

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
JULY 25, 2011  
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); James W. Arp, Jr. (District 9)

Others Present:

Dale E. Iman, City Manager  
Karen M. McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Ben Major, Fire Chief  
Jeffery Brown, Engineering and Infrastructure Director  
Rusty Thompson, Traffic Services Director  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
Marsha Bryant, Planner II  
David Nash, Planner II  
Rebecca Rogers-Carter, Management Services Manager  
James Rose, PWC Chief Administrative Officer  
Joe Glass, PWC Engineering Manager-Water Resources  
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 Captain Charlie Averitt, Assistant Chaplain for the Fayetteville Fire Department.

**3.0 PLEDGE OF ALLEGIANCE**

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

**4.0 APPROVAL OF AGENDA**

Ms. Karen McDonald, City Attorney, stated staff was requesting that Item 8.3, public hearing to consider a petition requesting annexation by Baywood Point, LLC, and Savvy Homes, LLC, be removed from the agenda.

Mayor Chavonne inquired why the item was being removed. Mr. Scott Shuford, Development Services Director, explained that when the property was submitted for annexation, the petition included the signature of everyone who owned property. He stated since that time, parcels were sold and they would need the signatures of the current property owners in order to move forward with the annexation. He stated they would review the policy to prevent this from occurring in the future.

**MOTION: Council Member Arp moved to approve the agenda with the removal of Item 8.3.**

**SECOND: Mayor Pro Tem Haire**

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

**5.0 ANNOUNCEMENTS AND RECOGNITIONS**

Council Member Hurst thanked everyone who participated in the Cross Creek Cleanup, which included Fayetteville Beautiful teaming up with volunteers and support being provided by the Parks and Recreation and Environmental Services Departments. He announced Fayetteville State University's Cheer Group would continue with the cleanup from the upper-end of Cross Creek to the Cape Fear Botanical Garden.

Mayor Chavonne acknowledged Professor Kevin Dilley and his students from the Fayetteville State University News and Public Affairs class and stated they would be observing the meeting, taking notes, and reviewing the following day what was discussed and how best to report the information.

**6.0 PUBLIC FORUM**

Ms. Patricia Stewart, 623 Bessemer Circle, Fayetteville, NC 28301, expressed concern regarding police chases and requested Council work with the Police Department and Sheriff’s Department to put an end to chases in Fayetteville and Cumberland County.

Mr. James Popp, 101 Goodyear Avenue, Fayetteville, NC 28303, expressed concern regarding bulky item pickup and requested Council reconsider the policy limiting the amount of bulky pickups a resident was allowed per year.

Ms. Shirley McDougald, no address was provided, spoke regarding the NC Veterans Park and expressed concern that there were no statues of African Americans in position of honor in the park.

Ms. Linda Shantan, 103 Littleleaf Court, Raeford, NC 28376, representing District 15 of the Prince Hall Masonic Order, announced they would be hosting a free community picnic for the North Street and Blueberry Place Community at the North Street Park on July 30, 2011.

Mr. Dale Iman, City Manager, in response to Ms. McDougald’s concern, stated there were no specific recognitions within the new NC Veterans Park. He stated the park was developed as a result of input from over three dozen veterans. He stated it was a themed park symbolizing the three phases of a veteran’s life--life before service, life during service, and life after service. He stated there were no individuals recognized in the park and that was by intent.

**7.0 CONSENT**

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

**SECOND: Council Member Arp**

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

**7.1 Approve Minutes**

**- May 23, 2011 - Dinner and Discussion Meeting**

**7.2 Authorization to replace Retired Fire Chief Benny Nichols with Interim Fire Chief Benjamin Major as applicant agent on behalf of the City of Fayetteville.**

**RESOLUTION – DESIGNATION OF APPLICANT’S AGENT, NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT. RESOLUTION NO. R2011-033A.**

**7.3 Award contract for LaFayette Village - Ph I, Spruce Drive Drainage Improvements Project, to T. A. Loving Company, Goldsboro, NC, lowest responsive, responsible bidder, for the bid amount of \$2,701,960.00.**

Bids were received June 20, 2011, as follows:

T. A. Loving Company (Goldsboro, NC).....	\$2,701,960.00
ES&J Enterprises, Inc. (Autryville, NC).....	\$3,731,478.20
Triangle Grading & Paving, Inc. (Burlington, NC).....	\$3,885,077.00

**7.4 Award contract for 2012 Street Resurfacing Program to Highland Paving Company, Fayetteville, NC, lowest responsive, responsible bidder, for the negotiated bid amount of \$2,885,024.94.**

Bids were received June 24, 2011, as follows:

Highland Paving Company (Fayetteville, NC).....	\$3,205,677.84
Barnhill Contracting Company (Fayetteville, NC)...	\$3,237,146.35

The bids received were over the budgeted amount of \$2,800,000.00, therefore, as allowed by North Carolina General Statutes, staff negotiated with the low bidder, Highland Paving Company, to eliminate five streets in order to bring the contract within the budgeted amount.

The negotiated bid amount was \$2,885,024.94.

**7.5 Bid recommendation for purchase of galvanized steel poles.**

The Public Works Commission approved bid award for purchase of 75 galvanized steel poles of various sizes for the sub-transmission pole replacement project to TransAmerican Power Products, Inc., Houston, TX, lowest bidder in the total amount of \$292,953.00. Bids were

received June 28, 2011, as follows:

TransAmerican Power Products, Inc. (Houston, TX)....	\$292,953.00
M. D. Henry Company, Inc. (Pelham, AL).....	\$351,285.00
April S. Lee & Associates, LLC (St. Cloud, MN).....	\$359,887.62
Thomas & Betts Corporation (Memphis, TN).....	\$379,773.00
Sabre Tubular Structures (Alvarado, TX).....	\$421,404.00

**7.6 Bid recommendation for hydrogen sulfide control at PWC lift stations.**

The Public Works Commission approved bid award for a one-year contract for labor, materials, and equipment to provide hydrogen sulfide control at PWC lift stations, with the option to extend the contract for additional one-year periods upon the agreement of both parties, to Siemens Industry, Inc., Sarasota, Florida, lowest bidder, in the total amount of \$198,886.00. Bids were received June 20, 2011 as follows:

Siemens Industry, Inc. (Sarasota, FL).....	\$198,886.00
Cape Fear Water Solutions (Dublin, NC).....	\$224,375.00
Southeastern Waste Water (Fayetteville, NC)...	\$257,011.35

**7.7 Bid recommendation for annual transformer contract.**

The Public Works Commission approved bid award for annual transformer contract (approximately 560 transformers of different types and sizes to be purchased over a 12-month period) with the option to order additional quantities within the 12-month period at the unit prices and with the option to extend the agreement for additional one-year periods upon the agreement of both parties to Ermco, c/o National Transformer Sales, Inc., Raleigh, NC, low bidder in the total amount of \$1,050,801.00. Bids were received May 11, 2011, as follows:

Ermco, c/o National Transformer Sales (Raleigh, NC)	\$1,050,801.00
HD Supply (Wake Forest, NC).....	\$1,188,315.85
Stuart C. Irby (Rocky Mount, NC).....	\$1,196,308.00
WESCO (Raleigh, NC).....	\$1,211,059.00
Howard Industries (Laurel, MS).....	\$1,267,812.00

**7.8 Community streetbanners for FTCC 50th Anniversary.**

Staff recommended Council grant the special request for up to 36 community street banners for the FTCC 50th anniversary from September 15, 2011, through March 12, 2012.

**7.9 Municipal agreement with NCDOT for bridge inspections.**

**7.10 Capital Project Ordinance Amendment 2012-9 (Texfi Property).**

The amendment appropriated an additional \$11,243.00 from Cumberland County for the development and use of the Texfi property.

**7.11 Capital Project Ordinance Amendment 2012-11 (Storm Water Projects).**

The amendment appropriated \$11,845,761.00 for storm water drainage improvement projects.

**7.12 Capital Project Ordinance Amendment 2012-10 (Linear Park).**

The amendment appropriated an additional \$12,140.00 for the Linear Park Project.

**7.13 Special Revenue Fund Project Ordinance 2012-3 (FY 2010 Federal Homeland Security Grant).**

The ordinance established the budget for the FY 2010 Federal Homeland Security Grant awarded to the Fire Department through the North Carolina Department of Crime Control and Public Safety Division of Emergency Management.

**7.14 Special Revenue Fund Project Ordinance 2012-4 (2011 Sobriety Court Grant).**

The ordinance appropriated \$48,839.00 for the 2011 Sobriety Court Program.

**7.15 2011 JAG Funding - Memorandum of Understanding with Cumberland County.**

**7.16 Tax refunds greater than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Cape Fear Siteworks, Inc.	2006-2008	Clerical Error	<u>\$3,065.53</u>
Total			<u>\$3,065.53</u>

**8.0 PUBLIC HEARINGS**

**8.1 Public hearing and adoption of resolution to consider the paving without petition of certain soil streets.**

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided background information on the paving of soil streets. He stated in 2008, Council delayed the paving of Grace Street due to not knowing if it would be incorporated into the Hope VI project. He stated it was not incorporated into the project and therefore Habitat for Humanity was requesting that the street be paved. He stated Wilma Street had been approved for paving in 2009 but the design had changed and the street had to be extended further than what was initially anticipated which impacted more parcels. He stated during that process it was discovered that a large parcel was inadvertently left off the preliminary assessment roll. He proceeded to show photos of the area. He also pointed out that Salisbury Street was approved for paving at the same time as Wilma Street and any decision made would also impact the decision previously made on Salisbury Street.

Mayor Pro Tem Haire inquired if the assessment would change if a portion of property was given for right-of-way. Mr. Brown responded in the negative and explained it would not be allowed under the general statutes.

A question and answer period ensued regarding the partial water and sewer currently installed, what impact future installations would have on the project, and the number of properties that would be assessed.

Council Member Crisp requested clarification on how much the City would recoup of the \$172,000.00 from the property owners on both sides of Wilma Street. Mr. Brown responded 49 percent which would be \$49,929.00.

This is the advertised public hearing set for this date and time. The public hearing was opened. Ms. Sophia Pierce, 725 Topeka Street, Fayetteville, NC 28301, appeared in opposition. She stated she was not opposed to the paving of Wilma Street but was opposed to the assessment and requested Council reduce the assessment.

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

Council Member Applewhite inquired how the value of right-of-way was determined. Mr. Brown responded whatever square footage the City was taking from the property would be compensated to the property owner based on the tax value of the taking which would be 100 percent of the value. Mr. Brown explained Ms. Pierce's property was the one that was left off of the preliminary assessment roll. He stated Option B would reduce their assessment cost to \$14,500.00.

Mayor Pro Tem Haire inquired of Ms. Pierce if Option B would be better for her financially. Ms. Pierce responded she would need to check with her family.

Mayor Pro Tem Haire inquired if there was assistance available from Community Development. Mr. Brown responded there was a limit of \$1,000.00 to offset the assessment.

**FINAL RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF GRACE AVENUE FROM OLD WILMINGTON ROAD 351 FEET TO A DEAD END. RESOLUTION NO. R2011-034.**

**MOTION: Mayor Pro Tem Haire moved to approve the paving of Grace Avenue and Option B for the paving of Wilma Street.**

**SECOND: Council Member Massey**

Council Member Mohn inquired if the cul-de-sac would close the rest of the road off on Wilma Street if it were placed halfway down the road. Mr. Brown responded the cul-de-sac would be a roll curb and serve as a driveway.

Council Member Mohn inquired if the cul-de-sac could be removed. Mr. Brown responded that could be an option.

**VOTE: FAILED by a vote of 3 in favor (Council Members Chavonne, Hurst, and Applewhite) to 7 in opposition**

**MOTION: Council Member Bates moved to approve as presented by staff.**

**SECOND: Council Member Applewhite**

Council Member Mohn inquired if the property owners could be identified and how long they owned the property. Ms. Karen McDonald, City Attorney, responded they could do a title search for whatever information that would render but it may or may not provide information they were

looking for.

**VOTE: FAILED by a vote of 4 in favor (Council Members Chavonne, Hurst, Applewhite, and Bates) to 7 in opposition**

**MOTION: Council Member Crisp moved to pave Grace Avenue.**

**SECOND: Council Member Hurst**

Council Member Applewhite inquired what the process would be to bring Wilma Street back to Council for paving. Mr. Dale Iman, City Manager, responded it would take the interest of Council to bring it back and then debate the issue again and make a decision.

Council Member Crisp requested that a list be compiled again of unpaved streets and the estimated cost.

Mr. Iman pointed out that Salisbury Street was also scheduled for repaving, which had been approved by Council, and was being held up waiting for a decision. He inquired what was Council's interest regarding the paving of Salisbury Street.

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

Consensus of Council was to bring Salisbury Street back to a future work session to brief the Council on the logistics of the practicality of paving the street if they were not going to pave Wilma Street.

## **8.2 Public Hearing (Quasi Judicial) - Request for a waiver to make payment in lieu of installation of 155 feet of sidewalk along Old Bunce Road, property that abuts a proposed 35-lot single-family residential subdivision.**

Mr. Wesley Meredith was sworn in by the Deputy City Clerk.

Ms. Marsha Bryant, Planner II, presented this item. Ms. Bryant showed vicinity maps and gave overviews of the surrounding land uses and zonings. She stated the City received a request to develop 35 single-family residential lots. She stated the Technical Review Committee's condition for approval was that a sidewalk would be required along the entire road frontage of the property where the subdivision was to be located. She stated the owner agreed to the sidewalk and was requesting a waiver of a portion of the sidewalk along Old Bunce Road. She reviewed the site plan for the sidewalk and stated construction of the sidewalk in the area would impact the wetlands and the Army Corp of Engineers indicated they would probably not issue a permit for a sidewalk in that location. She stated the Planning Commission and staff recommended approval of the waiver. She stated due to the quasi judicial nature of the request, the following findings of fact would have to be shown to approve the waiver request:

- a. A waiver may be granted if the developer showed that the provision would cause unnecessary hardship if strictly adhered to.
- b. A waiver may be granted due to topographical or other conditions peculiar to the site.
- c. A waiver may be granted if the intent of the ordinance was not destroyed.

Council Member Applewhite inquired if they could request a design for construction of the area instead of leaving a gap on the street. Ms. Karen McDonald, City Attorney, responded Council could take no action and allow the developer to come back with a design and then Council could review the design and make a decision as to whether to approve or deny the request.

Ms. Bryant proceeded to show photos of the site for Council's review. A question and answer period ensued regarding the location of the sidewalk.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Wesley Meredith, 113 Great Oaks, Fayetteville, NC 28303, appeared in favor and in response to the findings of fact regarding hardship, he provided as evidence to be entered into the record a proposal showing it would cost \$4,350.00 to find out if the Corp of Engineers would approve the sidewalk (A copy of the proposal is attached to the minutes of this meeting in the City Clerk's office).

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

Mayor Pro Tem Haire inquired if the wooded area would remain as it was if the sidewalk were not installed. Mr. Brown responded in the affirmative.

Council Member Applewhite inquired of Mr. Meredith how installation of the sidewalk would be a hardship. Mr. Meredith responded the sidewalk waiver was \$5,000.00 and if he had to put in a

raised sidewalk that would be over \$19,000.00.

Council Member Applewhite inquired about the boardwalk option. Ms. Bryant responded discussions were held regarding a boardwalk and Council may want to consider that option. She stated the option had never been done in the past.

**MOTION: Council Member Applewhite moved to require the developer to bring back plans for a walkway bridge and not approve the request for waiver in lieu of at this time.**

**SECOND: Mayor Pro Tem Haire**

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

**MOTION: Council Member Arp moved to approve the requested sidewalk waiver and allow the payment in lieu of construction of the sidewalk in accordance with the findings of fact.**

**SECOND: Council Member Hurst**

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

**8.3 Public hearing to consider a petition requesting annexation by Baywood Point, LLC, and Savvy Homes, LLC, for 16.7+ acres on the western side of Baywood Road.**

This item was removed from the agenda.

**8.4 Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications.**

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and briefly reviewed 14 amendments to the Unified Development Ordinance (UDO). She stated the amendments included corrections to errors and adjustments which would make the ordinance more effective. She stated the Planning Commission and staff recommended approval of the amendments.

A question and answer period ensued regarding the amendments.

This is the advertised public hearing set for this date and time. The public hearing was opened. Ms. Elizabeth Williams, 1100 Clark Street, Fayetteville, NC 28305, appeared in opposition and spoke regarding the proposed amendment allowing continued food cultivation and animal husbandry as an accessory use throughout Fayetteville's residential areas. She stated if Council adopted the amendment, she requested that direction be given to the Zoning staff and Planning Commission to continue discussion of additional agricultural, horticultural, and animal keeping amendments to the UDO.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO ADDRESS ERRORS OR CLARIFICATIONS AFFECTING DRIVE AISLE WIDTHS; PRIVATE STREETS; APPEAL OF CIVIL PENALTIES; STANDARD FOR SEPARATION REQUIREMENTS; INCLUSION OF THE LC DISTRICT IN VARIOUS LISTINGS; REFERENCES TO THE INCENTIVE AREA OVERLAY; NURSING HOMES IN THE OI DISTRICT; HEAVY MANUFACTURING; SIGNS FOR HOME OCCUPATIONS; RENUMBERING SECTION ON SUBDIVISION SIGNS; INTERNET SWEEPSTAKES; USES NOT LISTED IN THE UDO; AGRICULTURAL USES; AND HEIGHT STANDARDS IN LC AND CC DISTRICTS. ORDINANCE NO. S2011-008.**

**MOTION: Council Member Hurst moved to approve the ordinance as recommended.**

**SECOND: Council Member Bates**

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

**8.5 Case P11-09F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching districts within the new Unified Development Ordinance (UDO).**

**This affects all owners of property within the City limits of Fayetteville.**

Mr. Craig Harmon, Planner II, presented this item and stated they were returning with all 75,000 plus properties within the City for remapping. He stated the core principles in the remapping were consistency in applying the guidelines, individual notices not being possible due to the size and scope of the remapping process, and the community's expectations that they stay within the

guidelines. He provided background and briefly reviewed the process to date. He stated the Zoning Commission and staff recommended approval of the remapping as presented, including all properties indicated in green or yellow on the handouts.

A question and answer period ensued regarding the information presented and the chart addressing the zoning change requests.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Ad Winters, attorney representing the Riddle family, the Stout family, and Mr. Butch Dunlap, 115 East Russell Street, Fayetteville, NC 28301, appeared in opposition and stated there were concerns with the properties owned by his clients. He stated his clients support the decision of the Zoning Commission and were asking the City Council to follow the Zoning Commission recommendation.

Mr. Joe Riddle, 125 Great Oaks, Fayetteville, NC 28303, appeared in opposition and expressed concern as to how the UDO would affect his business. He stated he owned property that was zoned for apartments today and if the UDO were approved, they would not be able to do multifamily, and in at least two of the cases the properties were purchased at the multifamily price. He requested that Council follow the Zoning Commission's recommendation.

Mr. Glen Adams, attorney representing Kingdom Impact Global Ministries, 2503 Murchison Road, Fayetteville, NC 28301, appeared in opposition and stated his client made an investment in the City of Fayetteville. He stated people were looking for Council to do what was in the best interest of the citizens of Fayetteville.

Mr. Bob Allen, 1414 Pine Valley Loop, Fayetteville, NC 28305, appeared in opposition and stated the recommendation presented by staff had resolved his issues.

Mr. Brian Armstrong, 3516 Prestwick Drive, Fayetteville, NC 28303, appeared in opposition on behalf of his family and Mr. Butch Dunlap. He stated the parcel in question was an 11-acre parcel on McArthur Road that was the former Fox Hollow Mobile Home Park. He stated they own a tract of land across the street from the mobile home park where they started a condominium development. He stated due to the deteriorating condition of the mobile home park they could not market the condominium development and therefore purchased the mobile home park and cleaned up the area and continued with development across the street.

Mr. Andrew Williams, 6405 Touchstone Drive, Fayetteville, NC 28311, appeared in opposition and stated his seven parcels were not on the list and had not been corrected. He stated he was not opposed to the UDO but was requesting that Council amend the Zoning Commission's recommendation and put his seven parcels on the list.

Mr. Dharmesh Patel, Short Trip #2, 7383 Stoney Point Road, Fayetteville, NC 28306, appeared in favor and stated his property had been utilized as a store and requested that his property be rezoned to be used as a store.

Mr. John Tyson, Cedar Creek Crossing West, LLC, 3611 Ramsey Street, Fayetteville, NC 28311, appeared in favor and expressed support for the Zoning Commission's recommendation for the map as amended. He stated they had resolved the issue of the parcels on Ramsey Street and Cedar Creek Road. He stated the zoning for Stone Manor at 645 Hay Street was P2 which would allow for catering, special events center, and some limited commercial and retail uses and plans were developed that were consistent with those uses. He stated the proposed rezoning would not allow those uses on the site.

Ms. Kirby Tyson, 645 Hay Street, Fayetteville, NC 28301, appeared in favor and requested Council keep the downtown zoning for the property at 645 Hay Street.

Mr. Greg Hartley, with EMH&T representing Hendrick Automotive Group, 301 McCullough Drive, Charlotte, NC 28262, appeared in favor and expressed concern that his client could not move forward with the project until the remapping was resolved and was losing revenue. He requested Council resolve the mapping issue as quickly as possible and move forward with the special use permit.

Mr. Charles Morris, representing the Williams family, 831 Arsenal Avenue, Fayetteville, NC 28305, appeared in favor and provided background information on the multifamily project on his client's property that was in the planning stage. He stated the property was rezoned to R10

approximately two years ago and had learned they would lose that zoning under the UDO. He stated they had requested not to lose that zoning and the Zoning commission approved an MR5 zoning. He requested Council choose the second option in the agenda packet as illustrated in the handouts.

Mr. John Gillis, 8623 Galatia Church Road, Fayetteville, NC 28304, appeared in favor and expressed support for the staff's recommendation. He stated there were property owners that were not treated fairly by the process. He requested that Council be fair and reasonable to the citizens whose property rights were being affected.

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

Council Member Crisp inquired what the plans were to resolve the issues on the remapping. Mr. Harmon responded most of the issues that still remained were the issues of the loss of multifamily development on the properties.

A question and answer period ensued regarding how the issues that agreements were not made with the property owners would be handled. Mr. Harmon explained most had made presentations and stated most of the issues were fundamental issues. He stated the two options would be to either (1) go through each property individually tonight and make a decision or (2) give those properties an opportunity to go through the rezoning process.

Mayor Chavonne inquired if they could hold a special meeting to deal with the 22 parcels with issues. Mr. Shuford responded in the affirmative.

Mayor Chavonne inquired if these parcels would have to go to the Zoning Commission. Mr. Shuford requested Mr. Harmon confer with legal staff to determine if the parcels would be required to go back to the Zoning Commission.

Mr. Shuford reviewed and clarified the information provided on the zoning change request table. Mr. Harmon stated after conferring with legal staff, it was determined that if the parcels were to be moved to another meeting, they should go through the process because the property owners need to be noticed properly and the notices need to go through the paper and individually to the property owners. He stated at that point they would go through the parcels individually.

Mayor Chavonne inquired of the timeline if these were brought back through the process. Mr. Shuford responded they would probably have the Zoning Commission do a special meeting to accommodate these.

**MOTION: Council Member Bates moved to approve the remapping as presented by City staff, including all properties indicated in green or yellow on the handouts and bring back through the process at the cost of the City the ones in white along with the parcels represented by Kingdom Impact Global Ministries and Andrew Williams as soon as possible** (A copy of the handouts are attached to the minutes of this meeting in the City Clerk's office).

**SECOND: Council Member Massey**

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

### **8.6 Phase 5 Annexation Areas 10, 11, and 11-WS public hearing.**

Mr. James Rose, PWC Chief Administrative Officer, presented this item and briefly reviewed the site plans of the construction areas. He reviewed the project overview, events to date, and proposed project schedule. He stated the cost to property owners would be as follows:

- Residential: Typical single-family residential lot, \$5,000.00
- Non-Residential: For all other properties, a per front foot rate of \$55.56 with a 90' minimum plus the average lateral charge
- No payment due until construction is complete and assessment roll adopted
- Financial assistance available for those that qualify

Mr. Rose presented the following payment options:

- Pre-Pay
- In Full (No interest within 30 days from notice)
- Financing
  - 10-year term at an interest rate not to exceed 8 percent

- Annual or monthly installments
- Example: \$65.00 per month based on 10 years at 8 percent

Council Member Bates inquired if the pre pay option would remain with the property. Mr. Rose responded in the affirmative.

This is the advertised public hearing set for this date and time. The public hearing was opened. Ms. Virginia Smith, 6305 Norton Drive, Fayetteville, NC 28304, appeared in opposition and stated the project would cause undue hardship on her and explained she could not pay it on her income.

Mr. Norman Evans, 1105 Strickland Bridge Road, Fayetteville, NC 28304, appeared in opposition and complained that he did not want sewer lines going through his front yard. There being no one further to speak, the public hearing was closed.

No action was taken on this item.

**9.0 ADMINISTRATIVE REPORTS**

**9.1 Tax refunds less than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Prime Mortgage Landing, Inc.	2008-2010	Duplicate Listing	<u>\$69.85</u>
Total			<u>\$69.85</u>

**9.2 Monthly statement of taxes for the month of June 2011.**

2010 Taxes.....	\$236,477.64
2010 Vehicle.....	367,579.00
2010 Revit.....	644.26
2010 Vehicle Revit.....	568.75
2010 FVT.....	44,714.57
2010 Transit.....	44,714.58
2010 Storm Water.....	7,965.39
2010 Fay Storm Water.....	15,930.83
2010 Fay Recycle Fee.....	16,102.34
2010 Annex.....	89.75
2009 Taxes.....	5,348.80
2009 Vehicle.....	6,120.06
2009 Revit.....	22.29
2009 Vehicle Revit.....	0.00
2009 FVT.....	1,189.84
2009 Transit.....	1,189.83
2009 Storm Water.....	211.20
2009 Fay Storm Water.....	422.41
2009 Fay Recycle Fee.....	698.23
2009 Annex.....	0.00
2008 Taxes.....	2,123.22
2008 Vehicle .....	1,873.31
2008 Revit.....	0.00
2008 Vehicle Revit.....	18.52
2008 FVT.....	341.62
2008 Transit.....	231.74
2008 Storm Water.....	132.00
2008 Fay Storm Water.....	168.00
2008 Fay Recycle Fee.....	294.00
2008 Annex.....	0.00
2007 Taxes.....	65.30
2007 Vehicle .....	911.32
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00
2007 FVT.....	194.74

2007 Storm Water.....	24.00
2007 Fay Storm Water.....	0.00
2007 Annex.....	0.00
2006 and Prior Taxes.....	858.63
2006 and Prior Vehicle.....	1,744.21
2006 and Prior Revit.....	0.00
2006 and Prior Vehicle Revit.....	0.00
2006 and Prior FVT.....	352.58
2006 and Prior Storm Water.....	50.70
2006 Annex.....	19.64
Interest.....	24,554.05
Revit Interest.....	42.53
Storm Water Interest.....	547.42
Fay Storm Water Interest.....	971.44
Annex Interest.....	11.35
Fay Recycle Interest.....	1,088.53
Total Tax and Interest.....	\$786,608.62

**10.0 ADJOURNMENT**

There being no further business, the meeting adjourned.