

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
JUNE 27, 2011  
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1) (arrived at 7:10 p.m.); 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); James W. Arp, Jr. (District 9)

Others Present:

Kristoff Bauer, Assistant City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Victor Sharpe, Community Development Director  
John Kuhls, Human Resource Development Director  
Scott Shuford, Development Services Director  
Jeffery Brown, Engineering and Infrastructure Director  
Bart Swanson, Housing and Code Enforcement Division Manager  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
David Nash, Planner II  
Dawn Driggers, Executive Director, Fayetteville Metropolitan Housing Authority  
Nathan Walls, Public Information Specialist  
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 Stephen Johnson, Antioch Church of God.

**3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was recited by those in attendance.

**4.0 APPROVAL OF AGENDA**

**MOTION: Council Member Arp moved to approve the agenda with the addition of Item 8.6, consideration of sponsorship request from Extreme Makeover, Home Edition.**

**SECOND: Council Member Massey**

**VOTE: UNANIMOUS (9-0)**

**5.0 ANNOUNCEMENTS AND RECOGNITIONS**

Council Member Hurst announced the free electronics waste recycling drive held on June 18, 2011, was a big success and thanked everyone for their participation.

Mayor Chavonne recognized Mr. Vinnie Venturella, Fayetteville-Cumberland County Chamber of Commerce. Mr. Venturella announced the community received an Abilene Trophy sponsored by the Abilene, Texas, Chamber of Commerce. He explained the trophy was awarded to the community in Air Mobility Command that was most supportive of its local air force base.

Mayor Chavonne announced an All American City Award celebration would be held on July 1, 2011, at 6:00 p.m. at the Festival Park.

**5.1 Chief Benjamin Nichols, Fayetteville Fire Department**

Mayor Chavonne recognized Mr. Benjamin Nichols, outgoing Fire Chief, for his accomplishments and years of dedicated service. Mr. Nichols began by expressing appreciation for being given the opportunity to present Fayetteville's story at the All American City Award contest. He announced the Fire Department successfully completed a week-long peer assessment from the Center of Fire Service Excellence and stated the Fire Department would

be recommended for accreditation in August at the 2011 International Association for Fire Chiefs conference. Mr. Nichols introduced his wife, Mrs. Pat Nichols, and expressed appreciation for her support.

Mayor Chavonne, on behalf of the City Council, presented a City Coin to Mr. Nichols for his years of service.

## **6.0 CONSENT**

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

**SECOND:** Council Member Applewhite

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

**6.1 Adopt a resolution setting a public hearing to consider the paving without petition of certain soil streets.**

**PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF GRACE AVENUE FROM OLD WILMINGTON ROAD 351 FEET TO A DEAD END AND WILMA STREET FROM ROOSEVELT STREET 1,128 FEET TO A CUL-DE-SAC. RESOLUTION NO. R2011-032.**

**6.2 Addition of streets to the City of Fayetteville's System of Streets.**

Council was asked to officially accept the dedication of streets for maintenance and addition to the City of Fayetteville system of streets. The list included nine streets adding up to a total of 1.01 miles.

**6.3 Adoption of City Council Policy No. 115.13, Fund Balance Policy.**

**6.4 Budget Ordinance Amendment 2011-17 (General Fund and Emergency Telephone System Fund).**

The amendment appropriated \$370,000.00 from General Fund fund balance to provide additional funding for debris clean-up expenditures related to the April 16, 2011, tornadoes. In addition, the amendment appropriated a \$972.00 transfer from the General Fund to the Emergency Telephone System Fund for fund expenditures that were not eligible for use of State E-911 funds.

**6.5 Capital Project Ordinance Amendment 2011-22 (Series 2005 Bond Issue for Various Infrastructure Improvements, Land Acquisition and FSU Fire Station).**

The amendment appropriated an additional \$17,000.00 to the project for project related expenditures that were beyond the authorized scope for use of the bond proceeds.

**6.6 Special Revenue Fund Project Ordinance 2011-13 (2011 Badges for Baseball Program).**

The ordinance appropriated \$23,331.00 for the 2011 Badges for Baseball Program.

**6.7 Special Revenue Fund Project Ordinances 2012-1 and 2012-2 (FY 2011-2012 HOME and CDBG Program Budgets).**

The ordinance appropriated \$1,284,730.00 for the FY 2011-2012 HOME Investment Partnership Program and \$1,750,271.00 for the FY 2011-2012 Community Development Block Grant Program.

## **7.0 PUBLIC HEARINGS**

**7.1 Case P11-08F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching or appropriate districts within the new Unified Development Ordinance (UDO) (hearing cycle 2). This cycle of hearings affects the remaining 390 properties.**

Mr. Scott Shuford, Development Services Director, provided opening remarks regarding the efforts made between City staff, City Council, developers, and citizens to make the UDO a success. Ms. Karen Hilton, Planning and Zoning Division Manager, then provided background information on the UDO process to date.

Mr. Craig Harmon, Planner II, then explained the guidelines used in the remapping/translation process and stated there were 390 properties remaining to be remapped. He stated three issues had emerged from public input and provided an overview of those issues which included (1) translation of the CIP commercial district, (2) voluntary down zoning or requests for rezonings that reflected a change of use, and (3) translation of the existing R6 residential

districts to SF-6 districts under the UDO.

Mr. Harmon stated staff’s recommendation was two-part. He explained the first part of the recommendation was approval of the remapping as recommended by the Zoning Commission and staff with the following four properties to return as staff-initiated rezoning applications to allow more in-depth consideration of specific zoning impacts and to enable appropriate notice to adjacent property owners to be given:

Hendrick Toyota	1969 Skibo Road	0407-97-9135
Tommy Bradford	2350 Bentrige Lane	9496-37-3163
Tommy Bradford	McPherson Church Road(beside railroad tracks)	0417-81-9543
Kingdom Impact Global Ministries	2503 Murchison Road	0428-65-3950

Mr. Harmon explained the second part of the recommendation was to direct staff to engage in aggressive outreach efforts to the public and development community to identify and resolve concerns, including urban agricultural issues, and report to Council the UDO implementation performance measures, any concerns raised by stakeholders, or other implementation issues during at least the Council’s next three workshops.

Mr. Shuford informed Council that a valid protest petition was filed for the 390 properties and would require 8 votes in favor.

Council Member Massey inquired what would happen to the UDO if the 8 votes were not received. Mr. Shuford explained it would require the UDO to be deferred.

Council Member Massey requested clarification that the UDO would go into effect after the 390 properties were resolved. Ms. Karen McDonald, City Attorney, clarified that would be accurate based on her understanding of the motion that was made regarding the implementation of the UDO.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Ed Blanchard, Jr., 103 Roxie Avenue, Fayetteville, NC 28304, appeared in opposition. He expressed concern on the zoning of 3530 Boone Trail and stated once Boone Trail was widened to five lanes, he felt it would become a major thoroughfare.

Mr. Glenn B. Adams, Attorney for Kingdom Impact Global Ministries, 201 Hay Street, Suite 103, Fayetteville, NC 28301, appeared in opposition and expressed concern on the zoning of the property on Murchison Road.

Mr. Garris N. Yarborough, Attorney representing Riddle, Gillis, and Stout Properties, 115 East Russell Street, Fayetteville, NC 28301, appeared in opposition and expressed concern that the remapping would cause a devaluation of his client’s properties. He stated they were requesting these issues go back to Planning for further consideration.

Ms. Heather Harrison, 6033 Lakeway Drive, Fayetteville, NC 28306, appeared in opposition. She expressed concern that there was not adequate time to ensure that property owners were not adversely affected and requested the implementation of the UDO be delayed three months until all flaws were corrected.

Mr. Andrew Williams, 6405 Touchstone Drive, Fayetteville, NC 28311, appeared in opposition and expressed concern that his parcels may have fallen through the cracks. He stated they submitted an application before the UDO process to have the zoning of their property looked at and no action was taken.

Mr. John Gillis, 128 South Churchill Drive, Fayetteville, NC 28303, appeared in opposition and expressed concern that the Planning Department stopped processing requests for rezonings.

Mr. Michael Davies, a member of Kingdom Impact Global Ministries, 513 Saint Street, Dunn, NC 28334, appeared in opposition and emphasized the implementation of the remapping of their parcels would be a benefit to the Murchison Road Corridor as well as the community as a whole.

Ms. Emma Pinault, 1100 Clark Street, Fayetteville, NC 28305, appeared in opposition and stated she would like to see the UDO amended to protect the rights of residents to grow food and keep livestock as allowed in the current City ordinance.

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

Mayor Pro Tem Haire inquired why the property of Kingdom Impact Global Ministries would be zoned LC. Mr. Shuford explained the area in front of the property along Murchison Road was zoned C1P and the translation would be LC under the UDO. He explained C1P was used as a catchall for a variety of different situations ranging from a less than an acre site for a service station all the way up to the Cross Creek Mall. He stated there would be a range of commercial designations under the UDO and the property would fall under the LC category because of its scale.

Council Member Mohn inquired if Council could direct that the parcels with issues identified be brought back as a Council-initiated rezoning at no cost to the property owners to work out the differences. Mr. Shuford responded in the affirmative.

Mayor Chavonne inquired if the parcels that had different recommendations from City staff and the property owner would be coming back to Council for a decision to be made. Mr. Shuford responded in the affirmative.

Council Member Arp inquired what the timeframe would be to resolve the issues. Mr. Shuford responded they would not be successful in resolving all the issues in a short period of time. He explained that possibly 20 percent would fall into the quick to resolve type of circumstances and the remaining 80 percent would either be philosophical issues or there would be rezoning circumstances where Council would hear from the neighbors as well as from staff with regard to possible encroachment into residential areas.

Mayor Pro Tem Haire inquired if the UDO were not to pass, would they still try to resolve the issues. Mr. Shuford responded in the affirmative, but pointed out people were waiting to move forward with anticipated zoning changes under the UDO and they could be held up if the UDO were not approved. He suggested Council follow staff's recommendation but broaden the number of cases that would come back to Council to cover the ones Council was interested in. Mayor Chavonne requested clarification to expand part one of the recommendation to include any of the properties that were contested. Mr. Shuford replied that could be one option or they could get more specific. He stated approximately 300 of the properties were more or less resolved.

Mayor Chavonne requested affirmation that 379 parcels were before Council tonight and 300 were believed to be uncontested. Mr. Shuford responded in the affirmative.

A question and answer period ensued regarding what parcels would be remapped. Mr. Shuford explained they were recommending that they remap everything and then have those with issues come back and be rezoned from the UDO designation to another UDO designation. He stated this would allow the UDO to be implemented.

Mayor Chavonne inquired if they could approve the 300 parcels that were uncontested and move forward and implement the UDO and continue working with the 79 contested parcels. Ms. McDonald stated she was understanding the Mayor's question to be that if they moved forward with remapping minus the 79 parcels, would that allow the UDO to move forward.

Mayor Chavonne further inquired if they could take action tonight that would allow the UDO to go forward and be applicable to the 75,300 parcels which they were ready to move forward on. Ms. McDonald requested that Council consider taking a 5-minute recess while staff considered those questions.

Mayor Chavonne declared a five-minute recess.

Mayor Chavonne called the session back to order and advised Items 7.1 and 7.2 would be continued at the end of the meeting.

Mayor Chavonne then proceeded to the next items on the agenda which began with Item 7.3.

### **7.3 Request from Fayetteville Area Operation Inasmuch to donate a City-owned lot at 538 Frink Street for transitional housing for the homeless.**

Mr. Victor Sharpe, Community Development Director, presented this item and provided background information. He showed a vicinity map and gave an overview of the current land use and explained it would be an allowable use under the City's zoning ordinance and would also be allowed under the UDO. He stated it was Fayetteville Area Operation Inasmuch's goal

to create a neighborhood of transitional housing with five homeless persons in each of its units along Frink Street. He stated when the City acquired the lot at 538 Frink Street, staff envisioned single-family housing as part of the redevelopment of the area by making the lot available to one of the City's community housing development organizations. He stated staff was recommending that Council not approve the request to donate the property located at 538 Frink Street.

Mayor Pro Tem Haire inquired why they were recommending to not donate the property. Mr. Sharpe responded the concern was the intent of the use of the property. He explained there were already 5 unrelated persons living in a house at 601 Frink Street, a duplex being built across the street that would house 5 in each one of the units totaling 15, and the property at 538 Frink Street that would have a modular unit placed on it with an additional 5. He stated the goal of the organization was to continue to create a neighborhood using that type of formula to house persons in need of housing.

Council Member Davy requested further explanation for not approving the request. He stated the issue was the concentration of allowing five unrelated persons in a house. He stated this was an organization picking and choosing people to live together which would be different than allowing five students or five soldiers who have chosen to live together. He stated careful consideration should be given as to whether or not the City wanted to participate in the concentration of that type of use in any area.

This is the advertised public hearing set for this date and time. The public hearing was opened. Ms. Sue Byrd, Executive Director, FAOIAM, 2516 Huntington Road, Fayetteville, NC 28303, appeared in favor and expressed concern for the neighborhood because of blight, littering, prostitution, and drugs. She stated their homes would improve the neighborhood and provided background information on other homes. She stated they chose Frink Street because of its close proximity to the Department of Social Services, Health Department, Employment Security Commission, Social Security Administration, Veteran's Administration, and library and requested Council's support.

Mr. Will White, a person residing at 601 Frink Street, Fayetteville, NC 28301, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless.

Mr. Cureton L. Johnson, Senior Minister, First Baptist Church, 302 Moore Street, Fayetteville, NC 28301, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless.

Mr. John Cook, Pastor, Snyder Memorial Baptist Church, 516 Levenhall Drive, Fayetteville, NC 28314, appeared in favor and stated the church started Operation Inasmuch 16 years ago and it was a huge success. He stated Operation Inasmuch was then expanded with FAOIAM to address the homeless problem which was also a huge success. He stated lives were being transformed through FAOIAM and expressed support for the FAOIAM organization.

Mr. Wade Fowler, 2242 Jenna Shane Drive, Fayetteville, NC 28306, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless.

Mr. Edward C. Scott, former resident at 601 Frink Street, Fayetteville, NC 28301, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless. He stated FAOIAM assisted him when he was homeless and he would not be where he was today if not for the assistance.

Mr. Arthur Duke, 151 Buckingham Avenue, Fayetteville, NC 28301, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless.

Mr. Len Brown, 513 Frink Street, Fayetteville, NC 28301, appeared in opposition and spoke regarding issues with his property being abused by people in the neighborhood and expressed concern that this type housing would make matters worse.

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

**MOTION: Council Member Davy moved to donate the property at 538 Frink Street to FAOIAM.**

**SECOND: Council Member Arp**

**FRIENDLY AMENDMENT:**

**Mayor Chavonne made a friendly amendment to direct staff to develop a policy for future property donations.**

Council Members Davy and Arp accepted the friendly amendment.

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

**8.0 OTHER ITEMS OF BUSINESS**

**8.1 Uninhabitable structure demolition recommendation – 504 Carteret Place.**

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and provided background information. He stated the structure was damaged by fire and condemned as a dangerous structure on October 4, 2010. He stated there was currently a \$250.20 City assessment for lot cleaning and \$2,800.96 outstanding taxes for 2009-2010 on the property. He stated the low bid for the demolition was \$3,500.00. He stated staff was recommending adoption of the ordinance directing the demolition of the structure.

**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 – 504 CARTERET PLACE. ORDINANCE NO. NS2011-007.**

**MOTION: Council Member Bates moved to adopt as recommended.**

**SECOND: Mayor Pro Tem Haire**

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

**8.2 Ordinance amending Chapter 1, General Provisions, and Chapter 22, Solid Waste, related to notice and appeal of code violations.**

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff was requesting text amendments of Section 1-9 pertaining to appeals of civil penalties and Section 22-31 pertaining to solid waste penalties for violations. He stated both sections contained language that the appeal of a citation payment would require action within ten days of receipt of the citation. He stated over the years the code requirement for service of citations and notices changed from certified mail to first-class mail and the language requiring appeal for payment within ten days of receipt of a citation was not changed. He stated by the use of first-class mail as a means of serving a civil penalty citation, there was no way to determine when a recipient actually received the citation as required by the code. He stated this was causing problems when recipients filed appeals or paid the citation penalties several months after the issuance date of a citation, claiming that they had just received the citation within the last ten days. He stated the proposed code amendments would require that appeals of citations and payments of citation penalties under Chapter 22 be made within ten working days of the issuance of the citation rather than upon receipt of the citation. He stated this would establish a definitive time period for appeal or payment of the citation.

Council Member Crisp inquired if the recipient of the citation could appeal to the Board of Adjustment if not happy with the decision of the City Hearing Officer. Mr. Swanson responded in the negative.

**MOTION: Council Member Bates moved to send back to staff to work on appeal process and bring back to the work session either in August or September.**

**SECOND: Council Member Crisp**

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

**8.3 Contract for Economic Development Services with the Fayetteville Cumberland County Chamber of Commerce.**

Mr. Kristoff Bauer, Assistant City Manager, presented this item and stated one of the most significant changes made in the revised contract was to provide more concrete information as to the work the Chamber would be doing for the City. He stated there was more specific language regarding reporting requirements. He stated the largest change of the contract was the inclusion of Exhibit A which identified the annual projects that the Chamber would provide periodic reports on.

**MOTION: Council Member Bates moved to approve the proposed contract.**

**SECOND: Council Member Mohn**

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

**8.4 Request by Fayetteville Metropolitan Housing Authority to transfer City-owned land to them for the construction of a childcare facility located on Fisher Street adjacent to Walker-Spivey School.**

Mr. Victor Sharpe, Community Development Director, presented this item and stated this was a request from the Fayetteville Metropolitan Housing Authority to transfer City-owned land to them for the construction of a childcare facility located on Fisher Street adjacent to Walker-Spivey School. He reviewed a site plan and survey of the property and surrounding properties and provided background information on the proposed childcare facility. He stated recreational facilities impacted by the transfer and construction of the project would be relocated on site as a cost of the project and new recreational amenities would be created and made available to the public as a part of the project.

Council Member Bates inquired if an elementary school would be started once the Hope VI development occurred. Mr. Sharpe responded the application was written that once the development occurred in the neighborhood, it would recommend that the school be developed as an elementary school to support the community. He stated it would be a perfect fit if that were to occur as they would have a childcare facility and an elementary school on the same site. Council Member Applewhite inquired of Ms. Driggers what grants they would be applying for and if they felt they would be successful in receiving the grants. Ms. Dawn Driggers, Executive Director, Fayetteville Metropolitan Housing Authority, responded it was a HUD grant and they were very hopeful they would receive the grant.

Council Member Crisp inquired if they could get the land back if the grant did not go through. Ms. Driggers responded the facilities would be built either way. She stated if the grant were to not go through they would just build a smaller facility with the funds that were already set aside for the project.

**MOTION: Council Member Davy moved to approve the donation of the property and direct staff to subdivide the property and bring forward a rezoning for Council consideration.**

**SECOND: Mayor Pro Tem Haire**

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

**8.5 Consider resolution making certain findings and determinations, authorizing the filing of an application with the Local Government Commission, requesting the Local Government Commission to sell bonds at private sale and authorizing and approving the selection of the financing team in connection with the issuance and sale of revenue bonds of the City (Storm Water Projects).**

Ms. Lisa Smith, Chief Financial Officer, presented this item and stated the 2012-2016 Capital Improvement Plan included the proposed issuance of \$10,595,000 in bonds to finance various storm water projects. She reviewed the steps taken to date related to the proposed bond issue. She stated the next step would be the adoption of the resolution which would also authorize her to select the winning bank proposal subject to final Council approval at a subsequent meeting.

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT PRIVATE SALE AND AUTHORIZING AND APPROVING THE SELECTION OF THE FINANCING TEAM IN CONNECTION WITH THE ISSUANCE AND SALE OF REVENUE BONDS OF THE CITY. RESOLUTION NO. R2011-033.**

**MOTION: Council Member Bates moved to adopt as recommended.**

**SECOND: Council Member Applewhite**

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

**8.6 Consideration of sponsorship request from Extreme Makeover, Home Edition.**

Mr. Kristoff Bauer, Assistant City Manager, presented this item and stated the builder requested that the City sponsor the event by providing the following support and waiving the identified fees:

- 1. Building permit, plan review, and inspection fees associated with the demolition and construction; - Event permit and park use fees associated with the construction "event" and fund raising event;
- 2. Provide traffic diversion and security for the construction site and the main fund raising event; and
- 3. Provide sanitation support for both events.

Council Member Crisp inquired if the house would give them tax revenue into perpetuity. Mr. Bauer responded in the affirmative and stated the impact of the production crew and other activity coming to the City during the project would be significant as well.

**MOTION: Council Member Applewhite moved to authorize the City to participate in this package of events as a sponsor.**

**SECOND: Council Member Hurst**

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

Mayor Chavonne then proceeded with the continuance of Item 7.1.

**7.0 PUBLIC HEARINGS - CONTINUED**

**7.1 Case P11-08F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching or appropriate districts within the new Unified Development Ordinance (UDO) (hearing cycle 2). This cycle of hearings affects the remaining 390 properties.**

Council Member Applewhite requested clarification as to whether there were additional options. Mr. Bauer responded they had not developed any other alternatives. He stated they met with all the individuals and used any flexibility that they had available to solve the problems. He stated they exhausted their ability to problem-solve the issues. He stated if the Council wanted to do something other than the staff recommendation, then the rezoned process would give them ultimate flexibility to consider those properties on a case-by-case basis and make decisions that would be different from or consistent with staff recommendation or the request from the property owner. He stated they were requesting that Council take action and then move those problem properties to a new process where Council would have more flexibility and more time to address those problems.

**MOTION: Council Member Applewhite moved to (1) approve the remapping as recommended by the Zoning Commission and City staff, with the following properties to return as staff-initiated rezoning applications to allow more in-depth consideration of specific zoning impacts and to enable appropriate notice to adjacent property owners to be given; and (2) direct staff to engage in aggressive outreach efforts to the public and development community to identify and resolve concerns, including urban agriculture issues, and report to Council UDO implementation performance measures, any concerns raised by stakeholders, or other implementation issues during at least the Council’s next three workshops and to review and improve the administrative manual.**

Table Number	Applicant	Address	PIN
N/A	Hendrick Toyota	1969 Skibo Road	0407-97-9135
N/A	Tommy Bradford	2350 BentrIDGE Lane	9496-37-3163
13	Butch Dunlap	502 Setter Drive	0530-30-8380
32	Kingdom Impact Global Ministries	2503 Murchison Road	0428-65-3950
91	Joe Riddle	Glensford Drive	0417-26-2808
99	Joe Riddle	No address given	0530-41-9723
106	Joe Riddle	Alleghany Road	0416-37-7799
107	Joe Riddle	No address given	0416-47-0684



108	Joe Riddle	No address given	0416-49-5192
111	Joe Riddle	700 McArthur Road	0530-31-2280
112	March Riddle	No address given	9495-36-4773
114	March Riddle	2345 Dundle Road	9495-47-0022
123	March Riddle	Lakeridge Drive	0405-47-0315
125	March Riddle	No address given	0408-82-2846
127	March Riddle	Marshall Road	0417-80-0261
128	March Riddle	No address given	9497-91-3688
131	March Riddle	2377 Dundle Road	9495-37-7365
132	March Riddle	No address given	0429-53-4492
294	Ed Blanchard	3530 Boone Trail	0416-92-4201
298	Joe Riddle	Duncastle Road	0417-17-5787
300	Joe Riddle	6017 Raeford Road	0407-60-3855
301	Joe Riddle	Sycamore Dairy Road	0418-53-3255
302	Joe Riddle	Ramsey Street	0530-51-8477
303	Joe Riddle	Ramsey Street	0530-51-9133
304	Joe Riddle	Ramsey Street	0530-51-6470
305	Joe Riddle	Duncastle Road	0417-17-8758
309	Joe Riddle	160 N. McPherson Church Road	0418-40-7250
312	Joe Riddle	3317 Bragg Boulevard	0418-81-6969
313	John Gillis	No address given	9486-46-9227
314	John Gillis	Gillis Hill Road	9486-33-1108
315	John Gillis	No address given	9486-24-3086
316	John Gillis	2561 Gillis Hill Road	9486-22-8663
317	John Gillis	7593 Raeford Road	9486-55-3779
318	John Gillis	2148 Rim Road	9486-46-9665
319	John Gillis	7604 Raeford Road	9486-56-1164
323	March Riddle	Santa Fe Drive	0408-46-8951
324	March Riddle	No address given	0408-85-0108
326	March Riddle	Shephard Street	0416-89-5706
327	March Riddle	Reilly Road	9498-62-4124
328	March Riddle	Reilly Road	9498-62-4781
340	Tommy Bradford	McPherson Church Road(beside railroad tracks)	0417-81-9543
342	Belvia and Andrew Williams	McCarthy Street	0418-29-4945
343	Belvia and Andrew Williams	No address given	0418-29-5938
344	Belvia and Andrew Williams	No address given	0419-20-6031
345	Belvia and Andrew Williams	409 Bonnie Street	0418-29-4862
346	Belvia and Andrew Williams	No address given	0418-29-5844

347	Belvia and Andrew Williams	114 Bonnie Street	0418-29-6837
348	Belvia and Andrew Williams	110 Bonnie Street	0418-29-7819
349	CamStout	Boone Trail Extension	0426-25-5453

**SECOND: Council Member Hurst**

Council Member Mohn requested clarification that these properties would be the ones that staff would engage and if they could not come to an agreement, then they would come back as a Council-initiated rezoning at the City’s expense and Council would make the ultimate decision. Mr. Bauer responded in the affirmative.

Council Member Davy requested clarification that not just those listed above would come back, but others not on the list could also come back. Mr. Shuford responded in the affirmative.

Mayor Chavonne inquired if this action would allow them to get back on considering rezonings in the community. Mr. Shuford responded in the affirmative and stated they had approximately 15 properties that were pending to be considered under the UDO and the motion would enable them to move forward.

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

Due to the protest petition, 8 votes in favor were required to pass the motion.

**7.2 Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications of a number of areas including provisions related to internet sweepstakes uses.**

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item.

The public hearing was not held on this item and no action was taken.

**9.0 ADMINISTRATIVE REPORTS**

**9.1 Monthly statement of taxes for May 2011.**

2010 Taxes.....	\$272,339.15
2010 Vehicle.....	394,585.54
2010 Revit.....	751.86
2010 Vehicle Revit.....	498.61
2010 FVT.....	46,171.23
2010 Transit.....	46,171.27
2010 Storm Water.....	7,402.18
2010 Fay Storm Water.....	14,804.34
2010 Fay Recycle Fee.....	13,082.76
2010 Annex.....	0.00
2009 Taxes.....	8,304.62
2009 Vehicle.....	7,805.95
2009 Revit.....	28.31
2009 Vehicle Revit.....	0.00
2009 FVT.....	1,561.51
2009 Transit.....	1,561.50
2009 Storm Water.....	270.97
2009 Fay Storm Water.....	541.92
2009 Fay Recycle Fee.....	532.91
2009 Annex.....	0.00
2008 Taxes.....	2,916.58
2008 Vehicle .....	1,955.62
2008 Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	367.35
2008 Transit.....	257.35

2008 Storm Water.....	135.74
2008 Fay Storm Water.....	96.00
2008 Fay Recycle Fee.....	84.00
2008 Annex.....	0.00
2007 Taxes.....	1,363.14
2007 Vehicle .....	361.31
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00
2007 FVT.....	170.26
2007 Storm Water.....	84.00
2007 Fay Storm Water.....	96.00
2007 Annex.....	0.00
2006 and Prior Taxes.....	7,403.35
2006 and Prior Vehicle.....	1,013.27
2006 and Prior Revit.....	0.00
2006 and Prior Vehicle Revit.....	0.00
2006 and Prior FVT.....	315.23
2006 and Prior Storm Water.....	232.09
2006 Annex.....	0.00
Interest.....	30,974.50
Revit Interest.....	21.01
Storm Water Interest.....	627.73
Fay Storm Water Interest.....	898.48
Annex Interest.....	0.00
Fay Recycle Interest.....	769.11
Total Tax and Interest.....	\$866,556.75

**9.2 Revenue and expenditure report for annually budgeted funds for the nine-month period ended March 31, 2011.**

**10.0 ADJOURNMENT**

There being no further business, the meeting adjourned.