolved. Mr. Harmon explained that based on the applicant's request to operate a profit treatment facility, staff recommended the application of CZ zoning.

Council Member Applewhite stated the counseling program was already present and questioned whether the privatization of the program was the reason zoning was required. Mr. Harmon responded in the affirmative.

Council Member Crisp requested clarification as to why Council was briefed regarding the after school care facility when it was no longer part of the applicant's request. Mr. Harmon clarified the case must be presented reflecting the Zoning Commission's presentation.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:25 p.m.

Pastor James McGrady, 7530 Cliffbourne Drive, Fayetteville, NC 28303, appeared in favor and discussed the substance abuse problems present in the community and the need for the treatment center. He presented a letter to Council (Exhibit A).

Mr. Charles Evans, 926 Fleetwood Drive, Fayetteville, NC 28305, appeared in favor and requested Council to reconsider the Zoning Commission's decision. He stated the church was attempting to offer citizens a second chance in life.

Mr. Curtis Worthy, 6320 Lynette Circle, Fayetteville, NC 28314, appeared in favor and reiterated the deletion of the proposed daycare facility from the initial request. He stated only the old sanctuary would be used and presented Council with a petition to allow the treatment center (Exhibit B).

Mr. Ladon Goodwin, 9525 Mountain Home Drive, Fayetteville, NC 28314, appeared in opposition and expressed concerns regarding the close proximity and negative affects to his neighborhood of a drug treatment center.

There being no one further to speak, the public hearing closed at 7:40 p.m.

Council Member Applewhite questioned Pastor McGrady as to whether drugs would be dispensed on the site, requested a brief description of the proposed facility, and questioned whether he could continue this service without financial assistance. Pastor McGrady answered in the negative regarding the dispensing of drug and stated there was a screening process. He stated the proposal was to hire qualified counselors and to provide security. Pastor McGrady stated he would not be able to provide the level of services needed without grants.

Council Member Bates requested all citizens in support of the rezoning who actually lived in the neighborhood to please stand. One citizen stood up in response to the request.

Council Member Crisp inquired as to how clients would be transported to the treatment facility. Pastor McGrady stated clients would provide their own transportation.

Council Member Bates questioned which existed first the church or the neighborhood. Pastor McGrady replied the neighborhood.

Council Member Hurst questioned Ms. Karen McDonald, City Attorney, as to whether this would be considered spot zoning. Ms. McDonald responded in the affirmative based on the size, nature, compatibility, and benefit to the surrounding property.

MOTION: Council Member Applewhite moved to deny the rezoning on the basis of illegal spot zoning.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Davy, Haire, and Massey)

7.2 Development Services (Inspections and Planning/Zoning Divisions) - Amendments to City Code Sections 16-368 and 22-31, and Zoning Ordinance Code Sections 30-263 and 30-320 regarding notification of violation and citation requirements.

Mr. Rob Anderson, Development Services Director, briefed Council on the difficulties encountered when attempting to issue violation notices by registered or certified mail. He stated the difficulties included several weeks of waiting for returned certified mail followed by on-site visits to attempt delivery of a violation or citation notice, often with law enforcement officials, and some notices or citations being sent registered. Mr. Anderson stated the Planning Commission considered the proposed changes to the type of notice for violations of standards in Chapter 30 and recommended replacing the requirement for registered or certified mail with one requiring first class mail followed by delivery confirmation if the initial mail was returned within ten working days.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:50 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTIONS OF CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, SEC. 16-368, CHAPTER 22, SOLID WASTE, SEC. 22-31, AND CHAPTER 30, ZONING, SEC. 30-263 AND SEC. 30-320, ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2010-003A.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 14, HOUSING, DWELLINGS AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-004.

MOTION: Council Member Meredith moved to approve the amendments to City Code Sections 16-368 and 22-31, and Zoning Ordinance Code Sections 30-263 and 30-320.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

7.3 Engineering & Infrastructure - Public hearing for assessment rolls on soil streets that have been paved.

Mr. Jeffery Brown, Engineering & Infrastructure Director, briefed Council on the completion of the street pavings authorized on February 25, 2008. He stated this public hearing was to receive comments from property owners along those streets concerning the preliminary assessment rolls and all owners were duly notified of the pending assessments and their opportunity to speak at this public hearing.

A brief question and answer period ensued.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:59 p.m.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF ADAM STREET (FROM KENNEDY STREET 371 FEET TO A TURN-AROUND). RESOLUTION NO. R2010-017.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CANAL STREET (FROM KENNEDY STREET TO WAYDE STREET). RESOLUTION NO. R2010-018.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF FARRELL AVENUE (FROM DUNN ROAD 1162 FEET TO A CUL-DE-SAC). RESOLUTION NO. R2010-019.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF GURLEY STREET (FROM ROBESON STREET 377 FEET TO A DEAD-END). RESOLUTION NO. R2010-020.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF GUTHRIE STREET (FROM HOLT WILLIAMSON STREET TO

MCDUFFIE STREET). RESOLUTION NO. R2010-021.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF LUCAS STREET (FROM COOL SPRING STREET 436 FEET TO A TURN-AROUND). RESOLUTION NO. R2010-022.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF MCDUFFIE STREET (FROM GUTHRIE STREET TO EASTERN BOULEVARD). RESOLUTION NO. R2010-023.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF UPTON STREET (FROM STEVENS STREET 306 FEET TO A TURN-AROUND). RESOLUTION NO. R2010-024.

MOTION: Council Member Meredith moved to adopt the resolutions confirming assessment rolls for the associated streets.

SECOND: Council Member Crisp

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

8.0 OTHER ITEMS OF BUSINESS

8.1 Parks and Recreation - Special consideration from The Gilbert Theater to sell alcohol.

Mr. Michael Gibson, Parks and Recreation Director, introduced Mr. Gerald Ellison, President of the Art League of Fayetteville, and Mr. Lynn Pryer, The Gilbert Theater Artistic Director, who provided a summary of the request for The Gilbert Theater to sell alcohol during the pre-show and intermission periods of performances on the second floor of the "old" City Hall building, 116 Green Street.

Council members posed questions regarding control of the alcohol sales. Ms. McDonald responded Council was considering whether the applicant would be permitted to serve alcohol. She further advised they would have to comply with state regulations.

Council Member Bates questioned Council's authority to restrict the sale of alcohol when children were present. Ms. McDonald informed Council that should the request be granted the ordinance would be amended and stated that Fascinate-U Museum and The Gilbert Theater have agreements with the City. Mr. Ellison further stated there would be 60 performances per year and alcohol would only be sold before the performances and during intermissions.

MOTION: Council Member Applewhite moved to approve the request from The Gilbert Theater to sell alcohol with the additional condition that no alcoholic beverages be sold and/or served when children were present.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Mayor Pro Tem Haire)

8.2 Parks and Recreation - Special consideration for the Boys and Girls Club to consume alcohol at Cross Creek Park.

Mr. Michael Gibson, Parks and Recreation Director, introduced Mr. Don Williams and Ms. Jenny Beaver of the Cumberland County Boys and Girls Club. Mr. Williams stated this was a request for the Boys and Girls Clubs of Cumberland County to provide wine and beer at their Garden Party, a fundraiser scheduled for April 23, 2010, from 12:00 noon to 5:00 p.m., at Cross Creek Park located at 317 Mason Street.

Council members posed questions about the event and control of alcohol during the event.

MOTION: Council Member Bates moved to approve a one-time for the Boys and Girls Club to Consume Alcohol at Cross Creek Park.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Mayor Pro Tem Haire)

8.3 Parks and Recreation - Capital Project Ordinance 2010-17 (Handicapped Accessible Minibus for Parks and Recreation - Wounded Warriors Program).

Mr. Michael Gibson, Parks and Recreation Director, provided an overview of this item. He stated the adopted vehicle replacement plan for Parks and Recreation included partial funding for the purchase of a handicapped accessible minibus. He stated this ordinance would appropriate funding for that vehicle which would be used for the Wounded Warriors

Program. He stated if approved, the total budget for this purchase would be \$65,000.00, with \$25,000.00 funded by a grant from the National Recreation and Park Association and \$40,000.00 funded from a General Fund transfer.

Mayor Pro Tem Haire inquired whether there was support from Cumberland County. Mr. Gibson replied in the affirmative.

MOTION: Council Member Bates moved to approve Capital Project Ordinance 2010-17 (Handicapped Accessible Minibus for Parks and Recreation - Wounded Warriors Program).

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

8.4 Development Services (Planning and Zoning Division) - Amendments to policy regarding notification requirements for the area around a site for which a zoning or special use permit action is requested.

Mr. Rob Anderson, Development Services Director, provided a history summary of this item. He stated the increased radius for notifying surrounding property owners has not resulted in any change in the number of speakers on zoning cases. He stated staff time and direct cost for these mailings to the larger area are significantly higher--nearly double. He stated the proposal to return to a 500-foot radius was a significantly higher standard than the 300 feet required by the state (adjacent property owners) or recommended by the American Planning Association.

MOTION: Council Member Meredith moved to approve the amendments to policy regarding notification requirements for the area around a site for which a zoning or special use permit action is requested.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

8.5 Development Services (Housing/Code Enforcement Division) - Amendment to Chapter 14 of the City of Fayetteville Code of Ordinances regarding property maintenance.

Mr. Rob Anderson, Development Services Director, presented this item. He stated the current wording in Chapter 14 does not clearly allow the City inspector to enforce minimum standards on nonresidential structures and dangerous or unsafe conditions are currently enforced through the state building code. He stated the proposed changes would enable inspectors to order the owners of these properties to make repairs to improve the appearance, condition, and safety of nonresidential structures.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 14, HOUSING, DWELLING AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-004.

MOTION: Council Member Meredith moved to approve the amendment to Chapter 14 of the City of Fayetteville Code of Ordinances regarding property maintenance.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.2 Finance - Tax refunds of less than \$100.00.

NameYearBasisCity Refund

Poveromo, Nicole M.	2008	Corrected Assessment	<u>\$32.86</u>
TOTAL			<u>\$32.86</u>

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.