

**FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
MARCH 23, 2009  
7:00 P.M.**

**VISION STATEMENT**

**The City of Fayetteville  
is a GREAT PLACE TO LIVE with  
a choice of DESIRABLE NEIGHBORHOODS,  
LEISURE OPPORTUNITIES FOR ALL,  
and BEAUTY BY DESIGN.**

**Our City has a VIBRANT DOWNTOWN,  
the CAPE FEAR RIVER to ENJOY, and  
a STRONG LOCAL ECONOMY.**

**Our City is a PARTNERSHIP of CITIZENS  
with a DIVERSE CULTURE and RICH HERITAGE,  
creating a SUSTAINABLE COMMUNITY.**

**FAYETTEVILLE CITY COUNCIL  
AGENDA  
MARCH 23, 2009  
7:00 P.M.  
CITY HALL COUNCIL CHAMBER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**RECOGNITIONS AND ANNOUNCEMENTS**

**ITEM 1. APPROVAL OF AGENDA**

**ITEM 2. CONSENT:**

**A. Approve Minutes:**

- 1. Dinner and Discussion of Agenda Items Meeting Held on February 23, 2009  
PAGE: 8**
- 2. City Council Meeting Held on February 23, 2009  
PAGE: 9**
- 3. Work Session Meeting Held on March 2, 2009  
PAGE: 20**
- 4. Dinner and Discussion of Agenda Items Meeting Held on March 9, 2009  
PAGE: 23**

**B. Capital Project Fund Ordinance Amendment 2009-18 (Texfi Property Acquisition and Development)**

This amendment appropriates an additional \$25,000 transfer from the General Fund for the Texfi property acquisition and development project. If approved, the revised budget for this project will be \$109,376.

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The page numbers on this outline refer to the agenda packet of complete information for each item. This complete packet is available to you at the City web page, [www.cityoffayetteville.org](http://www.cityoffayetteville.org)

**C. Special Revenue Fund Project Ordinance 2009-9 (Juvenile Restitution Program)**

This ordinance appropriates \$134,944 for the Juvenile Justice and Delinquency Prevention Program for fiscal year 2009. The source of funds for this program is an \$84,251 grant, a \$12,152 local match from Cumberland County, a \$12,151 local match from the City of Fayetteville, and a \$26,390 in-kind match from the City of Fayetteville for office space, supplies, utilities and materials. This program is a sentencing alternative for Fayetteville and Cumberland County youth.

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**D. Resolution to Apply for Stimulus Funding**

The Public Works Commission, during their meeting of March 11, 2009, adopted Resolution PWC2009.01 authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987, making certain findings and determinations, authorizing the PWC General Manager to execute documents and furnish necessary information, and request that the City Council adopt a similar resolution.

The American Recovery and Investment Act of 2009, the Stimulus package, will provide funds for various water and wastewater projects through the Division of Water Quality and the Public Water Supply Section of the Division of Environmental Health. The funds will be administered through the existing state revolving loan programs.

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**E. Resolution to Apply for Stimulus Funding for Stormwater Projects**

Council is asked to adopt a resolution authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987 to be used for up to \$4,500,000 on Stormwater Improvement Projects that would otherwise be totally funded by our stormwater utility fees.

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**F. Consider Adoption of Resolution and Order to File and Publish a Preliminary Assessment Resolution for the Extension of the Sanitary Sewer Collection System within Areas 6 and 7 of the Phase 5 Annexation.**

After adoption of the Preliminary Assessment Resolution, PWC will publish the required notice and mail copies of the resolution to the affected property owners prior to the public hearing. The resolution contains the date and time for the public hearing regarding this issue which is April 13, 2009.

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**G. Approve Transfer of Lots 16, 17, 25, 26, and 27 Located in the Fairley Estates II Subdivision to Kingdom Community Development Corporation for the Construction of Affordable Housing**

Kingdom Community Development Corporation is requesting the City to release the remaining City-owned lots located in Fairley Estates II Subdivision. The City, through the Community Development Department, has contracted with Kingdom Community Development Corporation to complete the development of Fairley Estates II Subdivision for affordable housing. To date, the City has transferred fourteen (14) lots to Kingdom for the construction of affordable housing.

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**H. Consideration of an Amendment to the 2008-2009 Community Development Annual Action Plan by Awarding a Contract to Kingdom Community Development Corporation for the Construction of a House in the Fairley Estates II Subdivision**

Kingdom Community Development Corporation (Kingdom) has requested funding in the amount of \$33,500 to assist in the construction of a house through its affordable housing program. Kingdom is one of the City's Community Housing Development Organizations (CHDO). Funding has become available due to Cumberland Community Action Program (CHDO) not accepting their award in the amount of \$50,000 for the program year. The Fayetteville Redevelopment Commission recommends approval of a contract with Kingdom in the amount of \$33,500.

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**I. Approve Revision to City Council Policy 110.1 – Boards and Commissions, Membership and Attendance**

The City Council Appointment Committee at their February 23, 2009 meeting reviewed City Council policy 110.1 – Boards and Commissions, Membership and Attendance, upon the request of City Attorney Karen M. McDonald for clarification of the process for notifying appointees of removal pursuant to the provisions of the policy. Consensus was to amend the policy to provide for the City Clerk to send the letters.

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- J. Approve Revision to City Council Policy 110.2(2) – Terms**  
The City Council Appointment Committee at their February 23, 2009 meeting discussed whether Public Works Commission (PWC) Commissioners would be eligible to serve more than two successive terms. Staff recommended a formal revision to City Council Policy 110.2(2) should Council so desire to extend the term limits. City Council at their March 9, 2009 meeting voted eight in favor to two in opposition to extend PWC Commissioner's terms to allow up to three four-year terms. Revisions as presented put into place the term limits consistent with Council's action at the March 9, 2009 meeting.  
**PAGE: 51**
- K. Consider Clarification to Ordinance Governing Itinerant Merchants**  
On September 22, 2008, the City Council amended the City's Code to prohibit itinerant merchants from operating in the City. Since adoption of the ordinance, there has been a visible reduction in such operations throughout the City. However, in reviewing the language adopted by City Council in September, staff believes further clarification is needed. Specifically, staff is recommending an amendment that will clarify that violations of the ordinance are misdemeanors.  
**PAGE: 53**
- L. Consider adoption of draft resolution and authorize City Manager to sign letter to forward to the EPA in order to continue to pursue and Early Action Compact for air quality.**  
As participants in the 2002 Early Action Compact (EAC) Cumberland County and the City of Fayetteville have been working to reduce ozone precursors and provide better air quality for all citizens. At the November 14, 2008 Cumberland County Mayors' Coalition Meeting, the North Carolina Department of Environment and Natural Resources (NCDENR) presented the proposed ozone non-attainment boundaries for this area. One of the directives the Coalition gave was to continue efforts to pursue and Early Action Compact through letters and resolutions to the Environmental Protection Agency.  
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- M. Approve the rezoning from R10 residential district to P4 professional district or to a more restrictive zoning classification for property located at 2026 Hope Mills Road. Containing 0.28 acres more or less and being the property of J & E Pest Enterprise. Case Number P09-07F**  
Applicant wishes to use the property for office use. The Hope Mills Road Corridor Study recommends office use for this property. The Zoning Commission and planning staff concur with the applicant's request for P4 professional zoning.  
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**ITEM 3. PUBLIC HEARINGS:**

- A. Consider an application by Columbus Thurmond for a Special Use Permit to allow a daycare in an R6 residential district for property located at 5007 Redwood Drive. Containing .26 acres more or less and being the property of Columbus Thurmond. Case Number P09-06F**

Applicant wishes to operate a daycare for thirty children for property located at 5007 Redwood Drive. The City Council opened the public hearing on February 23<sup>rd</sup> and continued the public hearing to March 23<sup>rd</sup> based on a request from Mr. Thurmond who could not be present at the meeting on February 23<sup>rd</sup>.

**PRESENTED BY:** Jimmy Teal, Planning Director

**RECOMMENDED ACTION:** Zoning Commission recommends denial of the Special Use Permit for the daycare.

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- B. Consider an application by Chris Manning to amend a previously approved R6 residential district\conditional zoning case to allow the flexibility of the of the multifamily residential units to be condominiums and\or apartments for an area located on Rosehill Road at the end of Grafton Avenue and behind Haymount Presbyterian Church. Containing 28.2 acres more or less and being the property of Green Valley South, LLC. Case Number P09-02F**

The City Council on July 23, 2007 approved a rezoning request from R10 residential district to R6 residential district\CZ conditional zoning for 61 single-family homes and 192 condominium units. Approval of this most recent request allows the developer to construct 192 multifamily units as condominiums or apartments or a combination of the two. All other conditions associated with the approval of the rezoning request in July 2007 remain in effect. The City Council pulled this item from the consent agenda on February 23<sup>rd</sup> and set a public hearing for March 23<sup>rd</sup>.

**PRESENTED BY:** Jimmy Teal, Planning Director

**RECOMMENDED ACTION:** Zoning Commission recommends approval of the amended conditional zoning plan.

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**ITEM 4. PRESENTATION ABOUT PARTNERSHIP FOR DEFENSE INNOVATION (PDI) AND THEIR TWO PROGRAMS DEFENSE AND SECURITY TECHNOLOGY ACCELERATOR (DSTA) AND THE SOF WIRELESS LAB**

Mr. Scott Perry will present information about the Partnership for Defense Innovation (PDI) and two programs DSTA and SOF wireless lab. These projects represent collaboration between the City and the Chamber of Commerce toward the creation of technology jobs and growth for our community.

**PRESENTED BY:** Scott Perry, DSTANC

**RECOMMENDED ACTION:** Presentation for information only.

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**ITEM 5. CONSIDER THE REZONING FROM R10 RESIDENTIAL DISTRICT TO R5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR PROPERTY LOCATED AT 5946 CLIFFDALE ROAD. CONTAINING 2.00 ACRES MORE OR LESS AND BEING THE PROPERTY OF MAYON J. WEEKS AND DOROTHY WEEKS. CASE NUMBER P09-08F**

Applicant wishes to rezone the property to a greater density to redevelop the property. The applicant submitted a request for rezoning to R5 residential district. However, applicant agrees with the Zoning Commission and the planning staff for R6 residential zoning. This is a regular item based on the Zoning Commission recommending approval for a zoning district other than what the applicant requested and there being no appeal filed of the Zoning Commission's recommendation.

**PRESENTED BY:** Craig Harmon, Planner II

**RECOMMENDED ACTION:** Zoning Commission recommends R6 residential zoning.

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**ITEM 6. CONSIDER A RECOMMENDATION TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD ON A WAIVER REQUEST BY GILBERT SMITH FAMILY, LLC FOR 462 LINEAR FEET OF SIDEWALK ON THE EASTSIDE OF RIVER ROAD AT THE INTERSECTION OF SWEETIE ROAD**

The Gilbert Smith Family, LLC is developing property at the corner of River Road and Sweetie Road. This property is within the City of Fayetteville's Municipal Influence Area, which requires the construction of a sidewalk abutting any paved public road. The property abuts River Road for a total of 546 linear feet requiring the developer to install a sidewalk adjacent to River Road for that length. The applicant is requesting the Cumberland County Joint Planning Board to waive the sidewalk request. Before acting upon the request, the Cumberland County Joint Planning Board is requesting a recommendation from the Fayetteville City Council on this matter.

**PRESENTED BY:** Jimmy Teal, Planning Director

**RECOMMENDED ACTION:** Recommend denial of the request.

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**INFORMATION ITEMS:**

1. **Report of Tax Refunds Less Than \$100**  
**PAGE: 138**
  
2. **Statement of Taxes Collected for the Month of February 2009 from the Cumberland County Tax Administrator**  
**PAGE: 139**
  
3. **Report on Disposal of City of Fayetteville and PWC Surplus Personal Property Sold During the Time Period of July 1, 2007 Through June 30, 2008**  
**PAGE: 144**

**POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

**POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours.

Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 and 7:00 p.m.

**POLICY REGARDING CITY COUNCIL MEETING PROCEDURES**

**SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a non-public hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

**COUNCIL MEETING WILL BE AIRED**

**MARCH 23, 2009 - 7:00 PM**

**COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED**

**MARCH 25, 2009 - 10:00 PM**

**COMMUNITY CHANNEL 7**

**Notice Under the Americans with Disabilities Act (ADA):** *The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Ron McElrath, Acting ADA Coordinator, at [rmcelrath@ci.fay.nc.us](mailto:rmcelrath@ci.fay.nc.us), 910-433-1605 or 910-433-1696, or the City Clerk at [cwhite@ci.fay.nc.us](mailto:cwhite@ci.fay.nc.us), or 910-433-1989, as soon as possible but no later than 48 hours before the scheduled event.*



# DRAFT

FAYETTEVILLE CITY COUNCIL  
DINNER DISCUSSION MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM  
FEBRUARY 23, 2009  
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (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  
Karen M. McDonald, City Attorney  
Janet C. Smith, Assistant City Attorney  
Members of the Press

Mayor Chavonne called the meeting to order.

Closed session to discuss litigation in the matter of *Lamar v. City of Fayetteville, et al.*

MOTION: Council Member Bates moved to go into closed session for litigation regarding *Lamar v. City of Fayetteville, et al.*  
SECOND: Council Member Mohn  
VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:10 p.m.

The regular session reconvened at 6:54 p.m.

MOTION: Council Member Crisp moved to go into open session.  
SECOND: Council Member Bates  
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Crisp moved to ratify the mediated settlement agreement and authorize the City Attorney to execute the necessary documents to resolve the litigation.  
SECOND: Mayor Pro Tem Meredith  
VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

\_\_\_\_\_  
KAREN M. MCDONALD  
City Attorney

\_\_\_\_\_  
ANTHONY G. CHAVONNE  
Mayor

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ITEM A. 1.

# DRAFT

FAYETTEVILLE CITY COUNCIL  
MINUTES  
FEBRUARY 23, 2009  
7:00 P.M.  
CITY HALL COUNCIL CHAMBER

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (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  
Jeffrey Powell, Assistant City Manager  
Karen M. McDonald, City Attorney  
Rob Anderson, Chief Development Officer  
Victor Sharpe, Community Development Director  
Adolph Thomas, Community Relations Specialist  
Bobby Teague, Engineering and Infrastructure Director  
James Alexander, Interim Inspections Director  
Jimmy Teal, Planning Director  
Craig Harmon, Planner  
Bruce Daws, Historic Properties Manager  
Renee Burks, Festival Park Coordinator  
Gloria Wrench, PWC Purchasing Manager  
Jackie Tuckey, Communications Manager/Public Information Officer  
Candice H. White, City Clerk  
Members of the Press

## INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Dr. Bruce Martin, Senior Pastor, Village Baptist Church, followed by the Pledge of Allegiance to the American Flag.

## RECOGNITIONS AND ANNOUNCEMENTS

On behalf of the City Council and City of Fayetteville, Council Member Massey presented a proclamation of appreciation in honor of African-American leaders who served the citizens of Fayetteville as elected members of the City's governing body.

Mayor Chavonne recalled his visit to Ms. Hennessey's class at Warrenwood Elementary School.

### 1. APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.  
SECOND: Council Member Meredith  
VOTE: UNANIMOUS (10-0)

### 2. CONSENT:

Council Member Bates requested Item 2.I. pulled.

Council Member Massey requested Item 2.O.1. pulled.

MOTION: Council Member Meredith moved to approve the consent agenda with the exception of Item 2.I. and Item 2.O.1.  
SECOND: Council Member Crisp  
VOTE: UNANIMOUS (10-0)

The following items were approved:

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ITEM A. 2

# DRAFT

- A. Approve Minutes:
1. City Council Meeting Held on January 26, 2009
  2. Work Session Held on February 2, 2009
  3. City Council Strategic Planning Retreat Held on February 6, 2009
  4. City Council Strategic Planning Retreat Held on February 7, 2009
- B. Adopt a Resolution of the City Council of the City of Fayetteville Accepting the Report of Unpaid Taxes and Directing Advertisement of Tax Liens

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2009-014

- C. Approve Bid Award - Purchase of 80,000' of 1/0 ALCN, EPR, 25KV, 1/C Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period)

Award bid for purchase of 80,000' of 1/0 ALCN, EPR, 25KV, 1/C Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period) to Stuart C. Irby, Rocky Mount, NC, the lowest evaluated bidder, for the total purchase price of \$123,120.00.

- D. Approve No Parking Ordinance, Hay Street

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES (SEC. 16-11, TRAFFIC SCHEDULE NUMBER 11 - PARKING PROHIBITED). ORDINANCE NO. NS2009-001

- E. Approve Resolution Requesting NCDOT to Transfer Walter Street and a Portion of Hillsboro Street to the City

RESOLUTION REQUESTING THE TRANSFER OF WALTER STREET (SR 3825) AND A PORTION OF HILLSBORO STREET (SR 1380) TO THE CITY OF FAYETTEVILLE FOR MAINTENANCE. RESOLUTION NO. R2009-015

- F. Administrative Error in Deed by County

RESOLUTION DECLARING TITLE TO PROPERTIES BE TRANSFERRED TO CUMBERLAND COUNTY AND CITY OF FAYETTEVILLE. RESOLUTION NO. R2009-012

- G. Adopt Resolution Declaring Property Surplus

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2009-013

- H. Approve a Lease with the Gospel Services Benevolent Society, Inc. for the Homeless Shelter Located at 913 Person Street

- I. Pulled at the request of Council Member Bates.

- J. Approve Sign Permit for the Fayetteville Area Dogwood Exchange Club for their Annual Barbeque Plate Sale Fundraiser on April 3, 2009 at 2900 Village Drive

- K. Approve Sign Permit for the Annual Craftsmen's Spring Festival on March 14<sup>th</sup> and March 15<sup>th</sup>

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- L. Approve Sign Permit for the Fayetteville Fire Department's Annual Spring "Change Your Clock - Change your Battery" Promotion
- M. Approve Sign Permit for the Crown Center for Their Upcoming Step Show in March
- N. Approve Sign Permit for the Annual Fort Bragg Fair to be Held in April and May
- O. The following properties are found to contribute to blight in the neighborhood. After notice to the owners and their failure to repair or demolish the properties themselves, this action authorizes the City to demolish the property and place a lien against the property for the cost of that action. Staff has reviewed these properties and they are not listed on the National Register, not local landmark properties or in the historic district.
  1. Pulled at the request of Council Member Massey.
  2. 605 Deep Creek Road (PIN 0446-38-7815); Helen Garnett; Myra Baker; Wilma Roberts; Patricia Baldwin

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 OF THE CITY. ORDINANCE NO. NS2009-003

3. 110 Mary Street (PIN 0437-69-5972); Alberta Williams, Heirs; c/o Marshall C. Williams

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 OF THE CITY. ORDINANCE NO. NS2009-004

4. 1210 North Street (PIN 0438-71-1696); Cora Whitehead McEachern, Heirs; Saunders Whitehead, Heirs

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 OF THE CITY. ORDINANCE NO. NS2009-005

5. 1615 North Street (PIN 0438-64-3206); Alfred H. Shields; Diane Shields Bullard

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 OF THE CITY. ORDINANCE NO. NS2009-006

6. 5009 Patton Street (PIN 0418-49-4528); Servicing Associates, LLC

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 OF THE CITY. ORDINANCE NO. NS2009-007

- 2.I. Approve an application by Chris Manning to amend a previously approved R6 residential district\CZ conditional zoning case to allow the flexibility of the multifamily residential units to be condominiums and\or apartments for an area located on Rosehill Road at the end of Grafton Avenue and behind Haymount Presbyterian Church. Containing

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28.2 acres more or less and being the property of Green Valley South, LLC. Case Number P09-02F

**MOTION:** Council Member Bates moved to set a public hearing for P09-02F.  
**SECOND:** Council Member Haire  
**VOTE:** UNANIMOUS (10-0)

Karen M. McDonald, City Attorney, sought clarification of Council's interests and advised the public hearing would be held on March 23, 2009.

**2.O.1.101 Bremer Street (PIN 0419-70-0862);** Freda E. Johnson, Heirs; James Ken Johnson

Council Member Massey advised he had received a call from the property owner and inquired whether there would be an opportunity for the owner to share her story. James Alexander, Interim Inspections Director, reviewed proceedings and provided digital images of the property. Mr. Alexander stated to date, the owners had failed to make any repairs to the property. Mr. Alexander responded to questions and a brief discussion followed.

**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 OF THE CITY. ORDINANCE NO. NS2009-002**

**MOTION:** Council Member Meredith moved to follow staff recommendation.  
**SECOND:** Council Member Bates  
**VOTE:** PASSED by a vote of 8 in favor to 2 in opposition (Council Members Haire and Massey).

### 3. PUBLIC HEARINGS:

#### A. Public Hearing to Consider Closing a Portion of an Unopened and Unnamed Street/Alley off N. Reilly Road

Bobby Teague, Engineering and Infrastructure Director, stated the closure request would require the closing of 370 feet and would not deny access to any properties. Mr. Teague further stated the closed area would be used as a utility and drainage easement as PWC proposes the installation of sanitary sewer in the near future. Mr. Teague confirmed notices were published and disseminated as required. Mr. Teague responded to questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:24 p.m.

Keith Davey, Missions to Military, Inc., 4713 Royal Court, Chesapeake, VA 23321 appeared in favor and stated a military Christian center was proposed for construction on the adjacent property.

No one appeared in opposition and the public hearing closed at 7:25 p.m.

**RESOLUTION AND ORDER CLOSING OF A PORTION OF A 25-FOOT WIDE UNNAMED STREET/ALLEY LOCATED BETWEEN NORTH REILLY ROAD AND SQUIRE LANE. RESOLUTION NO. R2009-016**

**MOTION:** Council Member Meredith moved to adopt the resolution and order closing a portion of the unnamed 25' street/alley off N. Reilly Road.  
**SECOND:** Council Member Evans  
**VOTE:** UNANIMOUS (10-0)

#### B. Consider a local landmark designation in accordance with the guidelines established in Chapter 30, Article XV, Section 30-455 of the Fayetteville City Code for property

# DRAFT

located on the south bank of Cross Creek near the intersection of North Cool Spring Street and Cool Spring Lane.

Bruce Daws, Historic Properties Manager, outlined the process involved to designate properties as local historic landmarks and provided a brief history of the Cool Spring site. Mr. Daws stated staff recommendation was for adoption of the ordinance granting historic landmark status as recommended by the Historic Resources Commission. Mr. Daws responded to questions.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 7:30 p.m.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING THE COOL SPRING LOCATED ON THE SOUTH BANK OF CROSS CREEK NEAR THE INTERSECTION OF COOL SPRING STREET AND COOL SPRING LAKE AS A HISTORIC LANDMARK. ORDINANCE NO. NS2009-008**

**MOTION:** Council Member Crisp moved to approve the local landmark designation.

**SECOND:** Council Member Bates

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

C. Consider the rezoning from R5A residential district and C1P commercial district to M2 industrial district or to a more restrictive zoning classification for property located between Louise Street and Raeford Road. Containing 8.87 acres more or less and being the property of Edward and Raymonde Schantz. Case Number P09-01F

Jimmy Teal, Planning Director, gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the salvage yard located on the property currently operated as a nonconforming use and the ordinance as adopted by City Council required the closing of nonconforming salvage yards by January 1, 2012. Mr. Teal further stated the request was for rezoning to M2 industrial district so the applicant could then request a special use permit to change the salvage yard from a nonconforming business to a conforming business. Mr. Teal reviewed planning staff recommendations and responded to questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:42 p.m.

Edward C. Schantz, 6006 Raeford Road, Fayetteville, NC appeared in favor, stated the neighborhood was not concerned with the current use but felt the property might be sold were it to be rezoned. Mr. Schantz stated there were no plans to sell the property.

Johnny Schantz, 5025 Steed Road, Fayetteville, NC appeared in favor, stated he was faced with losing his livelihood and laying off employees, and would prefer to have a special use permit issued without the property being rezoned.

Willie L. Williams, 1165 Sand Hill Road, Fayetteville, NC appeared in opposition and stated residents were concerned over possible industrial development on the site after it was rezoned to M2 industrial district.

Mary Louise Harris, 1044 Crayton Circle, Fayetteville, NC appeared in opposition and stated use of the property was not compatible with the environment and neighboring residential uses.

There was no one further to speak and the public hearing closed at 7:57 p.m.

Mr. Teal responded to further questions related to allowable uses under M2 industrial district zoning, requirements

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# DRAFT

for a special use permit, and state law prohibitions for the operation of salvage yards within 100-year floodplain areas.

**MOTION:** Council Member Applewhite moved to deny the rezoning to M2 industrial district.  
**SECOND:** Council Member Bates  
**VOTE:** UNANIMOUS (10-0)

D. Consider the rezoning from P3 professional district to CD conservation district for property located on the southeast corner of Morganton Road and Loch Haven Drive. Containing 4.25 acres more or less and being the property of William Maxwell, Sr., Harold Stutts and Edens LLC. Case Number P09-03F

Mr. Teal 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. Mr. Teal stated the rezoning application had not been submitted by the property owners, but by the McFadyen Lake Owners Association. Mr. Teal further stated Ed Blanchard, President of the McFadyen Lake Owners Association, appealed the decision of the Zoning Commission. Mr. Teal advised a protest petition had been filed and the case would require a vote of eight in favor to approve.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:13 p.m.

Sherril D. Watkins, 5444 Summer Duck Road, Fayetteville, NC appeared in favor, expressed concern regarding density should the property be developed and stated water quality and private property would be jeopardized as a result.

Edgar V. Edans, III, 7480 Old Maxton Road, Red Springs, NC 28377 appeared in opposition, spoke to the orderly development of the property over the years and stated the time had come to pursue final development.

Bill Maxwell, 1350 Longleaf Drive, Fayetteville, NC appeared in opposition, spoke to development plans for the property and stated the development could not occur if the property was rezoned to CD conservation district.

Marsha Wilkinson, 11224 Brass Kettle Road, Raleigh, NC 27614 appeared in opposition and read a statement from Duane Gilliam, Sr. who was unable to be present.

Ed Blanchard, Jr., 5444 Summer Duck Road, Fayetteville, NC appeared in rebuttal and expressed concern that land under water could be used in calculating what could be constructed on the site.

There was no one further to speak and the public hearing closed at 8:46 p.m.

**MOTION:** Council Member Hurst moved to accept the Zoning Commission's recommendation to deny rezoning to CD conservation district.  
**SECOND:** Council Member Haire

Council Member Mohn stated bodies of water should be CD conservation district under the Unified Development Ordinance (UDO).

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

E. Consider the rezoning from PND plan neighborhood district to CD conservation district for property located in the area of Bahama Loop, Offing Drive, Georgetown Circle and Water Edge Drive. Containing 12.11 acres more or less and

# DRAFT

being the property of SABE, LLC and 3340 Investments, LLC.  
Case Number P09-04F

Mr. Teal 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. Mr. Teal stated the rezoning application had not been submitted by the property owners, but by the McFadyen Lake Owners Association. Mr. Teal further stated Ed Blanchard, President of the McFadyen Lake Owners Association, appealed the decision of the Zoning Commission. Mr. Teal advised a protest petition had been filed and the case would require a vote of eight in favor to approve.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:50 p.m.

Ed Blanchard, Jr., 5444 Summer Duck Road, Fayetteville, NC appeared in favor, read from the 2030 Joint Growth Vision Plan related to areas requiring protection, and requested consideration be given to protecting waterways.

Judy Krantz, 307 Picador Court, Fayetteville, NC appeared in favor and requested consideration of those directly affected and citizens as a whole when it comes to protecting waterways.

Hollis Perry, 2741 Rivercliff Road, Fayetteville, NC appeared in opposition as the property manager of the Waterford Villas Home Owners Association and stated the area was already regulated by the Department of Energy and Natural Resources (DENR).

Bill Maxwell, PO Box 53903, Fayetteville, NC appeared in opposition and stated rules of the Corp of Engineers and DENR were already in place for development.

Marsha Wilkinson, PO Box 53903, Fayetteville, NC appeared in opposition and spoke on behalf of Duane Gilliam, Sr. who was unable to be present.

Ed Blanchard, Jr., 5444 Summer Duck Road, Fayetteville, NC appeared in rebuttal, spoke to the need to protect watercourses and the 100-year flood plain, and stated the protections could be considered defensive zoning.

Bill Maxwell, PO Box 53903, Fayetteville, NC appeared in rebuttal and spoke in opposition to the attempt to rezone someone else's property.

There was no one further to speak and the public hearing closed at 9:10 p.m.

Council Members posed questions to Bill Maxwell and Ed Blanchard, Jr. and discussion ensued.

**MOTION:** Council Member Hurst moved to accept the Zoning Commission recommendation to deny rezoning to CD conservation district.

**SECOND:** Council Member Haire

**SUBSTITUTE MOTION:** Council Member Mohn moved to accept Planning staff recommendation for approval of the CD conservation district for areas in the floodway and deny CD conservation district for the remaining properties.

**SECOND:** Council Member Applewhite

Mr. Teal responded to questions. Council Member Mohn spoke to the preservation of waterways and the placement of floodways in CD conservation districts.

**VOTE ON SUBSTITUTE MOTION: FAILED** by a vote of 1 in favor (Council Member Mohn) to 9 in opposition.

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# DRAFT

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

F. Consider the rezoning from R5 residential district to P4 professional district or to a more restrictive zoning classification for property located at 1101, 1103 and 1111 Arsenal Avenue. Containing .51 acres more or less and being the property of Stevie Ammons, Robert Brandenburg and Neil Grant. Case Number P09-05F

Mr. Teal 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. Mr. Teal stated the applicants wish to have the option of using their property for professional uses. Mr. Teal advised the Zoning Commission recommended approval of the rezoning request to P4 professional district. Mr. Teal further advised Planning staff recommended denial of the rezoning request based on rezoning these properties to professional would change the 1100 block of Arsenal Avenue from a residential setting to a professional setting and there were existing vacant office spaces in the vicinity. Mr. Teal explained a protest petition had been filed in this case. Mr. Teal responded to questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:40 p.m.

Neil Yarborough, The Yarborough Law Firm, 115 E. Russell Street, Fayetteville, NC appeared in favor, spoke to traffic counts on Arsenal Avenue, and stated P4 professional district was established to provide for the development of low intensity professional activities in and around neighborhoods.

Socorro Hernandez-Hinek, 1109 Arsenal Avenue, Fayetteville, NC appeared in opposition and expressed concern for the continued security of residents in the area and the frequent parking of vehicles on the narrow street as a result of business activities.

Katherine L. Whaley, 1107 Arsenal Avenue, Fayetteville, NC appeared in opposition, spoke to residents' efforts to restore their homes over the years, and asked that the residences and the histories contained therein be preserved.

Patricia Eddy, 221 Broadfoot Avenue, Fayetteville, NC appeared in opposition, spoke to residents' investments in their neighborhood, and provided a petition with signatures from residents in surrounding neighborhoods in opposition to the case.

Margarette Dunn, 202 Broadfoot Avenue, Fayetteville, NC appeared in rebuttal and stated she supported P4 professional development because it would offer a buffer for the remaining residential areas.

Bobby Brandenburg, 1103 Arsenal Avenue, Fayetteville, NC appeared in rebuttal and stated the recently renovated property has been vacant for years and he would be happy to see it occupied.

Neil Yarborough, The Yarborough Law Firm, 115 E. Russell Street, Fayetteville, NC appeared in rebuttal and stated residents could find a certain safety from business activity occurring during the day.

Socorro Hernandez-Hinek, 1109 Arsenal Avenue, Fayetteville, NC appeared in rebuttal, stated the quiet residential neighborhood was already subject a lot of traffic most mornings and would experience other significant changes were it rezoned for business activity.

There was no one further to speak and the public hearing closed at 10:25 p.m.

# DRAFT

Proponents of the rezoning responded to questions posed by Council. Council Member Applewhite inquired regarding tax implications to residentially zoned properties should the surrounding properties be rezoned professional.

Council Member Crisp posed questions to Stevie Ammons regarding interior and exterior handicap accommodations as provided for in the property he renovated. Mr. Ammons responded to additional questions from Council.

**MOTION:** Council Member Evans moved to deny the request for rezoning.

**SECOND:** Council Member Applewhite

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

**MOTION:** Council Member Haire moved to rezone to P4 professional district 1101 Arsenal Avenue and deny rezoning to P4 professional district 1103 and 1111 Arsenal Avenue.

**SECOND:** Council Member Evans

**VOTE:** PASSED by a vote of 8 in favor to 2 in opposition (Council Members Massey and Bates).

**G.** Consider an application by Columbus Thurmond for a Special Use Permit to allow a daycare center in an R6 residential district for property located at 5007 Redwood Drive. Containing .26 acres more or less and being the property of Columbus Thurmond. Case Number P09-06F

Mr. Teal provided a brief overview of the applicant's request for a Special Use Permit and reviewed conditions as recommended by staff. Mayor Chavonne advised the applicant had requested a postponement due to a death in the family and the public hearing would be opened and continued at the March 23, 2009 meeting.

This is the advertised public hearing set for this date and time. The public hearing opened at 10:37 p.m.

No one appeared in favor.

Rose-Ann Bryda, 813 Sandalwood Drive, Fayetteville, NC appeared in opposition on behalf of her father-in-law who was elderly and in poor health and read a letter he wrote that spoke to hardships the daycare center would create for him.

Kenneth McQueen, 1117 Juniper Drive, Fayetteville, NC appeared in opposition and stated the applicant had said nothing to nearby residents regarding his plans to open a daycare center.

There was no one further to speak and the public hearing closed at 10:42 p.m. with 10 minutes 4 second remaining for the opponents and 15 minutes remaining for the proponents.

#### **4. MUSEUM OF ART TASK FORCE REPORT PRESENTATION**

Scott Baker, Museum of Art Task Force Chairman, provided an overview of the establishment of and charge presented to the task force. Mr. Baker followed with a brief synopsis of meetings conducted by the task force.

Mr. Baker then discussed the recommended four sites for relocation of the Fayetteville Museum of Art (FMOA) and pros and cons identified by the task force for each of the four recommended sites. Mr. Baker covered parking challenges identified by the task force and proposed parking considerations for the four recommended sites.

Mr. Baker stated there was a six to one vote, with one abstention, that the Fayetteville Museum of Art could not sustain

# DRAFT

the original proposal of building and space requirements. Mr. Baker explained the reasoning behind the votes. Mr. Baker closed by stating the recommendation of the task force was that Council utilize the task force report to move forward with efforts to relocate the FMOA within the downtown Municipal Service District (MSD). Mr. Baker responded to questions.

**MOTION:** Council Member Haire moved to accept the task force report and extended thanks to task force members.  
**SECOND:** Council Member Meredith  
**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Council Member Evans)

## 5. 2009 FEDERAL LEGISLATIVE AGENDA

Doug Hewett, Assistant City Manager, referenced the legislative agenda as provided at the February 2, 2009 work session and responded to questions.

**MOTION:** Council Member Meredith moved to approve the federal legislative agenda as presented.  
**SECOND:** Council Member Bates  
**VOTE:** UNANIMOUS (10-0)

## 6. CLOSED SESSION

**MOTION:** Council member Crisp moved to go into closed session for economic development matters.  
**SECOND:** Council Member Meredith  
**VOTE:** UNANIMOUS (10-0)

The regular session recessed at 11:20 p.m.

**MOTION:** Mayor Chavonne moved to reconvene in open session.  
**SECOND:** Council Member Massey  
**VOTE:** UNANIMOUS (10-0)

The regular session reconvened at 11:40 p.m.

## INFORMATION ITEMS:

### 1. Statement of Taxes Collected for the Month of January 2009 from the Cumberland County Tax Administrator

2008 Taxes .....	\$8,446,907.56
2008 Vehicle Taxes .....	426,667.74
2008 Revit .....	21,282.35
2008 Vehicle Revit .....	229.57
2008 FVT .....	45,856.88
2008 Transit Fee .....	39,218.94
2008 Storm Water .....	411,646.71
2008 Fay Storm Water .....	612,054.63
2008 Recycle Fee .....	214,397.90
2008 Annex .....	309.25
2007 Taxes .....	\$7,172.29
2007 Vehicle Taxes .....	56,038.81
2007 Revit .....	26.09
2007 Vehicle Revit .....	12.60
2007 FVT .....	7,021.85
2007 Storm Water .....	413.24
2007 Fay Storm Water .....	283.00
2007 Annex .....	0.00
2006 Annex .....	\$13,044.70
2006 Taxes .....	952.59
2006 Vehicle Taxes .....	2,403.53
2006 Revit .....	29.92
2006 Vehicle Revit .....	0.00
2006 FVT .....	465.75
2006 Storm Water .....	112.85

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2005 Taxes .....	\$601.14
2005 Vehicle Taxes .....	829.84
2005 Revit .....	2.27
2005 Vehicle Revit .....	0.00
2005 FVT .....	251.04
2005 Storm Water .....	26.43
2004 and Prior Taxes .....	\$325.36
2004 and Prior Vehicle Taxes .....	1,776.45
2004 and Prior Revit and Prior .....	0.00
2004 and Prior Vehicle Revit and Prior .....	0.00
2004 and Prior Vehicle FVT and Prior .....	427.80
2004 and Prior Stormwater .....	120.50
Interest .....	\$38,361.95
Interest (Revit) .....	120.46
Interest (Storm Water) .....	1,384.93
Interest (Fay Storm Water) .....	1,545.58
Interest (Annex) .....	186.45
Interest (Fay Recycling) .....	1,124.55
Total Collections .....	\$10,353,633.50

2. **General Fund Revenue and Expenditure Report for the Six-Month Period Ended December 31, 2008**
3. **Standard Communication Letter from Cherry Bekaert & Holland Describing the Nature and Scope of the Audit to be Performed for the Fiscal Year Ending June 30, 2009**

There being no further business, the meeting adjourned at 11:41 p.m.

Respectfully submitted,

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CANDICE H. WHITE  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

022309

# DRAFT

FAYETTEVILLE CITY COUNCIL  
MINUTES  
MARCH 2, 2009  
3:00 P.M.  
LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1) (arrived at 3:11 p.m.); Charles E. Evans (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. Applegate (District 7) (arrived at 3:55 p.m.); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Jeffrey Powell, Assistant City Manager  
Karen M. McDonald, City Attorney  
Rob Anderson, Chief Development Officer  
Bobby Teague, Engineering and Infrastructure Director  
Jeffrey Brown, City Engineer  
Rusty Thompson, City Traffic Engineer  
Victor Sharpe, Community Development Director  
Jami Sheppard, Downtown Development Manager  
Karen Hilton, Assistant Planning Director  
Craig Hampton, Special Project Director  
Rebecca Rogers-Carter, Management Analyst  
Jackie Tuckey, Communications Manager/Public Information Officer  
Scott Baker, Museum of Art Taskforce Chairman  
Lyle Sumek, Sumek and Associates, Inc.  
Candice H. White, City Clerk  
Press

## CALL TO ORDER

Mayor Chavonne called the meeting to order at 3:08 p.m.

## INVOCATION

Council Member Haire provided the invocation.

## 1. APPROVAL OF AGENDA

**MOTION:** Council Member Mohn moved to approve the agenda.  
**SECOND:** Council Member Haire  
**VOTE:** UNANIMOUS (8-0)

## 2. FY 2009-10 STRATEGIC PLAN DEVELOPMENT

Lyle Sumek, Sumek and Associates, Inc., facilitated finalization of Council's strategic plan, assisted Council with clarifying expectations and directions to the City Manager and City staff, and facilitated the development of actions and outlines to include key issues, action steps and timeframes.

Council recessed at 5:05 p.m. and reconvened at 5:15 p.m. Strategic plan discussions resumed.

## 3. DOWNTOWN PARKING PROPOSED REVISIONS

Rusty Thompson, City Traffic Engineer, provided an overview of proposed revisions to the downtown parking ordinance and the process used to select McLaurin Parking as the downtown parking management firm. Mr. Thompson reviewed concepts for implementation and outlined the establishment of pay parking lots to include benefits contained therein.

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ITEM A, 3.

# DRAFT

Mr. Thompson responded to questions and discussion ensued. Consensus of Council was to move forward to the March 9, 2009 meeting for consideration of an ordinance amendment.

#### **4. CONSIDER AWARD OF REMAINDER OF A/E CONTRACT FOR NC STATE VETERANS PARK**

Craig Hampton, Special Project Director, recapped funding and professional services secured for the development of the NC State Veterans Park. Mr. Hampton stated pursuant to Council's instructions, staff conducted a master plan validation and detailed scoping process with the recommended design team. Mr. Hampton advised as a result of those meetings and processes, consideration of award of the remainder of the A/E contract for Phase 1 of the NC State Veterans Park was the next step.

Mr. Hampton responded to questions and discussion ensued. Mayor Chavonne requested details related to project costs and that consideration be given to including gateway residential project as part of Phase 1. Consensus was to forward to the March 9, 2009 meeting for further discussion and action.

#### **5. UPDATE OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) PROCESS**

Rob Anderson, Chief Development Officer, spoke to the relationship of the Unified Development Ordinance (UDO) to Council's strategic plan and the involvement of stakeholder groups, advisory committees and citizens in the development process.

Karen Hilton, Assistant Planning Director, briefly covered themes describing the major objectives of the UDO project and reviewed the current status of Module 1, Administration; Module 2, Zoning Districts and Uses; and Module 3, Development Design Standards. Mrs. Hilton spoke briefly to issues involved with the review and administrative approval procedures and the balancing act involved with achieving higher standards, more neighborhood input and, for developers, efficiency and predictability.

Mr. Anderson inquired regarding the level of detail required by Council as the process moves forward. Following discussion and staff response to questions, consensus was for staff to identify effective differences between the current ordinance and the UDO, and to determine how to better engage Council in the process.

#### **6. COUNCIL MEMBER REQUESTS**

##### **A. USE OF POLICE VEHICLES**

Council Member Bates requested Council consider restricting the use of police vehicles to within the city limits. Mr. Iman reviewed the current policy and following a brief discussion, consensus did not support the request.

##### **B. MODIFICATION TO CITY COUNCIL POLICY ON PUBLIC HEARINGS**

Mayor Chavonne requested Council consider modifying the current policy on public hearings in order to address issues regarding rebuttals and opportunities for all individuals to speak. Consensus supported staff preparation of recommendations to return to Council.

There being no further business, the meeting adjourned at 7:55 p.m.

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# DRAFT

Respectfully submitted,

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CANDICE H. WHITE  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

030209

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# DRAFT

FAYETTEVILLE CITY COUNCIL  
DINNER DISCUSSION MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM

MARCH 9, 2009

6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); 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)

Absent: Council Member Charles E. Evans (District 2)

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
Rob Anderson, Chief Development Officer  
Members of the Press

Mayor Chavonne called the meeting to order.

**Closed session for consultation with attorney.**

**MOTION:** Council Member Crisp moved to go into closed session for consultation with the attorney.

**SECOND:** Council Member Applewhite

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

The regular session recessed at 6:05 p.m.

The regular session reconvened at 6:35 p.m.

**MOTION:** Council Member Massey moved to go into open session.

**SECOND:** Council Member Mohn

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

There being no further business, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

030909

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ITEM           A. 4.





# CITY COUNCIL ACTION MEMO

**To:** Dale Iman, City Manager

**From:** Lisa Smith, Chief Financial Officer



**Date:** March 23, 2009

**Re:** Capital Project Fund Ordinance Amendment 2009-18 (Texfi Property Acquisition and Development)

**THE QUESTION:** This project ordinance amendment will appropriate an additional \$25,000 for the Texfi property acquisition and development project.

**RELATIONSHIP TO STRATEGIC PLAN:** Goal 4, Objective 1 – More Efficient City Government – Investing in the City's infrastructure, facilities and equipment.

**BACKGROUND:**

- This is an approved capital improvement project (CIP) for the acquisition of the abandoned Texfi property located adjacent to Clark Park and the Hoffer Drive Water Treatment Plant.
- A portion of the property will be used for the next phase of the Cape Fear River Trail. Future use of the remainder of the property will be developed by City and PWC staff and recommended in upcoming CIP budget reviews.
- The source of funds for this amendment is a \$25,000 transfer from the General Fund.
- If approved, the revised project budget will be \$109,376.
- The budget will be used for land acquisition and environmental sampling and testing. Acquisition is expected by June 2009.

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt Capital Project Ordinance Amendment 2009-18.
- 2) Do not adopt Capital Project Ordinance Amendment 2009-18.

**RECOMMENDATIONS:** Adopt Capital Project Ordinance Amendment 2009-18.

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ITEM B.

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2009-18 (CPO 2009-4)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. The project change authorized is to Capital Project Ordinance 2009-4, adopted June 9, 2008, as amended, for the funding of Texfi property acquisition and development.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

	Listed As	Amendment	Revised
General Fund Transfer	<u>\$ 84,376</u>	<u>\$ 25,000</u>	<u>\$ 109,376</u>

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 84,376</u>	<u>\$ 25,000</u>	<u>\$ 109,376</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 23rd day of March, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Dale Iman, City Manager

**From:** Lisa Smith, Chief Financial Officer



**Date:** March 23, 2009

**Re:** Special Revenue Project Ordinance 2009-9 (Juvenile Restitution Program)

**THE QUESTION:** This action appropriates \$134,944 for the Juvenile Justice and Delinquency Prevention Program for fiscal year 2009. The funding for this program will be \$84,251 in grant funds, \$12,152 from Cumberland County, \$12,151 from the City of Fayetteville and a \$26,390 in-kind match for office space, supplies, utilities and materials.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 3, Objective 1: Growing city, Livable Neighborhoods – Low crime rate and reputation as a safe community

**BACKGROUND:**

- The Fayetteville/Cumberland County Juvenile Restitution Program is a sentencing alternative for Fayetteville and Cumberland County youth. The program's goal is to teach youth accountability and responsibility for their actions. The City of Fayetteville has participated in the Juvenile Restitution program since 1991.
- This ordinance will appropriate the funds needed for salary and operating costs for fiscal year 2009.

**ISSUES:** None

**OPTIONS:** 1) Adopt the Special Revenue Ordinance for the project to continue.  
2) Do not adopt the Special Revenue Ordinance.

**RECOMMENDATIONS:** Adopt the Special Revenue Ordinance.

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ITEM     C.

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2009-9

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted:

Section 1. The authorized project is the funding for the Fayetteville-Cumberland Juvenile Restitution Program awarded by the N.C. Department of Juvenile Justice and Delinquency Prevention for FY 2009.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

N.C. Department of Juvenile Justice and Delinquency prevention	\$84,251
Local Match - Cumberland County	12,152
Local Match - City of Fayetteville	12,151
Local In-Kind Match - City of Fayetteville	26,390
	<u>\$134,944</u>

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$134,944</u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 23rd day of March, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Dale Iman, City Manager



**From:** Steven K. Blanchard, CEO/General Manager  
Public Works Commission of the City of Fayetteville

**Date:** March 11, 2009 (**Scheduled City Council Date: March 23, 2009**)

**Re:** Resolution to Apply for Stimulus Funding

**THE QUESTION:** The Public Works Commission of the City of Fayetteville requests Council adopt a Resolution authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987.

**RELATIONSHIP TO STRATEGIC PLAN:** Quality Utility Services

## **BACKGROUND:**

The Public Works Commission, during their meeting of March 11, 2009, adopted Resolution PWC2009.01 authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987, making certain findings and determinations, authorizing the PWC General Manager to execute documents and furnish necessary information, and request that the City Council adopt a similar resolution.

The American Recovery and Investment Act of 2009, the Stimulus package, will provide funds for various water and wastewater projects through the Division of Water Quality and the Public Water Supply Section of the Division of Environmental Health. The funds will be administered through the existing state revolving loan programs. The State agencies have requested official letters of intent to apply for Stimulus funds and general project information. PWC has provided all the requested information to this point. The deadline to complete the final application for water projects is March 31, 2009. An official deadline for wastewater project applications has not been set. PWC Resolution 2009.01 covers both water and wastewater projects.

Note: Backup material attached for review.

## **RECOMMENDATIONS:**

Adopt a Resolution of the City of Fayetteville, North Carolina authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987.

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ITEM     D



WILSON A. LACY, COMMISSIONER  
TERRI UNION, COMMISSIONER  
LUIS J. OLIVERA, COMMISSIONER  
MICHAEL G. LALLIER, COMMISSIONER  
STEVEN K. BLANCHARD, CEO/GENERAL MANAGER

**PUBLIC WORKS COMMISSION**  
OF THE CITY OF FAYETTEVILLE

955 OLD WILMINGTON RD  
P.O. BOX 1089  
FAYETTEVILLE, NORTH CAROLINA 28302 1089  
TELEPHONE (AREA CODE 910) 483-1401  
FAX (AREA CODE 910) 829-0207

**ELECTRIC & WATER UTILITIES**

March 5, 2009

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Resolution to apply for Stimulus funding

The American Recovery and Investment Act of 2009, the Stimulus package, will provide funds for various water and wastewater projects through the Division of Water Quality and the Public Water Supply Section of the Division of Environmental Health. Resolution PWC2009.01 authorizes the filing of an official application for such funds and makes certain findings as and determinations required by the State. The funds will be administered through the existing state revolving loan programs.

The State agencies have requested official letters of intent to apply for Stimulus funds and general project information. We have provided all requested information to this point. For water projects, March 31, 2009 is the deadline to complete the final application. An official deadline for wastewater project applications has not been set. This resolution covers both water and wastewater projects.

It is our understanding that funds will be awarded through various structures to include but not limited to grants, negative interest loan, principal forgiveness loans and low interest loans.

Staff recommends that the Commission adopt Resolution PWC2009.01 authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987, making certain findings and determinations, authorizing the PWC General Manager to execute documents and furnish necessary information, and request that the City Council adopt a similar resolution that will be provided by PWC.

APPROVED:

PUBLIC WORKS COMMISSION

DATE: 3-11-09 000029  
BUILDING COMMUNITY CONNECTIONS SINCE 1905

CONSENT  
ITEM II-C

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO DIRECT THE FILING OF AN APPLICATION FOR A STATE LOAN UNDER THE NC CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987**

**WHEREAS**, The Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

**WHEREAS**, on February 17, 2009, the federal government adopted the American Recovery and Reinvestment Act of 2009, more commonly referred to as the Stimulus package (STIMULUS), and

**WHEREAS**, the Construction Grants and Loan Section of the Division of Water Quality and the Public Water Supply Section of the Division of Environmental Health have been determined as the agencies through which STIMULUS funds for water and wastewater projects will be administered in North Carolina, and

**WHEREAS**, The Public Works Commission of the City of Fayetteville, North Carolina ("COMMISSION") has need for and intends to construct drinking water and wastewater system projects as listed in the attached Exhibits A & B, and

**WHEREAS**, The COMMISSION intends to request state loan and/or grant assistance made available from the Stimulus package in an amount not to exceed \$12,000,000.00 for the water projects and \$80,000,000.00 for the wastewater projects, and

**NOW THEREFORE BE IT RESOLVED BY THE COMMISSION THAT:**

1. The COMMISSION will arrange financing for all remaining costs of the projects, if approved for a State loan and/or grant award.
2. The COMMISSION will adopt and place into effect on or before completion of the projects a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt, if applicable.
3. The COMMISSION agrees, upon approval of the City of Fayetteville, NC ("CITY"), to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the COMMISSION to make scheduled repayment of the loan, to withhold from the CITY any State funds that would otherwise be distributed to the CITY in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.



4. The COMMISSION will provide for efficient operation and maintenance of the projects on completion of construction thereof.
5. Steven K. Blanchard, General Manager of the Commission, and successors so titled, is hereby authorized to execute and file an application on behalf of the COMMISSION with the State of North Carolina for a loan to aid in the construction of the projects described above, furnish such information as the appropriate State agency may request in connection with such application or the projects, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application or projects.
6. The COMMISSION has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the projects and to Federal and State grants and loans pertaining thereto.
7. The COMMISSION requests the City Council of the CITY to adopt this Resolution in the form presented above.

**ADOPTED** this 11<sup>th</sup> day of March, 2009.

PUBLIC WORKS COMMISSION OF THE  
CITY OF FAYETTEVILLE, NORTH CAROLINA

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Wilson A. Lacy, Chairman

ATTEST:

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Luis J. Olivera, Secretary

WATER STIMULUS PROJECTS

Exhibit A

<b>Project Name</b>	<b>Estimated Total Cost</b>
Water Main Rehabilitation	\$ 2,550,000.00
Water Automated Meter Reading Conversion	\$ 2,273,740.00
High Service Pump Repair	\$ 350,000.00
WTF Improvements for Ferric Coagulant	\$ 493,000.00
Glenville Lake Dam Rehab	\$ 788,000.00
Spring Lake Water Supply Connection	\$ 635,000.00
Camden Road Water Main Connection	\$ 190,000.00
Morganton Road Water Main Replacement	\$ 1,070,000.00
Cumberland Road Water Main	\$ 90,000.00
Cross Creek Water Main Extension	\$ 390,000.00
Bragg Boulevard Water Main Replacement	\$ 895,000.00
Murchison Road Water Main Replacement	\$ 1,100,000.00
<b>TOTAL</b>	<b>\$ 10,824,740.00</b>

## WASTEWATER STIMULUS PROJECTS

Exhibit B

<b>Project Name</b>	<b>Estimated Total Cost</b>
Sanitary Sewer Main Rehabilitation	\$ 6,315,000.00
Manhole Rehabilitation	\$ 1,010,000.00
Phase V Sewer Extension Plan - Project 6	\$ 4,110,000.00
Phase V Sewer Extension Plan- Project 7	\$ 2,872,750.00
Rehab Cross Creek Influent Pump Station	\$ 660,000.00
Sanitary Sewer Rehabilitation	\$ 1,225,000.00
Sanitary Sewer Main Rehabilitation	\$ 2,425,000.00
Sanitary Sewer Main Rehabilitation	\$ 4,630,000.00
Replace Cross Creek WRF Boiler	\$ 363,100.00
Cross Creek WRF Methane Combined Heat & Power system(CHP)	\$ 965,000.00
Sanitary Sewer Main Rehabilitation	\$ 4,015,000.00
Rehabilitate Lift Station Wet Wells	\$ 350,000.00
Cross Creek WRF Digester Piping	\$ 135,000.00
Replacement of Remote Telemetry Units at Cross Creek WRF	\$ 790,000.00
Debris Removal at River Crossing	\$ 175,000.00
Cross Creek WRF RAS Pump Replacement, Phase 2	\$ 380,000.00
Cross Creek WRF RAS Pump Replacement, Phase 3	\$ 410,000.00
Sewer Lateral renewals	\$ 305,000.00
North Fayetteville Sewer Outfall	\$ 6,250,000.00
Blounts Creek Stream Restoration	\$ 530,000.00
Person Street Sanitary Sewer Replacement	\$ 2,440,000.00
LS #9 / #69 Improvements	\$ 245,000.00
Edgewater/Northview Sewer Replacement	\$ 325,000.00
Joseph Street Sewer Main Extension	\$ 85,000.00
Bragg Blvd/Elvira Street Sewer Main Relocation	\$ 300,000.00
Camden Road Sewer Main Replacement	\$ 435,000.00
Russell Street SS Replacement	\$ 130,000.00
Install 20" Force Main across the Cape Fear River	\$ 1,530,000.00
North Fayetteville Lift Station Upgrade	\$ 12,800,000.00
Bragg Boulevard Sewer Main Replacement	\$ 660,000.00
RCB Equalization Pumping	\$ 19,500,000.00
<b>TOTAL</b>	<b>\$ 76,365,850.00</b>

000033

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO DIRECT THE FILING OF AN APPLICATION FOR A STATE LOAN UNDER THE NC CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987**

**WHEREAS**, The Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

**WHEREAS**, on February 17, 2009, the federal government adopted the American Recovery and Reinvestment Act of 2009, more commonly referred to as the Stimulus package (STIMULUS), and

**WHEREAS**, the Construction Grants and Loan Section of the Division of Water Quality and the Public Water Supply Section of the Division of Environmental Health have been determined as the agencies through which STIMULUS funds for water and wastewater projects will be administered in North Carolina, and

**WHEREAS**, the City of Fayetteville, North Carolina ("CITY") acting by and through the Public Works Commission ("COMMISSION") has need for and intends to construct drinking water and wastewater system projects as listed in the attached Exhibits A & B, and

**WHEREAS**, The CITY intends to request state loan and/or grant assistance made available from the Stimulus package in an amount not to exceed \$12,000,000.00 for the water projects and \$80,000,000.00 for the wastewater projects, and

**NOW THEREFORE BE IT RESOLVED BY THE CITY THAT:**

1. The CITY will arrange financing for all remaining costs of the projects, if approved for a State loan and/or grant award.
2. The CITY will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt, if applicable.
3. The CITY agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the CITY to make scheduled repayment of the loan, to withhold from the CITY any State funds that would otherwise be distributed to the CITY in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

4. The CITY will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. Steven K. Blanchard, General Manager of the Commission, and successors so titled, is hereby authorized to execute and file an application on behalf of the CITY with the State of North Carolina for a loan and/or grant to aid in the construction of the projects described above, furnish such information as the appropriate State agency may request in connection with such application or the project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application or project.
6. The CITY has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the projects and to Federal and State grants and loans pertaining thereto.

**ADOPTED** this 23rd day of March, 2009.

CITY OF FAYETTEVILLE, NORTH CAROLINA

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Mayor

ATTEST:

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City Clerk

# CITY COUNCIL ACTION MEMO

**To:** Dale Iman, City Manager  
**Thru:** Jeffrey Powell, Assistant City Manager  
**From:** Bobby B. Teague, Director of Engineering & Infrastructure *BBT*  
**Date:** March 23, 2009  
**Re:** Resolution to apply for Stimulus Funding for Stormwater Projects

## THE QUESTION:

- Council is asked to adopt a resolution authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987 to be used for Stormwater Improvement Projects

## RELATIONSHIP TO STRATEGIC PLAN:

- More Efficient City Government, Cost-Effective Service Delivery

## BACKGROUND:

- The Federal Clean Water Act Amendments of 1987 and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of stormwater quality projects.
- On February 17, 2009, the federal government adopted the American Recovery and Reinvestment Act of 2009, more commonly referred to as the Stimulus package (STIMULUS).
- The Construction Grants and Loans Section of the Division of Water Quality has been determined to be the agency through which STIMULUS funds for stormwater quality projects will be administered in North Carolina.
- Staff has identified three projects that should be eligible for these Revolving Loans and have submitted the required letter of intent for the three projects.

## ISSUES:

- The City will be required to repay at least some of the revolving loans to the state agency.
- A resolution acknowledging that the City is prepared to meet all requirements including repayment of the loans is required in connection with the application for the projects.

## OPTIONS:

- Adopt the attached resolution authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987 to be used for Stormwater Improvement Projects.
- Do not adopt the resolution.

## RECOMMENDATIONS:

- Adopt the attached resolution authorizing the filing of an application for a state loan under the NC Clean Water Revolving Loan and Grant Act of 1987 to be used for Stormwater Improvement Projects.

000036

ITEM E.

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO DIRECT THE FILING OF AN APPLICATION FOR STATE LOAN UNDER THE NC CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987**

**WHEREAS**, the Federal Clean Water Act Amendments of 1987 and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of stormwater quality projects and

**WHEREAS**, on February 17, 2009, the federal government adopted the American Recovery and Reinvestment Act of 2009, more commonly referred to as the Stimulus package (STIMULUS), and

**WHEREAS**, the Construction Grants and Loans Section of the Division of Water Quality has been determined to be the agency through which STIMULUS funds for stormwater quality projects will be administered in North Carolina, and

**WHEREAS**, the City of Fayetteville, North Carolina ("CITY") has need for and intends to construct stormwater quality projects as listed in the chart below, and

**WHEREAS**, the CITY intends to request state loan and/or grant assistance made available from the STIMULUS package in an amount not to exceed \$4,500,000.00 for the stormwater quality projects listed:

<b>Project Description</b>	<b>Project Cost</b>
Swainey Avenue Stormwater Detention Basin	\$540,000
Skye Drive Underground Stormwater Detention Basins	\$3,000,000
Branson Creek and Hybarts Branch Bioretention and Infiltration Basins	\$960,000
<b>TOTAL</b>	<b>\$4,500,000</b>

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF FAYETTEVILLE THAT:**

1. The CITY will arrange financing for all remaining costs of projects, if approved for a state loan and/or grant award.

2. The CITY will adopt and place into effect on or before completion of the projects a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt, if applicable.
3. The CITY agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the city of Fayetteville to make scheduled repayment of the loan, to withhold from the CITY any State funds that would otherwise be distributed to the CITY in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. The CITY will provide for efficient operation and maintenance of the projects on completion of construction thereof.
5. Dale Iman, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the CITY with the State of North Carolina for a loan and/or grant to aid in the construction of the projects described above, furnish such information as the appropriate State agency may request in connection with such application or the projects, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application or projects.
6. The CITY has substantially complied or will comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the projects and to the Federal and State grants and loans pertaining thereto.

**ADOPTED** this the \_\_\_\_ day of March, 2009 by the City Council of the City Fayetteville, North Carolina

CITY OF FAYETTEVILLE


\_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST

\_\_\_\_\_  
CANDICE H. WHITE, City Clerk



# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Joe Callis, PWC Business Planning Manager   
**Date:** March 12, 2009 (Scheduled City Council Date: March 23, 2009)  
**Re:** Phase 5 Annexation Areas 6 and 7

## THE QUESTION:

Providing sanitary sewer service to Areas 6 and 7 of the Phase 5 Annexation.

## RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: More Efficient City Government – Cost-Effective Service Delivery.

## BACKGROUND:

The next step in the process of providing sanitary sewer service to Areas 6 and 7 of the Phase 5 Annexation area requires adoption of the Preliminary Assessment Resolution by City Council. I am enclosing the original Preliminary Assessment Resolution for all streets within Areas 6 and 7 where we anticipate utilities being installed and for which property owners may be assessed a portion of the utility installation cost.

After adoption of the Preliminary Assessment Resolution, PWC will publish the required notice and mail copies of the Resolution to the affected property owners prior to the public hearing. You will note the Resolution contains the date and time for the public hearing regarding this issue which is April 13, 2009.

## ISSUES:

N/A.

## OPTIONS:

N/A.

## RECOMMENDATIONS:

Authorize the attached Preliminary Assessment Resolution and hold the public hearing on April 13, 2009.

000039

ITEM      F.

**RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 6 AND 7 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT "A".**

WHEREAS, The City Council of the City of Fayetteville has determined that it may be in the best interest of the City to extend its sanitary sewer collection system and that in order to provide such an extension, it would be necessary to assess part of the cost thereof upon the real property abutting thereon:

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, North Carolina:

1. That it is intended that the sanitary sewer system of the City of Fayetteville shall be extended by constructing a sanitary sewer collection system over, along, and to the following property under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina and the procedure therein established.
2. That an assessment upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 be hereafter assessed for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus actual cost for service laterals as may be installed for the benefit of the non-single family residential parcels.
3. That the assessment herein provided for shall be payable in cash or, if any property owner shall so elect and give notice of that fact to the City Council by and through its Public Works Commission in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment over a term of ten (10) equal annual installments, said installments to bear interest at a rate not to exceed eight percent per annum.

4. That a public hearing on all matters covered by this Resolution shall be held on the 13<sup>th</sup> day of April, 2009, at the College Lakes Recreation Center located at 4945 Rosehill Road, Fayetteville, North Carolina, 28311 at 7:00 p.m.

This the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2009.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
Anthony G. Chavonne, Mayor

\_\_\_\_\_  
Candice H. White, City Clerk

The following City Council members voted for passage of the above Resolution:

\_\_\_\_\_  
\_\_\_\_\_

The following City Council members voted against the above Resolution:

\_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT "A"

### Construction Area 6

Street Names	From Intersection	To Intersection
Audrey Court	Brewster Drive eastwardly	Street end
Brewster Drive	South of Audrey Court northwardly	Decatur Drive
Brewster Place	Brewster Drive eastwardly	Street end
Buckhead Drive	Deerwood Drive southwardly	Street end
Carrollburg Drive	Decatur Drive eastwardly	Decatur Drive
Channing Drive	Carrollburg Drive southwardly	Street end
Cliffbourne Drive	Ingleside Drive eastwardly	Decatur Drive
Crabapple Circle	Jennings Lane northwardly	Street end
Decatur Drive	Fletcher Avenue northwardly	Carrollburg Drive
Decatur Place	Decatur Drive southwardly	Street end
Deerwood Drive	Channing Drive westwardly	Street end
Faraday Place	Carrollburg Drive westwardly	Street end
Fawn Drive	Deerwood Drive southwardly	Street end
Fletcher Avenue	West end of street	East end of street
Greenbriar Drive	Deerwood Drive southwardly	Street end
Hamburg Drive	Ramona Drive westwardly	Street end
Ingleside Drive	Cliffbourne Drive northwardly	Street end
Jennings Lane	Ramona Drive westwardly	Street end
Overbrook Drive	Ingleside Drive eastwardly	Decatur Drive
Ramona Drive	Brewster Drive eastwardly	Jennings Lane
Sable Drive	Brewster Drive eastwardly	Ramona Drive

### Construction Area 7

Street Names	From Intersection	To Intersection
Avalon Drive	Godfrey Drive eastwardly	Godfrey Drive
Dandridge Drive	N. Reilly Road eastwardly	Filyaw Road
Dumont Place	Godfrey Drive westwardly	Street end
Fairvale Drive	N. Reilly Road eastwardly	Street end
Freeport Road	Dandridge Drive eastwardly	Windy Hill Circle
Godfrey Drive	Paxton Drive northwardly	Roundtree Drive
Osprey Place	Avalon Drive northwardly	Street end
Paxton Drive	A point east of N. Reilly Road eastwardly	Godfrey Drive
Quimby Court	Godfrey Drive southwardly	Street end
Redfield Court	Dandridge Drive westwardly	Street end
N. Reilly Road	Along the east side from Paxton northwardly	Filyaw Road
Roundtree Drive	Killeen Road northwardly	Ashwood Circle
Squire Lane	South of Fairvale Drive northwardly	Street end
Standish Court	Roundtree westwardly	Street end
Wakefield Drive	Godfrey Drive northwardly	North of Dandridge Drive
Wendell Place	Godfrey Drive southwardly	Street end
Yardley Court	Dandridge Drive westwardly	Street end

# CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager  
From: Victor D. Sharpe, Community Development Director  
Date: March 23, 2009  
Re: Fairley Estates Subdivision – Phase II

**THE QUESTION:** Does releasing lots 16, 17, 25, 26, and 27 in the Fairley Estates Subdivision – Phase II to Kingdom Community Development Corporation for the construction of single family affordable housing meet its contractual obligations?

**RELATIONSHIP TO STRATEGIC PLAN:** Growing City, Livable Neighborhoods – A Great Place to Live and Revitalized Downtown - A Community Focal Point.

**BACKGROUND:**

- ❑ The City has 5 lots in Phase II of Fairley Estates Subdivision remaining to be transferred to Kingdom Community Development Corporation.
- ❑ The City through the Community Development Department has contracted with Kingdom Community Development Corporation to complete the development of Fairley Estates, Phase II Subdivision.
- ❑ This development contains twenty lots for the construction of affordable single-family homes. Nineteen of the lots were owned by the City and one lot was owned by the County.
- ❑ To date, the City has transferred fourteen (14) lots to Kingdom for the construction of affordable housing.

**OPTIONS:** 1) Approve action as recommended.  
2) Modify recommended action.

**RECOMMENDATIONS:** Approve conveyance of lots 16, 17, 25, 26, and 27 to Kingdom Community Development Corporation and authorize the City Manager to execute the transaction.

**ATTACHMENTS:** Letter from Kingdom Community Development Corporation.  
Fairley Estates Section 2 Subdivision Plat

000043

ITEM         G



# KINGDOM COMMUNITY DEVELOPMENT CORPORATION

---

February 4, 2009

Victor Sharpe  
Community Development Director  
City of Fayetteville  
433 Hay Street  
Fayetteville, NC 28301

Dear Mr. Sharpe

Kingdom Community Development Corporation is ready to start the New Year with construction of five (5) new homes in Fairley Estates II Subdivision. Completing two (2) of the five (5) homes would bring to an end the contract with the City dated July 25, 2002. As stated in the contract the sale of the first fifteen (15) homes would pay back to the City a total of one hundred fifty-seven thousand, five hundred dollars (\$157,500.00), equaling ten thousand five hundred dollars (\$10,500.00) per home. The following is a break down on the status of the project.

Lot 10	341 Kingdom Estates Drive	0437-60-9248
Lot 11	337 Kingdom Estates Drive	Closed
Lot 12	333 Kingdom Estates Drive	Closed
Lot 13	329 Kingdom Estates Drive	Closed
Lot 14	325 Kingdom Estates Drive	0437-60-6212
Lot 15	321 Kingdom Estates Drive	Closing soon
Lot 16	317 Kingdom Estates Drive	0437-60-4270
Lot 17	313 Kingdom Estates Drive	0437060-4119
Lot 18	309 Kingdom Estates Drive	Closed
Lot 19	305 Kingdom Estates Drive	Closed
Lot 20	304 Kingdom Estates Drive	Closed
Lot 21	308 Kingdom Estates Drive	Closed
Lot 22	312 Kingdom Estates Drive	Closed
Lot 23	316 Kingdom Estates Drive	Closed
Lot 24	320 Kingdom Estates Drive	Closed
Lot 25	324 Kingdom Estates Drive	0437-60-6005
Lot 26	328 Kingdom Estates Drive	0437-60-6676
Lot 27	332 Kingdom Estates Drive	0437-60-7046
Lot 28	336 Kingdom Estates Drive	Closed
Lot 29	340 Kingdom Estates Drive	Closing soon

We are requesting the City to release five (5) addition lots to Kingdom CDC.

Lot 16	317 Kingdom Estates Drive	0437-60-4270
Lot 17	313 Kingdom Estates Drive	0437-60-4119
Lot 25	324 Kingdom Estates Drive	0437-60-6005
Lot 26	328 Kingdom Estates Drive	0437-60-6676
Lot 27	332 Kingdom Estates Drive	0437-60-7046

000044

As discussed the additional cost in construction due to FEMA's revaluating properties in Fayetteville is still creating a hardship for the project. We still need the extra four thousand (\$4,000.00) to seventy five hundred dollars (\$7,500.00) per lot for hauling dirt in to build the lots up out of danger of flooding, according to FEMA's standards. We are requesting the additional funds as stated above to build out the remaining two (2) lots under the contract with the City, also we have three other lots we will need the additional funds for.

This entire request is for a total of one hundred and fifty five thousand dollars (\$155,000).

- a). \$30,000 hauling dirt
- b). \$125,000 assistance in construction (HOME)

The Board of Directors and the staff of Kingdom Community Development Corporation thanks The City of Fayetteville, especially The Community Development Department for its patience and continual willingness to work with Kingdom CDC in our efforts to increase the availability of decent safe affordable homes in our community. We look forward to another good year of hard work and accomplishment.

Sincerely,

*J. Carl Manning*

J. Carl Manning  
Director, KCDC





# CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager  
From: Victor D. Sharpe, Community Development Director  
Date: March 23, 2009  
Re: Amendment to the 2008-2009 Community Development Annual Action Plan

**THE QUESTION:** Should the City amend its 2008-2009 Community Development Annual Action Plan by awarding a contract to Kingdom Community Development Corporation in the amount of \$33,500 for the construction of a house in the Fairley Estates Subdivision-Phase II.

**RELATIONSHIP TO STRATEGIC PLAN :** Growing City, Livable Neighborhoods - A great Place to Live and Revitalized Downtown - A Community Focal Point

**BACKGROUND:**

- Kingdom Community Development Corporation (KCDC) has requested funding in the amount of \$33,500 to construct a house in the Fairley Estates Subdivision.
- KCDC did not request funds for housing construction in this year's budget.
- KCDC is working with a resident from the Campbell Terrace Apartments who will be relocated as a result of the HOPE VI project. This resident is ready to buy a house and KCDC is working with her to build the house in Fairley Estates.
- We currently have an additional \$50,000 available of HOME funds to utilize for the request. These funds were made available earlier this year when Cumberland Community Action Program declined their grant in the amount of \$50,000.

**OPTIONS:**

Adopt proposed amendment.  
Modify proposed amendment.

**RECOMMENDATIONS:**

The Fayetteville Redevelopment Commission recommends the approval of an amendment to the 2008-2009 Annual Action Plan by awarding a contract to Kingdom Community Development Corporation in the amount of \$33,500 for the construction of a house in the Fairley Estates Subdivision-Phase II.

**ATTACHMENT:**

Letter from Kingdom Community Development Corporation

000047

ITEM 4.



# KINGDOM COMMUNITY DEVELOPMENT CORPORATION

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February 2, 2009

Victor Sharpe  
Community Development Director  
City of Fayetteville  
433 Hay Street  
Fayetteville, NC 28301

Dear Mr. Sharpe,

As we discussed earlier activity has picked up in the Fairley Estates Phase II project. I contribute this to the announcement of HOPE VI and the Community Garden plans for the Old Wilmington Road Community. With this I'm please to proclaim we have three (3) families now interested and ready to purchase in Fairley Estates II. The lots sold are 10, 15, and 29. I'm requesting from the City to release the following lot.

Lot 10                      341 Kingdom Estates Drive                      0437-60-9248

Also, as you know because of FEMA's new evaluation we need extra funds to build the lots up taking them out of flood hazard. The cost for this is \$8,500.00. We also request the normal funds the City support each homebuyer in Fairley Estates Phase II that is under 80% of areas median income \$25,000.00. With this the request is for \$33,500.00.

The Board of Directors and the staff of Kingdom Community Development Corporation again would like to thank The City of Fayetteville, especially The Community Development Department for its patience and continual willingness to work with Kingdom CDC in our efforts to increase the availability of decent safe affordable homes in our community. We look forward to another good year of hard work and true accomplishment.

Sincerely,

*J. Carl Manning*  
J. Carl Manning  
Executive Director

# CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Candice H. White, City Clerk *cu*  
**THRU:** Doug Hewett, Assistant City Manager *D*  
**DATE:** March 23, 2009  
**RE:** Consider Revision to City Council Policy 110.1 – Boards and Commissions, Membership and Attendance

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**THE QUESTION:**

Is the proposed revision to City Council policy 110.1 – Boards and Commissions, Membership and Attendance, consistent with Council's interest following recommendation for approval by the Appointment Committee at their February 23, 2009 meeting?

**RELATIONSHIP TO STRATEGIC PLAN:**

- Partnership of Citizens – Citizens Volunteering to Help the City, Citizens Involved and Engaged in City Governance

**BACKGROUND:**

The Appointment Committee at their Monday, February 23, 2009 meeting reviewed City Council policy 110.1 – Boards and Commissions, Membership and Attendance, upon the request of City Attorney Karen M. McDonald for clarification of the process for notifying appointees of removal pursuant to the provisions of the policy. Following a brief discussion, consensus was to amend the policy to provide for the City Clerk to send the letters.

**ISSUES:**

None

**OPTIONS:**

1. Approve proposed revision to City Council policy 110.1 – Boards and Commissions, Membership and Attendance.
2. Do not approve proposed revision to City Council policy 110.1 – Boards and Commissions, Membership and Attendance, and provide additional direction to staff.

**RECOMMENDATION:**

Approve proposed revision to City Council policy 110.1 – Boards and Commissions, Membership and Attendance.

000049

ITEM           I

<b>SUBJECT – BOARDS AND COMMISSIONS</b> <b>Membership and Attendance</b>	<b>Number</b> <b>110.1</b>	<b>Revised</b> <b>2-18-02</b> <b>9-22-08</b>	<b>Effective</b> <b>Date</b> <b>8-4-86</b>	<b>Page 1 of 1</b>
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**PROPOSED REVISION**

It shall be the policy of the City Council to allow an individual to serve on only one board or commission at a time. Pursuant to City Code § 2-35(c), an appointee shall attend at least 75 percent of regularly scheduled meetings on an annual basis from the date of their appointment and that if an appointee does not comply with such attendance, or fails to attend three (3) consecutive regularly scheduled meetings, then the appointee shall be automatically removed and not be appointed to any City board or commission within two years of their removal date. The ~~City Attorney~~ City Clerk shall notify the appointee and report to the City Council by letters if an appointee has been removed pursuant to this provision.

# CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Candice H. White, City Clerk *cw*  
**THRU:** Doug Hewett, Assistant City Manager *D*  
**DATE:** March 23, 2009  
**RE:** Consider Revision to City Council Policy 110.2(2) – Terms

**THE QUESTION:**

Is the proposed revision to City Council policy 110.2(2) – Terms, consistent with Council's interest at the March 9, 2009 meeting?

**RELATIONSHIP TO STRATEGIC PLAN:**

- Partnership of Citizens – Citizens Volunteering to Help the City, Citizens Involved and Engaged in City Governance

**BACKGROUND:**

The Appointment Committee at their Monday, February 23, 2009 meeting discussed whether Public Works Commission (PWC) Commissioners would be eligible to serve more than two successive terms. Staff advised the PWC Commissioner's terms were specifically addressed in City Council Policy 110.2(2) – Terms, and recommended a formal revision to the policy should Council so desire to extend the term limits for the PWC Commissioners.

Council Member Meredith, City Council Liaison to PWC, at the March 9, 2009 meeting of the Fayetteville City Council, referenced a memorandum received from Steven K. Blanchard, PWC CEO/General Manager, in support of and providing justification for removing the term limits for PWC Commissioners. Following motion by Council Member Meredith and second by Council Member Hurst, City Council voted eight in favor to two in opposition to extend PWC Commissioner's terms to allow up to three four-year terms.

City Council Policy 110.2(2) puts into place the term limits consistent with Council's action at the March 9, 2009 meeting.

**ISSUES:**

None

**OPTIONS:**

1. Approve proposed revision to City Council policy 110.2(2) – Terms.
2. Do not approve proposed revision to City Council policy 110.2(2) – Terms, and provide additional direction to staff.

**RECOMMENDATION:**

Approve proposed revision to City Council policy 110.2(2) – Terms.

000051

ITEM \_\_\_\_\_

*J.*

<b>SUBJECT – BOARDS AND COMMISSIONS</b> <b>Terms</b>	<b>Number</b> <b>110.2</b>	<b>Revised</b> <b>8-16-99</b>	<b>Effective</b> <b>Date</b> <b>5-26-87</b>	<b>Page 1 of 1</b>
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(1) It shall be the policy of the City Council of the City of Fayetteville that unless regulated by a general statute, ordinance, interlocal agreement, or other enabling legislation or charter, no appointment of the City Council to any board or commission shall be for a period greater than two consecutive years, and no appointees shall be permitted to serve more than two consecutive full terms without an interval of one year between appointments. Any current appointment as of the effective date of this policy, which upon completion will have been for a period of more than two years, shall be considered a full term for purposes of reappointment. Any appointee who shall have previously served a total of four years, whether by one or more appointments, shall not be eligible for reappointment without an intervening period of one year between appointments. Any appointment to fill an unexpired portion of a term after the effective date of this policy shall not be considered a full term unless the unexpired portion is for a period of more than two years.

(2) The foregoing policy shall not apply to an appointee while serving on a national board of directors of a group which the board or commission on which the appointee currently serves is a member, or members of the Public Works Commission who shall be eligible to serve ~~two successive terms~~ up to three four-year terms. Any appointment to fill an unexpired portion of a term on the Public Works Commission after the effective date of this policy shall not be considered a full term unless the unexpired portion is for a period of more than two years.

(3) This policy shall not apply to an individual who is appointed as an alternate to a board or commission, if that appointee does not get to participate in at least 50 percent of the meetings during the term of appointment.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**Through:** Dale Iman, City Manager  
**From:** Douglas Hewett, Assistant City Manager  
**Date:** March 23, 2009  
**Re:** Clarification to Ordinance Governing Itinerant Merchants

**THE QUESTION:** Does the City Council support an amendment to the ordinance governing itinerant merchants to clarify the penalties for violating the City's ordinance?

**RELATIONSHIP TO STRATEGIC PLAN:** More Attractive City – Clean and Beautiful and Growing City, Livable Neighborhoods – A Great Place to Live

**BACKGROUND:** None

**ISSUES:** On September 22, 2008, the City Council amended the City's Code to prohibit itinerant merchants from operating in the City. Since adoption of the ordinance, there has been a visible reduction in such operations throughout the City. However, in reviewing the language adopted by City Council in September, staff believes further clarification is needed. Specifically, staff is recommending adoption of one sentence as shown on the attached that will clarify that violations of the ordinance are misdemeanors: 15-16.1(f) Each violation of this section is punishable as a misdemeanor.

**OPTIONS:**

- Modify or reject recommendation.
- Request additional information and take no action at this time.

**RECOMMENDATIONS:** Approve the recommendation and direct staff to format the amendment consistent with Section 1-6 of the City Code.

000053

ITEM     K

**Please note the following is not the entire Chapter. The only section being revised is Section 15-16.1 wherein a new paragraph (f) is being inserted at the end of the section.**

## **Chapter 15**

### **LICENSES**

#### **Article I. In General**

##### **Sec. 15-16.1. Prohibition of itinerant merchants; outdoor seasonal sales.**

(a) *Definitions.* The following terms whenever used or referred to in this section shall have the following respective meanings for the purposes of this section, unless a different meaning appears from the context:

*Itinerant merchant* means a person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a building, vacant lot, or other location in a county and who, at that location displays the goods for sale and sells the goods for sale at retail.

*Peddler* means a person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.

*Person* means an individual, a firm, an association, a partnership, a limited liability company, a corporation, a unit of government, or another group acting as a unit.

*Specialty market* means a location other than a permanent retail store, where space is rented to others for the purpose of selling goods at retail or offering goods for sale at retail.

*Specialty market operator* means a person other than the state or a unit of local government who rents space at a location other than a permanent retail store to others for the purpose of selling goods at retail or offering goods for sale at retail.

*Specialty market vendor* means a person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a specialty market and, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

(b) *Prohibited.* In the interest of public safety on city streets and the general welfare of those citizens traveling upon the streets, it is hereby declared to be a nuisance and unlawful for any person to go in or upon, or permit his representative to go in or upon, any public property, private residence or premises in the city as an itinerant merchant. This does not apply to specialty markets or specialty market vendors as defined by this section.



(c) *Exemption.*

- (1) This prohibition shall not apply to any charitable organization qualifying as a tax exempt organization under section 501(c)(3) of the Internal Revenue Code of 1954 as amended, or any persons, firms, or corporations acting under the sponsorship and aegis of such charitable organization provided that said organization must meet a setback of 50 feet and not be located in a sight triangle, and the organization first obtains permission from the property owner to conduct its selling activity.
- (2) This prohibition does not apply to he who sells:
  - a. Farm or nursery products produced by the merchant.
  - b. Crafts or goods made by the merchant.
  - c. Merchant's own household personal property.
  - d. Printed material.
  - e. Wood for fuel.
  - f. Ice, seafood, meat, poultry, livestock, eggs, dairy products, bread, cakes or pies.

The merchant must meet a setback of 50 feet and not be located in a sight triangle.

(d) *The sale of fresh vegetables and produce*, as defined by G.S. 66-256, from curbside stands or in a similar fashion shall be exempt from the provisions of this section provided that:

- (1) Seller first obtains permission from the property owner to conduct his selling activity;
- (2) No privilege license is otherwise required for the sale of such vegetables and produce; and
- (3) Seller must meet a setback of 50 feet and not be located in a sight triangle.

(e) *Outdoor seasonal sales.* Outdoor seasonal sales are temporary uses, which include, but are not limited to, Christmas tree sales, pumpkin sales, plant sales, fireworks, fresh produce sales and similar holiday or seasonal uses. Outdoor seasonal sales are not intended to include the sale of manufactured items, including, but not limited to, clothing, accessories, home furnishings, furniture, bedding, bicycles, automobile parts, recreational vehicles or household

goods. Such sales are permitted in all nonresidential zoning districts as a use by right subject to the standards of the underlying zoning district and the following:

- (1) Any operator of an outdoor seasonal sales use must receive a permit from the city, which describes the type of sales involved, and the duration of the sales operation.
  - (2) Such sales shall not operate more than a total of 30 consecutive days per calendar year.
  - (3) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use such as a church or school. The use shall not operate as an accessory to a principal residential use on a lot. In addition, the use shall not be located on a lot which adjoins a residential use unless the lot is located on a major thoroughfare.
  - (4) The use shall not involve or require the construction of a permanent building.
  - (5) Any signage which identifies the use shall be in accordance with the underlying zoning district.
  - (6) Five off-street parking spaces shall be provided for the use.
  - (7) The use, including all sale items, parking and maneuvering shall observe a setback of 50 feet and sale items shall not be located in the sight distance triangle.
  - (8) The operator is responsible for the removal of any vestige upon cessation of the seasonal sale including signage.
  - (9) There shall be no more than one outdoor seasonal sales permit issued at any one time on a tax parcel.
  - (10) There shall be no sales before 9:00 a.m. or after 9:00 p.m.
- (f) Each violation of this section is punishable as a misdemeanor.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Dale Iman, City Manager  
**Date:** March 23, 2009  
**Re:** Air Quality Ozone Standards and Early Action Compact

**THE QUESTION:** Does City Council wish to adopt the attached draft resolution and authorize the City Manager to sign the attached letter in order to continue efforts to pursue an Early Action Compact with the EPA?

**RELATIONSHIP TO STRATEGIC PLAN:** Goal 2 – More Attractive City – Clean and Beautiful.  
Objective 2 – Objective 2 – preserve trees, urban forests, waterways, and natural resources.

**BACKGROUND:** As participants in the 2002 Early Action Compact (EAC), Cumberland County and the City of Fayetteville have been working to reduce ozone precursors and provide better air quality for all citizens.

**THE ISSUE:**

At the November 14, 2008 Cumberland County Mayors' Coalition Meeting, the North Carolina Department of the Environment and Natural Resources (NCDENR) presented the proposed ozone non-attainment boundaries for this area.

One of the directives the Coalition gave was to continue efforts to pursue an Early Action Compact through letters and resolutions to the Environmental Protection Agency.

Attached is the draft resolution and letter for review.

**OPTIONS:**

1. Approve draft resolution for adoption and authorize City Manager to sign letter to forward to the EPA.
2. Do not approve draft resolution for adoption and do not authorize City Manager to sign letter to EPA.

**RECOMMENDATIONS:**

Recommend City Council approve draft resolution for adoption and authorize the City Manager to sign letter to forward to the EPA.

000057

ITEM         L



**Maurizia Chapman**  
Air Quality Principal Planner  
130 Gillespie Street, Fayetteville, NC 28301  
Telephone (910) 678-7615  
E-mail: [mchapman@co.cumberland.nc.us](mailto:mchapman@co.cumberland.nc.us)  
Website: [www.fampo.org/airquality](http://www.fampo.org/airquality)

## AIR QUALITY STAKEHOLDERS OF CUMBERLAND COUNTY

March 12, 2009

### Memorandum

To: Cumberland County Mayors' Coalition Members

From: Maurizia Chapman, AICP, Air Quality Principal Planner

Subject: Air Quality Ozone standards and Early Action Compact request

At the November 14, 2008 Cumberland County Mayors' Coalition Meeting, the North Carolina Department of the Environment and Natural Resources (NCDENR) presented the proposed ozone non-attainment boundaries for this area.

One of the directives the Coalition gave staff was to continue efforts to pursue an Early Action Compact through letters and resolutions to the Environmental Protection Agency.

Now that both the Federal and State governments have designated new administrators, I am forwarding to you a letter and resolution for your jurisdiction's consideration. If you agree to participate in this effort, please have your Administrator sign the letter and your Board/Council adopt the resolution and return them to me no later than April 17, 2009 so that we can send a packet to EPA Administrator Jackson, EPA Region 4 Acting Administrator Meiburg, DENR Secretary Freeman and to Ms. Leslie Mazingo of The Ferguson Group.

Final designation by EPA should take place on March 12, 2010, therefore we have adequate time to try and get our message through.

Should you require additional information or clarifications please contact me at (910) 678-7615 or via e-mail at [mchapman@co.cumberland.nc.us](mailto:mchapman@co.cumberland.nc.us).

**George Breece**  
Chairman

**Steven Blanchard**  
Vice-Chairman

**Commissioner Eleanor Ayers**  
Town of Stedman

**Councilman Keith Bates**  
City of Fayetteville

**COL Gregory Bean (Retired)**  
Fort Bragg Military Reservation

**Commissioner Jeannette Council**  
Cumberland County

**Edwin Deaver**  
Citizen

**Dr. Joseph Follet, MD**  
Fayette Clinic

**Michael Green**  
John and Green

**Henry Holt**  
Holt Oil Company

**Karl Legatski**  
Citizen

**Joseph W. Levister, Jr.**  
Fayetteville Technical Community College

**Dr. Harold Maxwell, DDS**  
Cumberland County Board of Health

**Commissioner Eddie Maynor**  
Town of Hope Mills

**Donovan McLaurin**  
Homebuilders Association

**Steven Oakley**  
Town of Eastover

**Alderman James O'Garra**  
Town of Spring Lake

**Douglas Peters**  
Fayetteville - Cumberland County Chamber

**Scott Peters**  
Goodyear Tire & Rubber Company

**Scott Reynolds**  
MJ Soffe Company

**Denise Sykes**  
Towns of Falcon, Godwin, Linden and Wade

**Stephen Waters**  
Barnhill Contracting Co

*A healthful environment for all current and future citizens of Cumberland County*

000058

**RESOLUTION OF SUPPORT  
FOR CONTINUATION  
OF THE  
OZONE EARLY ACTION COMPACT  
BY  
\_\_\_\_\_, NORTH CAROLINA**

Whereas, the Federal Clean Air Act, through the Environmental Protection Agency (EPA), establishes air quality standards to protect public health and welfare; and

Whereas, the EPA must regularly update the air quality standards to provide increased protection for children and other at risk populations against an array of ozone related adverse health effects; and

Whereas, the EPA revised the level of the ozone 8-hour standard by increasing it to a lower amount of 0.075 parts per million (ppm); and

Whereas, Cumberland County has acknowledged the importance of air quality standards in promoting quality of life, economic development and health; and

Whereas, as participants in the 2002 Early Action Compact (EAC), Cumberland County and its municipalities believe in the opportunity of empowerment given to local governments in the process of reducing ozone precursors through locally selected strategies and adopted control measures; and

Whereas, the benefits of a continued Early Action Compact include clean air sooner than through non-attainment designation providing a more healthful environment for the region's citizens, while minimizing the economic impact of non-attainment designation standards on new/expanding industries and transportation projects; and

Whereas, a continued Early Action Compact promotes the uninterrupted implementation of locally developed control measures, in partnership with stakeholders, the state and federal governments, and the citizens of Cumberland County; and

Whereas, the current three years ozone average (2006-2008) for Cumberland County is 0.077 ppm, just over the revised threshold and well below the previous standards, proving that the EAC process was very successful; and

Whereas, the past, present and continued cooperative efforts of the 2002 Cumberland County Early Action Compact have made significant improvements in Air Quality;

Now, therefore be it resolved by the \_\_\_\_\_, that EPA should consider an Early Action Compact for the new standards giving us the ability to join with other Cumberland County jurisdictions and continue what we began in 2002, achieving the new ozone standards through local cooperation for the benefit of our citizens.

Adopted \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
Clerk

000059

Date \_\_\_\_\_

Ms. Lisa P. Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1101A  
Washington, DC 20460

Dear Administrator Jackson:

The Fayetteville Metropolitan Statistical Area in Cumberland County, North Carolina is in the process of preparing to meet the 8-hour ozone standard of 0.075 parts per million (ppm) in the event that a non-attainment designation takes place in March 2010.

As a participant in the 2002 Early Action Compact (EAC), Cumberland County believes in the opportunity of empowerment given to local governments in the process of reducing ozone precursors through locally selected strategies and adopted control measures. The EAC allowed local officials and area citizens to better understand and appreciate air quality issues and the impact of lower ozone levels on the well being of all stakeholders, while introducing control measures without penalizing the local economic development or transportation infrastructure improvement.

As a result of the previous EAC effort, Cumberland County achieved the 1997 ozone standards (applied in 2004) and lowered ozone levels faster than non-attainment areas, providing a better environment for Cumberland County citizens.

The current three years ozone average (2006-2008) for Cumberland County is 0.077 ppm, just over the revised threshold and well below the previous standards, proving that the EAC process was very successful.

It is with the well-being of our citizens in mind that at this time I urge you to consider **allowing an Early Action Compact process** to continue under the revised ozone standards.

Sincerely,

cc: A. Stanley Meiburg, EPA Region 4 Acting Administrator  
Dee A. Freeman, Secretary NC DENR

000080

# CITY COUNCIL ACTION MEMO

To: Rob Anderson, Chief Development Officer

From: Jimmy Teal, Planning Director

Date: March 23, 2009

Case No. P09-07F

**THE QUESTION:** R10 Residential District to P4 Professional District

**RELATIONSHIP TO STRATEGIC PLAN:** Growth and Development

**BACKGROUND:**

Owner:	J & E Pest Enterprises, Inc.,
Applicant:	Murrel J. Thomas
Council District:	District 9 - Meredith
Requested Action:	Rezone from R10 to P4
Existing Zoning	R10 District
Status of Property:	2026 Hope Mills Road (Vacant)
Size:	+/- .28 Acres
Existing Land Use:	Single Family House
Adjoining Land Use & Zoning:	North – Mix R10 Residential, C1 Commercial & P2 Office South – P2 Offices & R10 with School East – P2 Offices West – R10 Residential
2010 Land Use Plan:	Low Density Residential
Letters Mailed:	121

**SPECIAL INFORMATION:** Case P07-39F was a rezoning of several properties across the street from this property to P2 Professional.

**Public Utilities:**

Water:	PWC
Sanitary Sewer:	PWC

**Transportation:**

Hope Mills Road is a major thoroughfare. The average daily traffic count on Hope Mills Road at this location is 21,000 vehicles.

**OPTIONS:**

1. Rezone the property to P4 Professional District as requested by the applicant;
2. Set a public hearing to consider other options.

000061

ITEM \_\_\_\_\_ M

Case No.: P09-07F

Location: 2026 Hope Mills Road

Page: 2

**RECOMMENDATIONS:**

Zoning Commission & planning staff recommend approval of P4 professional zoning:

1. The Hope Mills Road Corridor Land Use Plan recommends Office and Institutional uses for this property;
2. Many of the homes on this section of Hope Mills Road have been rezoned and converted to Office use;

**ATTACHMENTS:**

1. Application for Rezoning
2. Site Plan
3. Vicinity Map
4. Zoning Map
5. Current Land Use Map
6. Hope Mills Rd. Corridor Land Use Plan Map
7. Zoning Commission Minutes



**APPLICATION FOR REZONING  
CITY OF FAYETTEVILLE**

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to amend the Zoning Ordinance and to change the Zoning Map of the City of Fayetteville as hereinafter requested, and in support of this application, the following facts are shown:

Location/Address of the Property: 2026 HOPE MILLS RD.

Owner of the Property: JHE ENTERPRISES INC

Address of the Owner: 6529 WAIDOS BEACH RD. Zip 28306

Owner's Home Phone: 910-424-3199 Owner's Work Phone: 910-426-2510

A. The property sought for Rezoning is owned by \_\_\_\_\_ as evidenced by deed, recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

B. It is desired and requested that the foregoing property be rezoned:  
From: R10 To: P4

Please describe the proposed use of the property requested for rezoning: office

C. Tax Property Identification Number (PIN#) of the property: 0416-12-1301-

D. Acreage to be rezoned: (0.28 AC)

E. To the best of your knowledge, has an application for rezoning been filed for this property within the previous 5 years? (If yes, please indicate month and year of application.)  
NO

F. Existing use of the property (Specify any structures and respective uses): RESIDENTIAL

G. Existing and/or proposed water service (Specify if Community System): PWC

H. Existing and/or proposed sewer service (Specify if Community System): PWC

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. It is further understood by the undersigned that the singling out of a small parcel(s) of land for exceptional zoning would likely constitute illegal "spot zoning" and in such cases a rezoning request and a public hearing are superfluous. Therefore, it is the responsibility of the applicant to submit a valid request not incompatible with existing neighborhood zoning patterns. The responsibility of securing additional properties to be included in the request lies with the undersigned.

MURREL J. THOMAS

Print or Type Name of Owner

6529 WALDO'S BEACH RD.

Address of Owner

910-424-3199

Home Phone

910-426-2510

Work Phone

JTE PEST ENTERPRISES INC.

Print or Type Name of Applicant

2026 HOPE MILLS RD.

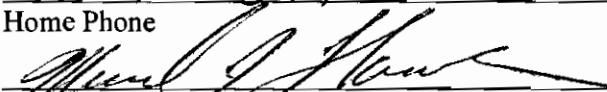
Address of Applicant

910-424-3199

Home Phone

910-426-2510

Work Phone

  
Signature of Individual Submitting the Application

**City of Fayetteville Appeals Procedure:** Any person aggrieved by the recommendation of the Zoning Commission shall have the right to appeal the action of the Zoning Commission in writing to the Clerk of the City of Fayetteville within ten (10) calendar days of the action of the Zoning Commission. If an appeal is timely filed, then the City Council shall hold a public hearing on the case.

If the Zoning Commission's recommendation is to rezone the property, and no appeal is filed, then the City Council shall have the right to adopt the rezoning without further public hearing. If the Zoning Commission's recommendation is to deny the rezoning, and no appeal is filed, then the request will not be forwarded to City Council. There is a 1-year waiting period before any further rezoning request can be filed for this property.

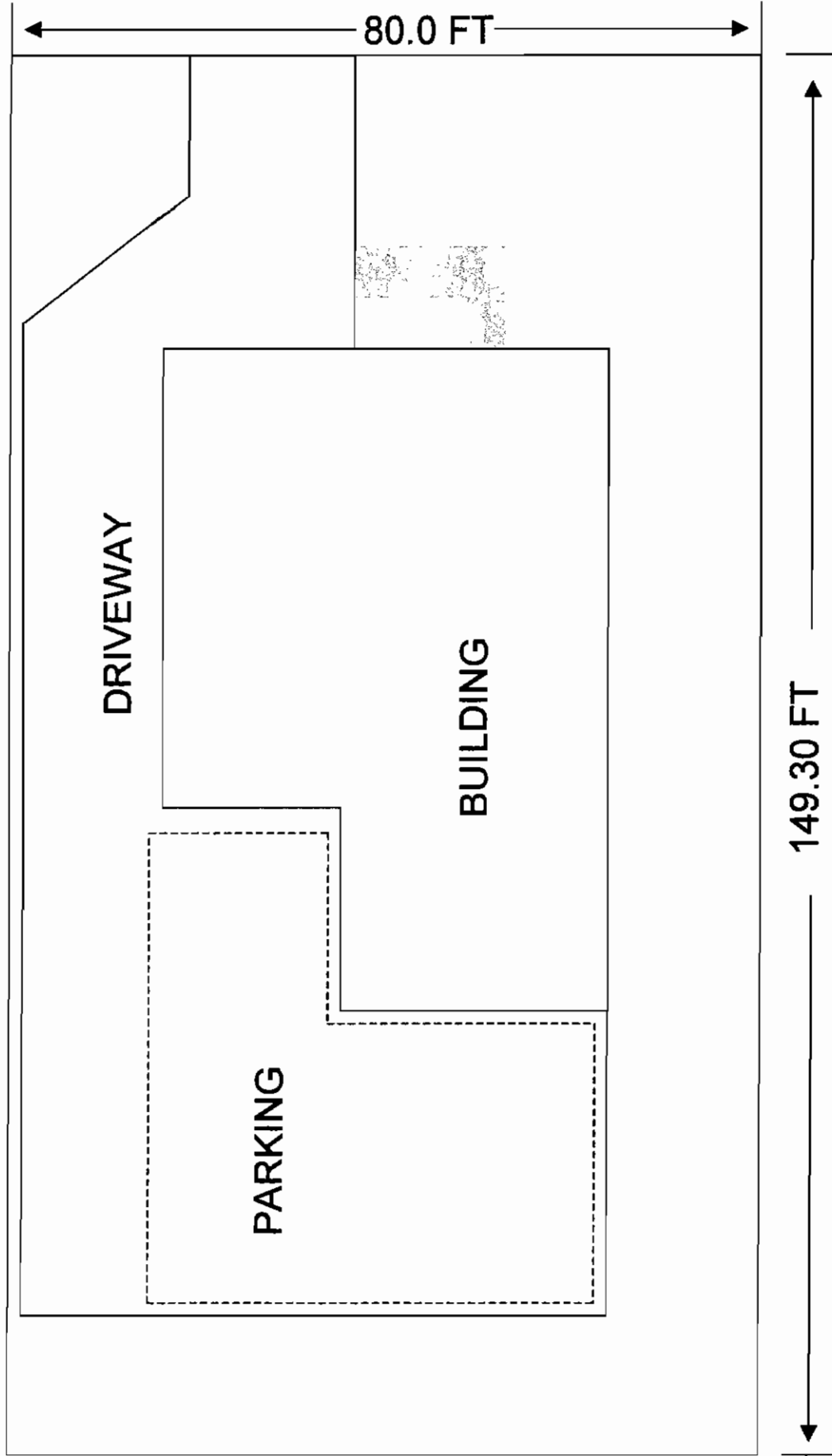
(for additional application forms: [www.cityoffayetteville.org](http://www.cityoffayetteville.org) then visit the Planning Dept. page)



6 FT PRIVACY FENCE



HANDICAP RAMP

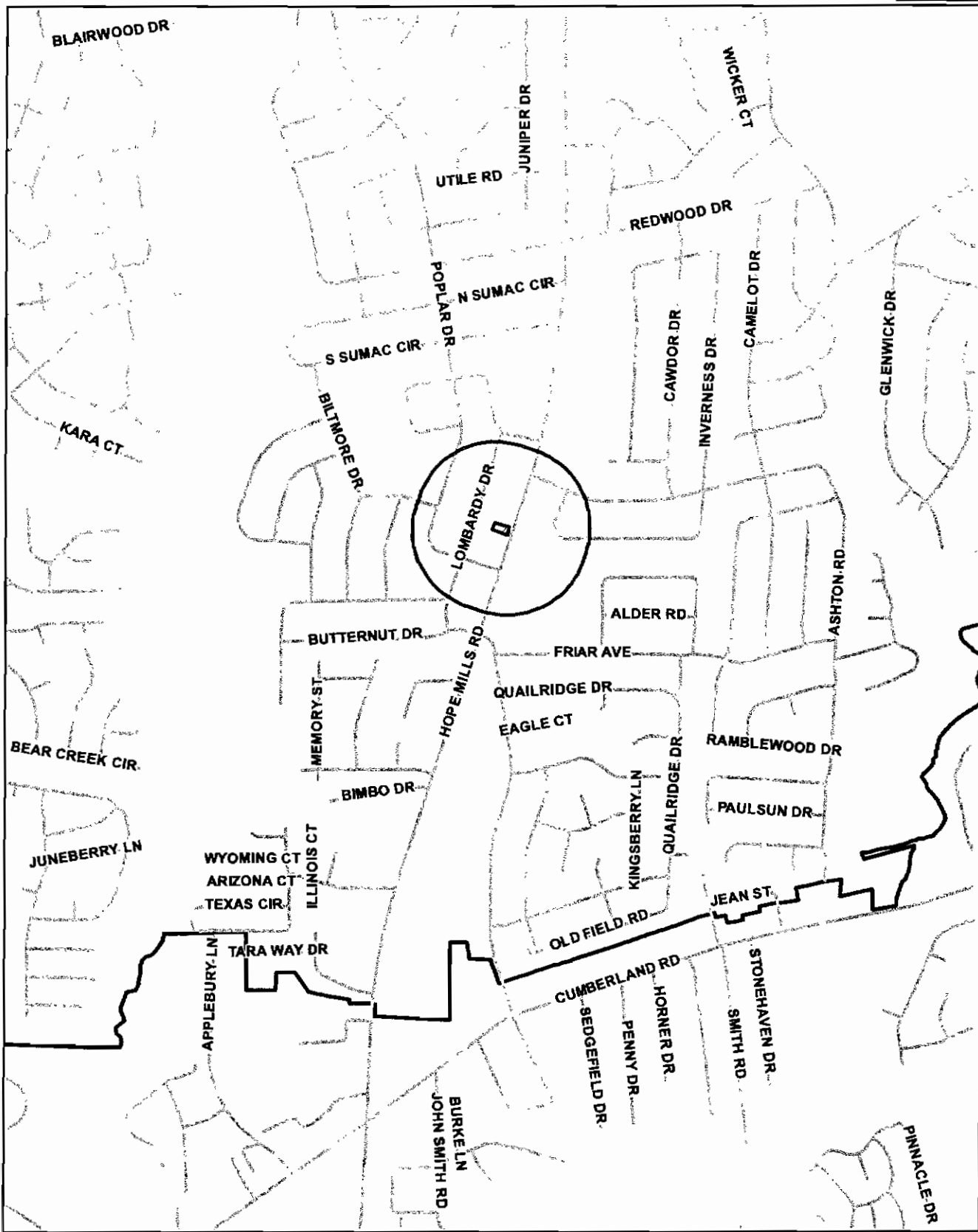


2026 HOPE MILLS RD SITE PLAN

000065

# Zoning Commission - Vicinity Map

Case No. P09-07F



**Request: R10 to P4**  
**Location: 2026 Hope Mills Rd. - Between Ashton Rd. & Poplar Dr.**  
**Pin: 0416-12-1301**



000066

**ZONING COMMISSION  
CASE NO. P09-07F**



**Request: R10 to P4**  
**Location: 2026 Hope Mills Rd.**  
**Acreage: 0.28**

**Zoning Commission: 2/10/2009**    **Recommendation: \_\_\_\_\_**  
**City Council: \_\_\_\_\_**    **Final Action: \_\_\_\_\_**  
**Pin: 0416-12-1301**

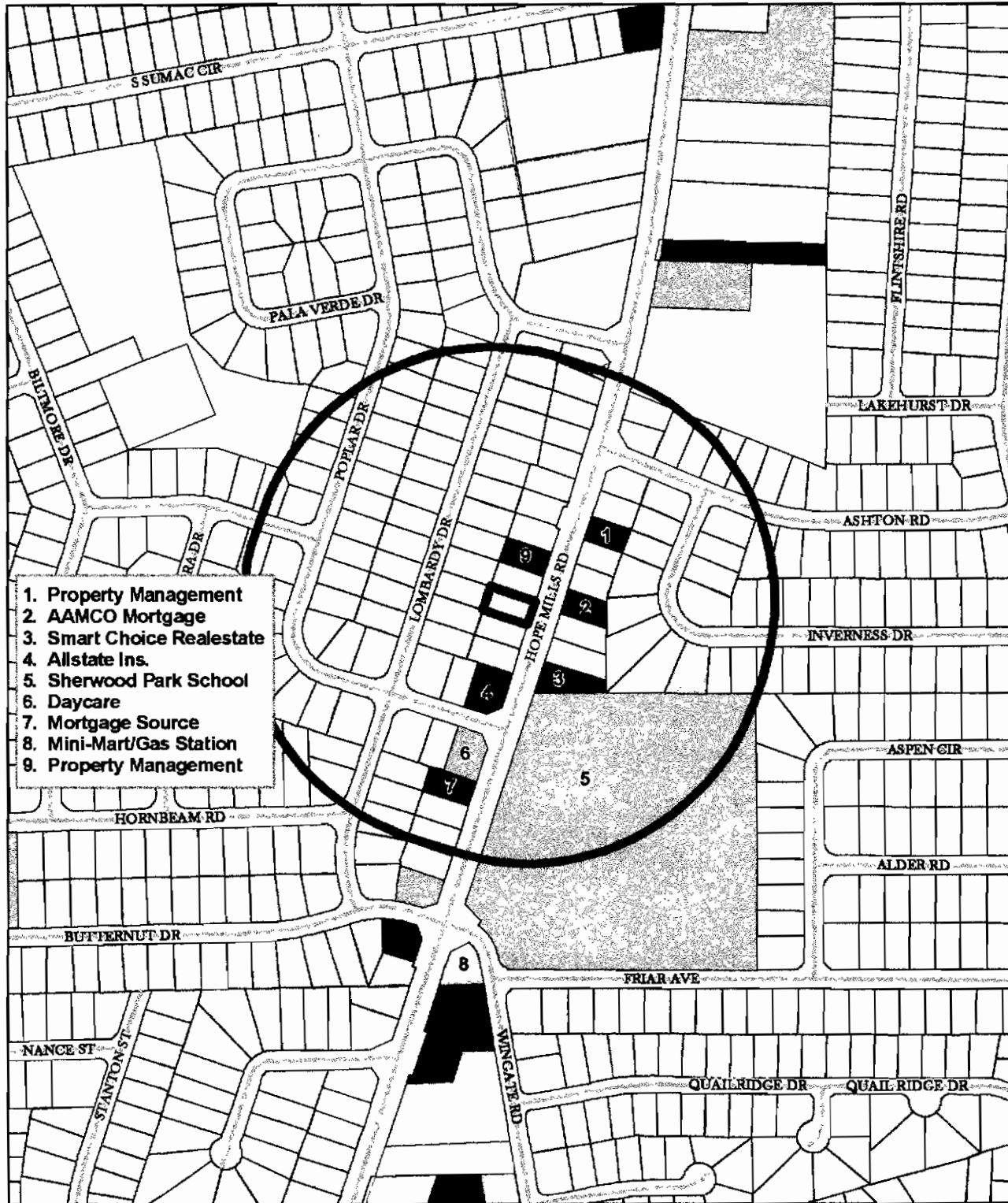


Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

000067

# Current Land Use

P09-07F



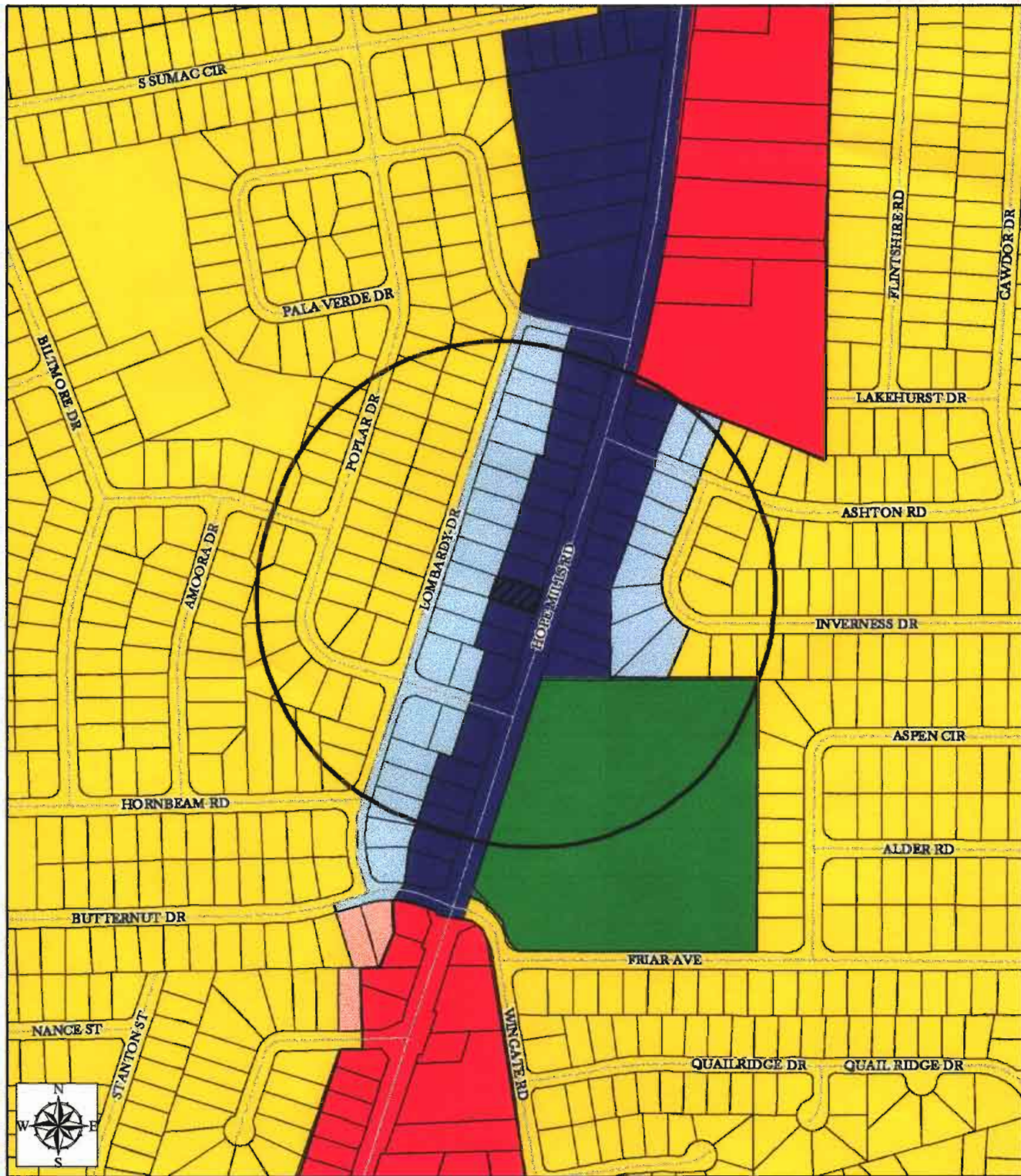
1. Property Management
2. AAMCO Mortgage
3. Smart Choice Realestate
4. Allstate Ins.
5. Sherwood Park School
6. Daycare
7. Mortgage Source
8. Mini-Mart/Gas Station
9. Property Management

**Legend**

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parkng	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

# Hope Mills Road Corridor Land Use Plan

## Case No. P09-07F



- Legend**
- Policy Directed Office/Institutional
  - Office / Institutional
  - Governmental
  - Policy Directed Light Commercial
  - Light Commercial
  - Low Density Residential

000069



**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
FEBRUARY 10, 2009- 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
John Crawley  
Lockett Tally

**MEMBERS ABSENT**

Jeannie Nelson

**OTHERS PRESENT**

Karen Hilton, Asst. Planning Dir.  
Craig Harmon, Planner  
Marsha Bryant, Planner  
David Nash, Planner  
Janet Smith, Asst. City Atty.  
David Steinmetz, Inspections  
Jimmy Teal, Planning Director

**I. APPROVAL OF AGENDA**

Mr. West made a motion to approve the agenda. Mr. Crawley seconded the motion. A vote was taken and the motion passed unanimously.

**II. APPROVAL OF THE MINUTES FROM THE JANUARY 13, 2009 MEETING**

Mr. Crawley made a motion to approve the minutes. Mr. Tally seconded the motion. A vote was taken and the motion passed unanimously.

**III. PUBLIC HEARINGS**

**A. Case No. P09-07F.** The rezoning from R10 Residential District to P4 Neighborhood Professional District or to a more restrictive zoning classification for property located at 2026 Hope Mills Road. Containing 0.28 acres more or less and being the property of J & E Pest Enterprises.

Mr. Harmon provided a brief overview of the request including maps, pictures, surrounding land uses, and the 2010 land use plan's recommendation of low dense residential area. Mr. Harmon stated that 121 letters were mailed out to surrounding property owners in the surrounding 750 foot buffer area. Mr. Harmon used the Hope Mills Road land use plan stating that the property falls within the arca suggested for office and institutional use. He stated there was no flood plane flood hazard and that water and sewer were not an issue for the property.

Mr. Harmon asked if there were any questions of staff. There were none.

The public hearing was opened.

Mr. Thomas appeared in favor of the request. He stated that he was present to answer questions if there were any. There were none.



Mr. Paoni stated that there was no one in opposition.

The public hearing was closed.

Mr. Harmon stated that the planning staff recommended approval for P4 Professional District in this case. He stated that the Hope Mills Road land use plans recommended office and institutional for the property. He stated that many of the homes in the area have already been converted over to various types of office uses. Mr. Harmon stated that the R10 zoning was not compatible with changing zoning that is going on in the area.

Mr. Crawley asked what the property zoning on either side of the subject property was.

Mr. Harmon stated that both properties directly on either side of the subject property were residential. He stated that property that one property removed from the subject property was commercial on both sides.

The Commission member asked for clarity, asking that the subject property was between two residential properties. Mr. Harmon replied yes.

Mr. Paoni asked in matter of consistency, asked about the varying zoning on Hope Mills Road. He asked if there were any disadvantages of having a P4 zoning in the area.

Mr. Harmon stated that the only difference in the zoning classifications are that P4 requires that it maintain some look of a residential structure whereas with P2 they could actually build an office type structure.

Mr. Teal stated that the applicant did speak with the Inspections Department who suggested P4 due to the type of business and the fact that it would be required to have a site plan with the Planning Commission which would allow for some control with the property and still meet the applicant's needs.

Mr. Crawley asked if a buffer would be required for the P4 zoning.

Mr. Harmon replied yes. He stated that there is a commercial landscape buffer that has to go in between commercial and residential properties which would be included in the review of the site plan for that property.

Mr. Crawley asked if the site plan is to be completed after the property is rezoned. Mr. Harmon replied yes.

Mr. Crawley stated that there would be no way of knowing what would be included in regard to the buffering on site plan as of tonight.

Mr. Harmon stated that the plan is required to meet the minimum standard for the buffer.

Mr. Teal added that it ten feet from the property line can not be used as a parking lot or storage area. He stated that the area must remain natural.

Mr. Crawley asked if any plant material where required.

Mr. Teal replied that in reference to trees and plants, those things would be included in the applicant's site plan.

A Commission member asked Mr. Steinmetz to clarify.

Mr. Steinmetz stated that a privacy fence and landscaping would be along the area where any residential is abutting the property.

Ms. Smith clarified the requirements for rezoning stating that the Commission is to look at the zoning and any thing that is applicable to the area as opposed to specifically a site plan.

The Commission member agreed.

Mr. Paoni asked if there were any more questions for Mr. Harmon. There were none.

Mr. Crawley made the motion to approve P4. Mr. Talley seconded the motion. A vote was taken and the motion passed unanimously.

Mr. Teal stated that this request would go to the City Council on March 23, 2009 and he gave a brief explanation as to what could possibly occur next.

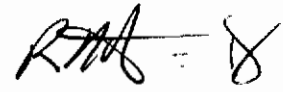
**CITY COUNCIL ACTION  
MEMO**

**To:** Rob Anderson, Chief Development Officer

**From:** Jimmy Teal, Planning Director

**Date:** March 23, 2009

**Case No.** P09-06F



**THE QUESTION:** SUP – Daycare

**RELATIONSHIP TO STRATEGIC PLAN:** Strong Local Community

**BACKGROUND:**

Owner:	Columbus Thurmond
Applicant:	Columbus Thurmond
Council District:	District 6 - Crisp
Requested Action:	SUP – Daycare
Existing Zoning	R10 Residential District
Status of Property:	Conforming
Size:	+/- 0.26 Acres
Existing Land Use:	House
Adjoining Land Use & Zoning:	North – House & zoned R10 residential district South – House & Doctor's Office & zoned R10 residential & C1 commercial district East – Auto sales & zoned C3 commercial district West – House & zoned R10 residential district
2010 Land Use Plan:	Low density residential
Letters Mailed:	125

**SPECIAL INFORMATION:**

**Public Utilities:**

Water:	PWC
Sanitary Sewer:	PWC

**Transportation:**

Redwood Drive is a residential street. The estimated average daily traffic count at this location on Redwood Drive is 3,000 vehicles.

000073

ITEM 3.A.

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**OPTIONS:**

1. Approve the SUP – Daycare without conditions as requested;
2. Approve the SUP – Daycare with conditions;
3. Deny the SUP – Daycare

**RECOMMENDATIONS:**

Section 30-107(24) allowing homes for the care of children and adults upon and after obtaining a special use permit to be issued by the City Council upon recommendation of the zoning agency after a public hearing. Such special use permits shall be approved only after findings of fact are made that such use shall:

- a. Fit in with the character of the area in which such use is to be located;
- b. Such use is not detrimental to the surrounding area;
- c. All applications for a special use permit shall be accompanied by an accurate and detailed plat of the proposed use, showing location of all buildings, yard dimensions, driveways, parking areas, and all other pertinent data necessary for the zoning agency and the city council to determine that all of the above requirements have been complied.

The Zoning Commission finds the applicant failed to prove that the daycare fit within the character of the area and was not detrimental to the surrounding area. The Zoning Commission based this decision on the daycare being on a residential street, the operation of the daycare being 24 hours and the limited space and bathroom facilities in the house.

Should City Council make a different ruling from the Zoning Commission and approve the daycare, the staff suggests the following conditions:

- a. The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable Federal, State, or local codes including City of Fayetteville Fire Code;
- b. The sign ordinance generally allows 20 square feet of copy area, but staff recommends limiting signage to no more than four square feet of copy area for a wall sign. This is based on the site being in a residential setting;
- c. Applicant is requesting 30 children with 4 employees. (North Carolina Licensing requirement of 25 square feet per child of indoor primary space and 75 square feet per child of outdoor space) According to the dimensions of the house, the applicant could have 33 children. However, staff recommends 15 children maximum based on the house only having one bathroom and the state regulation allowing a maximum of 15 children per toilet;
- d. Hours of operation 24 hours per day Monday through Saturday.
- e. All required driveway permits shall be obtained. The site plan incorporates the existing circle drive allowing children to be dropped off and picked-up without backing into the street. A small entrance sign shall be placed on the driveway location on the west side of the property and an exit sign on the driveway location on the east side of the property. Parking shall be in the existing paved driveway area to the side and rear of the property;
- f. Fencing around the proposed play area to include the installation of a fence on the east side of the driveway in the rear of the property. This fencing separates the parking area from the children play area;
- g. Any outside lighting shall be shielded to prevent lighting impacting on adjacent properties;
- h. Failure to comply with any and all conditions of approval for this Special Use Permit may result in revocation.

Case No.: P09-06F

Location: 5007 Redwood Drive

**ATTACHMENTS:**

1. Vicinity Map
2. Zoning Map
3. Current Land Use Map
4. Zoning Commission Minutes
5. Site Plan
6. Child Care Site Selection Information

APPLICATION FOR SPECIAL USE PERMIT  
CITY OF FAYETTEVILLE

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to grant a Special Use Permit as required in the Zoning Ordinance. In support of this application, the following facts are shown:

Location/Address of the Property: 5007 Redwood Dr. Fayetteville 28304

Owner of the Property: COLUMBUS NICHOLS THURMOND

Address of the Owner: 1813 Cawdor Dr Zip: 28304

Owner's Home Phone: 910 2868680 Owner's Work Phone: 910 7175326

A. Section and provision of the Zoning Ordinance from which a Special Use Permit is requested:

R10 30-107 (24)

B. The property sought for a Special Use Permit is owned by \_\_\_\_\_ as evidenced by deed, recorded in Deed Book 07969, Page 0183-0785, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

C. Tax Property Identification Number (PIN#) of the property: 0416-14-4864

D. Acreage requested for a Special Use Permit: Less than a acre .26

E. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail to include hours and days of operation, number of employees, number of clients, etc.)

24 hours Child day care center, 6 days a week  
30 children and 4 employees,

F. To the best of your knowledge, has an application for a special use permit or rezoning been filed for this property within the previous 5 years? (If yes, please indicate month and year.) NO

Columbus Nichols Thurmond  
Signature of Applicant

1813 Cawdor Dr  
Address of Applicant

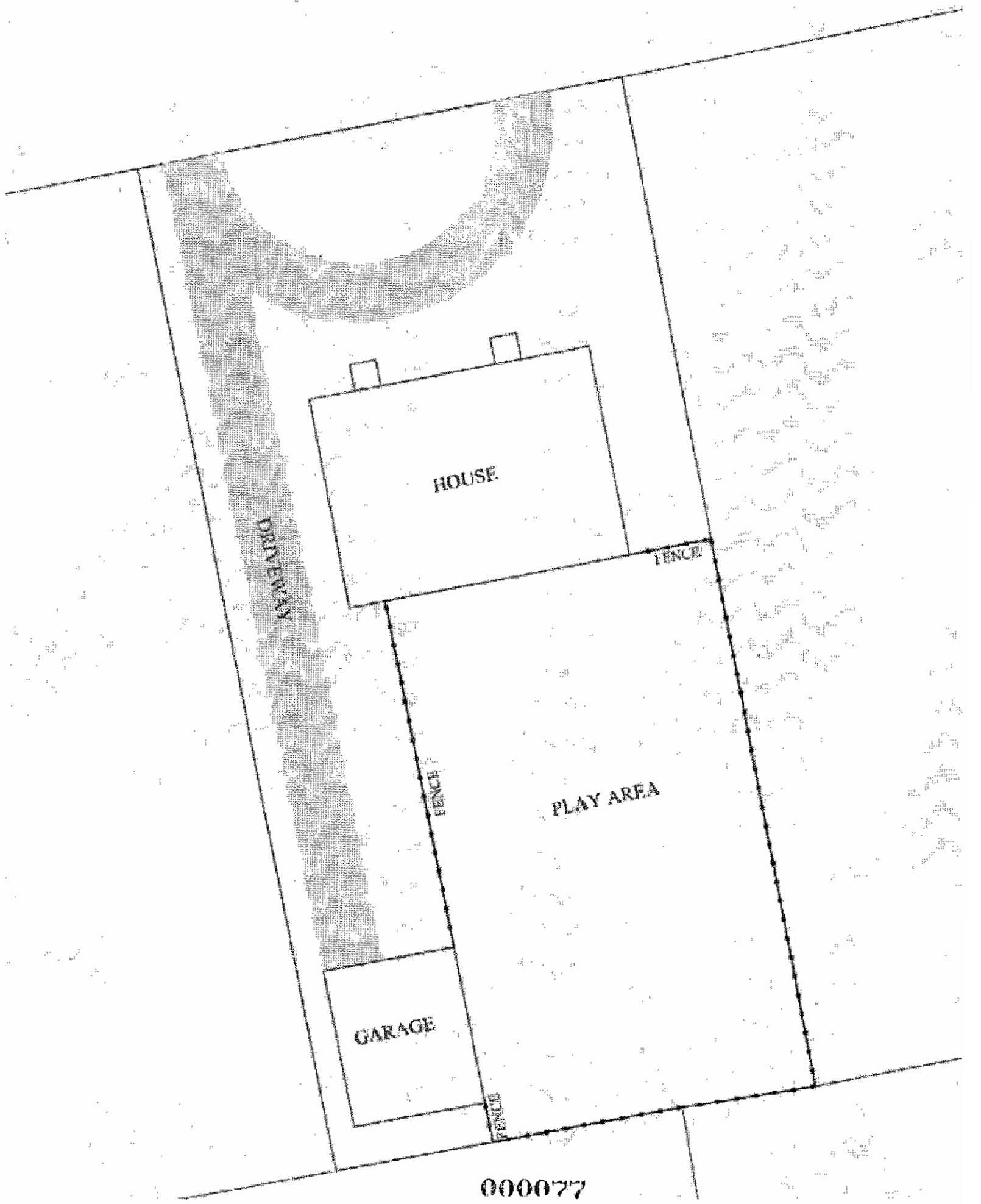
FAYETTEVILLE NC 28304  
City State Zip Code

Home Phone: 910 2868680

Work Phone: 910 717 5326

(for additional application forms: [www.cityoffayetteville.org](http://www.cityoffayetteville.org) then visit the Planning Dept. page)

000076



HOUSE

DRIVEWAY

FENCE

FENCE

PLAY AREA

GARAGE

FENCE

000077

## CONSIDERATIONS IN SITE SELECTION FOR A CHILD CARE CENTER

### Zoning

Zoning is a way for local governments to plan for growth in their area. Zoning is a way of ensuring that the land uses of the community are properly located in relation to each other and that adequate space is available for each type of development. Zoning ensures that land is reserved for its best use. Some communities are more strict than others about where certain businesses can be located. It is important to know zoning procedures in the area where you hope to operate a center. Local zoning restrictions may include additional requirements such as lot size, indoor and outdoor space, fencing, provisions for the handicapped and/or parking spaces. These requirements may influence the amount of fees necessary to charge to cover your costs. Zoning information may be obtained by contacting city, county, or town offices.

### Number and Ages of Children to be Served in the Center

The numbers and ages of children in a center affect how the building should be laid out. Will you serve infants? Are there plenty of outside exits? How many infants, toddlers, two year olds, three year olds, four year olds and school-age children can the building accommodate using the staff/child ratios of the licensing requirements?

### Size of Center

The capacity and size of the center affects both the building code requirements and fire code requirements. How large a center are you comfortable running, and what are the numbers of children which will allow the center to support itself?

### Health or Safety Hazards in Area

Surroundings of a child care center are important for the owner/operator and parents. You would not want a child care center near the city dump, a deep ditch or under a freeway overpass. Is there a safe area for parents and children to get in and out of their cars?

### Traffic

Traffic patterns and parking affect site selection in that the center should be located on well-traveled roads with easy access. There must be a place for staff and parents to park. You want parents to come into the center when they leave children in the morning and pick them up in the evening. Some cities and towns have ordinances requiring adequate parking on the property before permits will be issued, e.g., beach communities and large cities.



### Outdoor Space Available for Fenced Playground

There must be enough space around the building to fence a playground for children. For centers serving fewer than 30 children, there must be 75 square feet per child of outdoor play area. For facilities with 30 or more, there must be 75 square feet per child of outdoor play area for at least 1/2 of the total number for which the center is licensed. The area must accommodate at least 30 children with 75 square feet for each child.

### Indoor Space Arrangements

Indoor space arrangements are one factor that helps to determine the size of groups and numbers of children in each room or "space." This, in turn, determines the number of staff needed for each classroom. The layout or floor plan, position of exits, windows, bathrooms and kitchen help determine the suitability of an existing building. If you are going to build a center you have the opportunity to design a building specifically for child care use.

### Potential for Passing Building, Fire and Sanitation Inspections

Before a child care center can operate, it must pass all building, fire and sanitation inspections. Renovations to existing buildings to make them suitable for child care can be very costly. Caution should be taken to avoid selecting a site before assessing costs of renovations or improvements. How much work would be needed to bring the building up to code?

### Moral Environment of the Neighborhood

It is important to parents that the neighborhood in which a child care center is located be "a good place" for children. Check the neighborhood for such things as:

- drug dealing
- prostitution
- other illegal activities
- too many taverns or bars
- an atmosphere of violence

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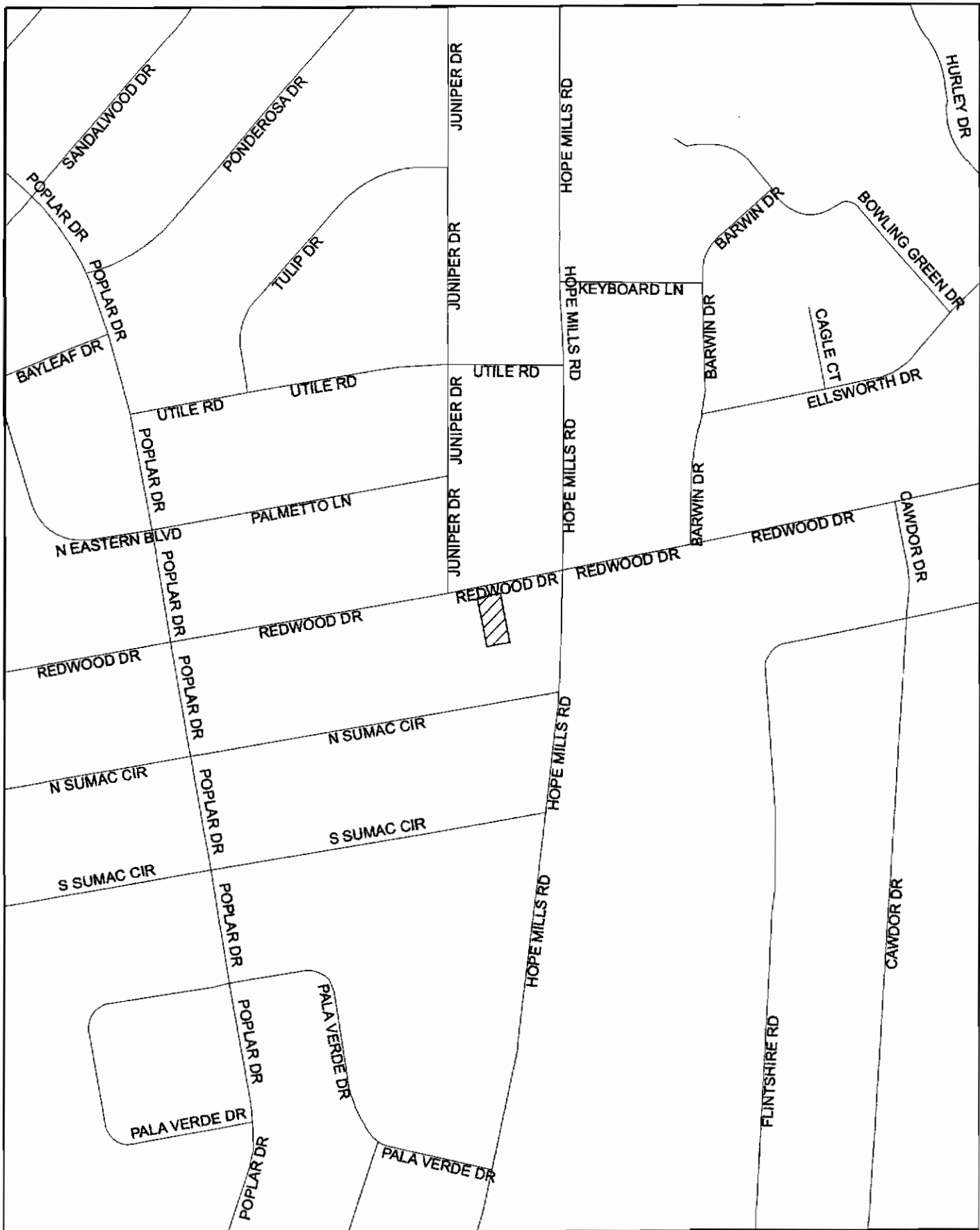
## IMPORTANT ISSUES IN SECURING, BUILDING OR RENOVATING A BUILDING FOR CHILD CARE

- Submit any renovation plans or new construction plans to local building inspector's office and to the Environmental Health Specialist at the health department for approval. One copy should also be sent to the appropriate Division of Child Development representative.
- Check with local inspectors to be sure the building will comply with fire, sanitation, and building codes and zoning requirements if you plan to rent, lease or purchase a building.
- Check with the local building inspector regarding the building code requirements for new ownership if you are planning to buy an existing child care center.
- Determine numbers and ages of children to be served, space requirements, and program considerations before constructing, renovating, leasing or renting a building. Staff/child ratios and group size are important. There must be one toilet per 15 children and one sink per 25 children.
- Estimate space requirements by measuring rooms to be used by children. Determine the total square footage and divide this number by 25 square feet.
- Check leases or rental arrangements carefully.
- Be aware of any renovations needed to meet codes and identify who will pay for them when negotiating leases or rental agreements.
- Consult an attorney to be sure that lease agreements are fair and that both parties are protected.
- Measure hallways, doors and bathrooms for handicap accessibility as required by the North Carolina Building Code. Check with your local building inspector.
- Talk with other business resources including your banker, accountant or the small business center at the nearest community college.
- Review the layout of the building several times in relation to the numbers and ages of children to be served. After the lease is signed or the building is completed or renovated, it is too late!
- Consider the location of the director's office, sinks, cooling and heating appliances, kitchen, driveways, storage areas and exits.
- Consult with the local Environmental Health Specialist regarding the installation of range and range hoods, three compartment sinks, commercial dishwasher, types of refrigerators or freezers, storage compartments and other items on the sanitation inspection.
- Review the fire inspection form to be sure the exits and fire alarm systems meet the fire regulations.
- Consider ease of cleaning and maintenance of a building in determining whether a building is suitable for child care.

- Obtain estimates of heating and cooling costs and include those costs in determining whether a building is a good choice for child care.
- Deal only with reputable businesses and keep accurate records on such things as estimates of building materials, labor charges and contracts.
- Compare costs on labor and building materials. Check to be sure they will meet building, sanitation and fire codes for child care.

# Zoning Commission - Vicinity Map

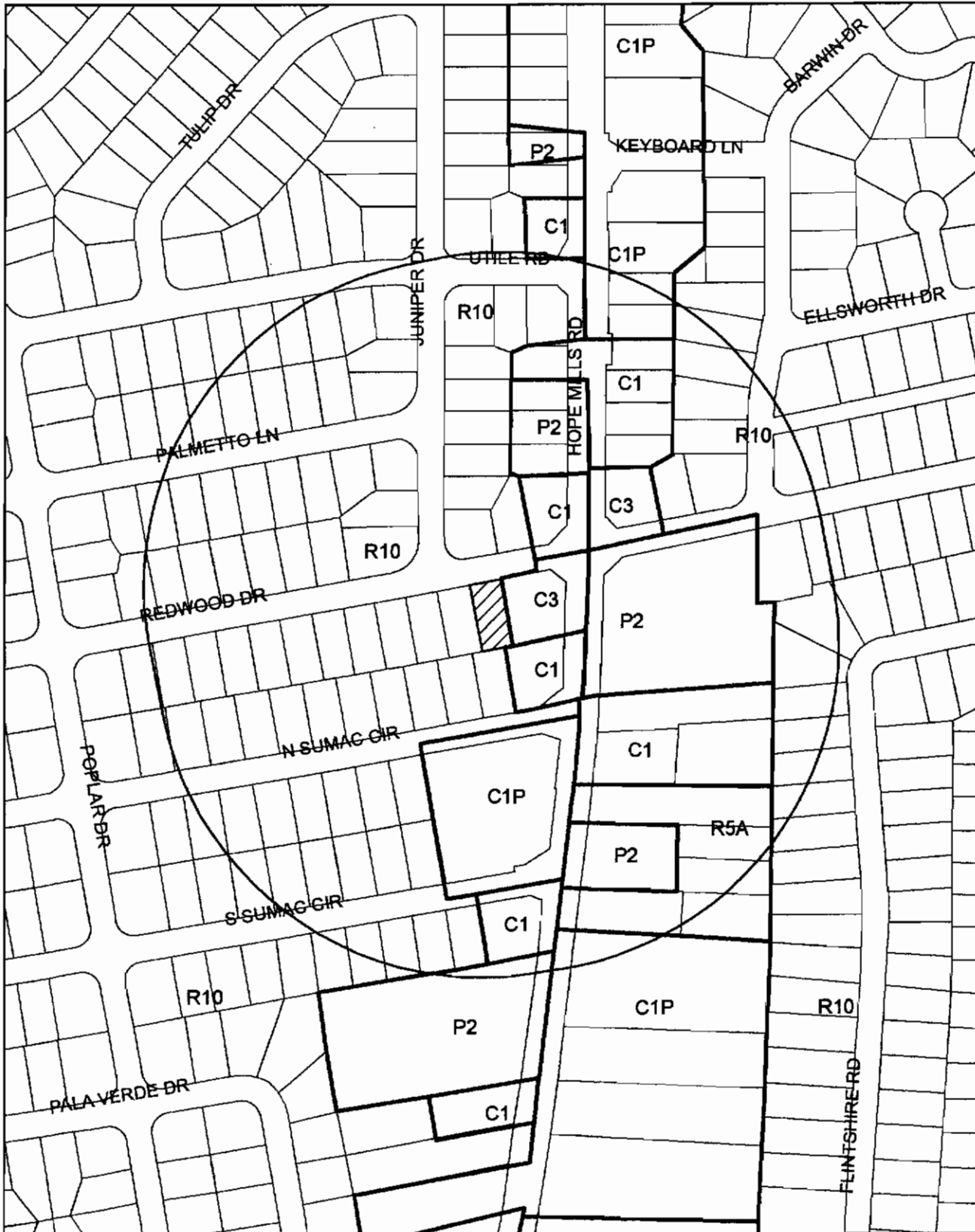
Case No. P09-06F



Request: SUP - Day Care  
Location: 5007 Redwood Drive  
Pin: 0416-14-4864

000082

**ZONING COMMISSION  
CASE NO. P09-06F**



**Request: SUP - Day Care**  
**Location: 5007 Redwood Drive**  
**Acreage: .26**

**Zoning Commission: 1/13/2009**  
**City Council: \_\_\_\_\_**  
**Pin: 0416-14-4864**

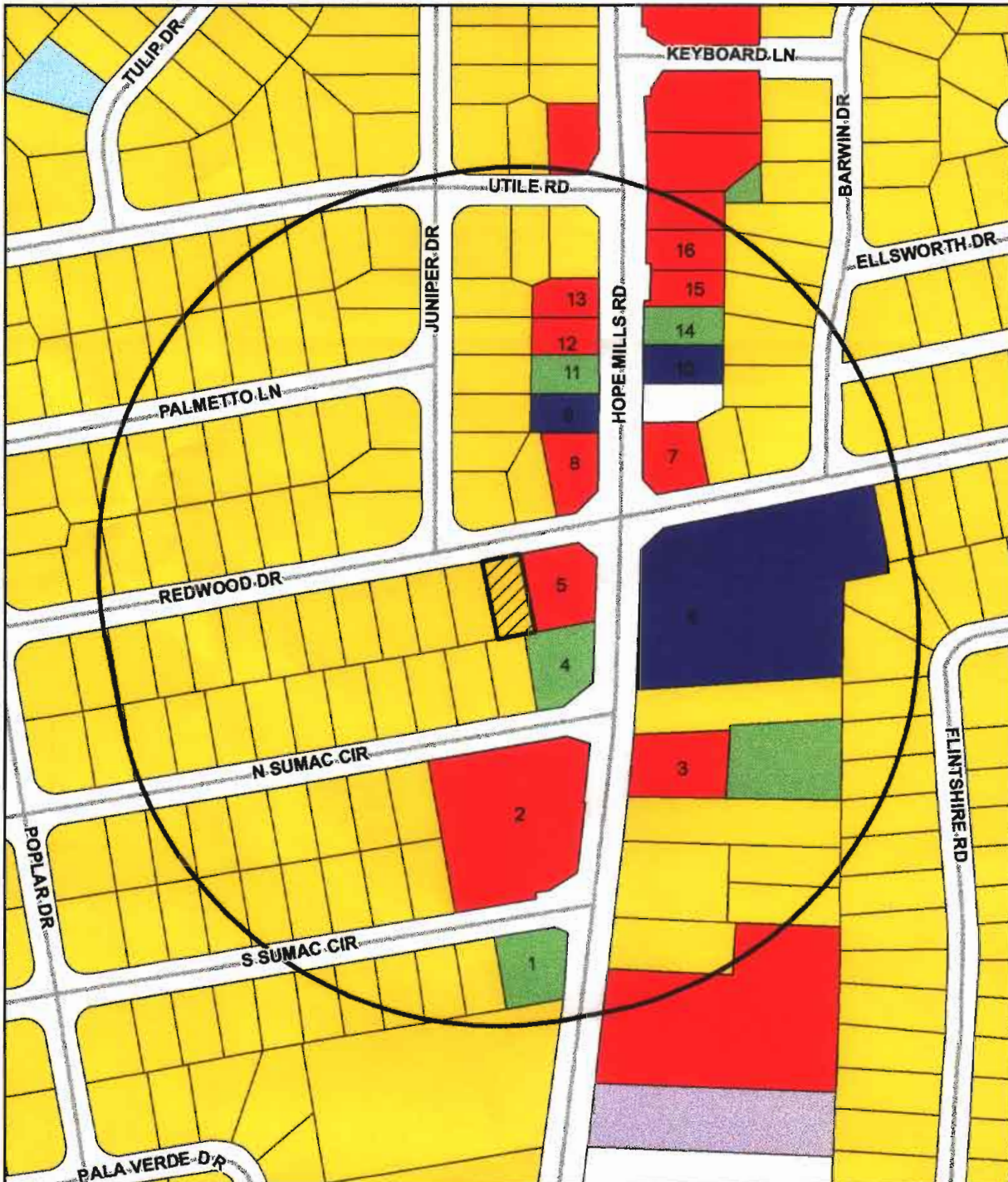
**Recommendation: \_\_\_\_\_**  
**Final Action: \_\_\_\_\_**

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

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# Current Land Use

P09-06F



## Legend

- |                     |                    |                      |                         |
|---------------------|--------------------|----------------------|-------------------------|
| 1. Harris Realty    | 5. Quality Sales   | 9. Lafayette Daycare | 13. Maid w/Care         |
| 2. gas station      | 6. Wellness Center | 10. Loving Hands     | 14. Mothers Home Care   |
| 3. Stork News       | 7. Hope Motors     | 11. office           | 15. Sewing Machine Shop |
| 4. Treatment Center | 8. Poodle Parlor   | 12. beauty salon     | 16. beauty shop         |



000084



**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
JANUARY 13, 2009- 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
Jeannie Nelson  
John Crawley  
Lockett Tally

**MEMBERS ABSENT**

**OTHERS PRESENT**

Karen Hilton, Asst. Planning Dir.  
Craig Harmon, Planner  
Marsha Bryant, Planner  
David Nash, Planner  
Janet Smith, Asst. City Atty.

**I. APPROVAL OF AGENDA**

Mr. West made a motion to approve the agenda. Mr. Tally seconded the motion.

A vote was taken and the motion passed unanimously.

**II. APPROVAL OF THE MINUTES FROM THE DECEMBER 9, 2008 MEETING**

Mr. West made a motion to approve the minutes. Mr. Crawley seconded the motion.

A vote was taken and the motion passed unanimously.

**III. PUBLIC HEARINGS**

F Case No. P09-06F. Consideration of an application by Columbus Nichols Thurmond for a Special Use Permit to allow a day care center in an R10 Residential District for property located at 5007 Redwood Drive. Containing .26 acres more or less and being the property of Columbus Nichols Thurmond.

Mr. Harmon stated the request is a special use permit for a daycare.

Mr. Paoni asked that all applicants who were going to speak come forward and be sworn in.

Mr. Paoni explained the purpose of a special use permit and instructed the committee that their mission is to listen to the testimony and ask questions.

Mr. Harmon addressed the committee explaining the request. He stated that most of the land use in the area reflects the zoning with some commercial, institutional and residential everywhere except Hope Mills Rd. He noted that next to this property is a commercially zoned property, which is a

car lot. Mr. Harmon used photographs with his explanation of the position of the property in relation with Redwood Drive, the house itself and its surrounding area.

Mr. Harmon asked if there were any questions, there were none.

The public hearing was opened.

Mr. Thurman appeared in favor of the request. Mr. Thurman explained that he would be the person insuring that all the staff would be in compliance with all state regulations while his daughter would be the one operating the facility. Mr. Thurman stated that nothing would be taken away from the neighborhood and that the daycare would be a positive addition to the area.

Mr. Thurman asked if there were any questions of the committee.

A question was asked if there was a site plan available. A hand drawn plan was located in the file.

Mr. West asked if Mr. Thurman were planning to run this as a 24 hour a day business. Mr. Thurman replied yes. Mr. West then asked Mr. Thurman to explain how a day care business would be run 24 hours a day. Mr. Thurman replied that it would be to accommodate people who worked night shift and that he may not start off running 24 hour shifts but that was his goal. Mr. Thurman then stated that he would also like to offer child care to patrons who needed over night child care. Mr. West asked Mr. Thurman if he would be using this as a type of baby-sitting service as well. Mr. Thurman replied that has long as they met the requirements. Mr. West asked Mr. Thurman about the staffing. Mr. Thurman replied that he would staff four to five employees and that he could cover a 24 hour facility with that number of employees. Mr. West asked about the employment training. Mr. Thurman explained that his daughter has her masters.

Mr. Thurman discussed the educational requirements, insuring that everything would be done by the book. Mr. West questioned weather the employees are currently trained and certified. Mr. Thurman replied that his daughter had been trained and certified but it is expired. Mr. West asked if it were a teaching certificate to teach school. Mr. Thurman said yes along with a variety of other day care centers. Mr. West questioned Mr. Thurman about the amount of children who would attend the daycare. Mr. Thurman replied that based off the information he received from Raleigh, he could in fact have thirty children in the facility if he had two bathrooms. Mr. Thurman stated that he has plans to install a second bathroom in the house.

Ms. Ewing was called but did not come forward.

Ms. Bryda appeared in opposition of the request. Ms. Bryda stated that she is here on behalf of her father-in-law, Michael Bryda, who lives on the property adjacent to the property under consideration and was unable to attend the meeting due to his health. Ms. Bryda stated that she would be reading a letter that her father-in-law wrote to James Teal, Director of the Planning Department for the City of Fayetteville. The letter is dated December 26, 2008. Ms. Bryda stated from the letter that Mr. Bryda feels that it would be a grave disruption for any business to be located at that location but a daycare center would be a great hardship for Mr. Bryda and his wife. The bedrooms of his home are located along the side adjacent to the property. Mr. Bryda would be concerned about the noise levels from the daycare. Mr. Bryda stated that Mr. Thurmond did not poll the neighbors in the area about any concerns they may have.

Ms. Bryda stated that she had no idea this was intended to be a 24 hour day care center. She stated that this would be a grave hardship for not only her father-in-law but for anyone else in the neighborhood. She stated that they do not want any encroachment into the neighborhood of anything with a commercial nature. She stated that thirty children would not fit in that house, in addition to the concerns of parking. She stated that while she commends Mr. Thurmond for wanting to open a day care center for autistic children, a residential neighborhood is not the best place for it. Ms. Bryda stated that in her experience she has seen how autistic children are prone to



tantrums and loud noise. Ms. Bryda stated that her father-in-law would not be able to continue to live in his home of forty-six years if a daycare is allowed next door.

Ms. Smith stated that while the committee may take into consideration that he is against the project, nothing in the letter could be taken into evidence because Mr. Bryda was not there to answer questions. She stated that his opposition is duly noted for the record.

Ms. Bryda asked if she could take questions on his behalf because she knows the property.

Mr. Paoni stated that they have noted Mr. Bryda's opposition.

Mr. McQueen appeared in opposition of the request. Mr. McQueen strongly disagreed with having a day care center on that property. Mr. McQueen used a drawing of the area to show how many homes were occupied by renters or where in fact vacant. He stated that most of the property around the site where renters and that the property owners of those homes would not be concerned about the proposed projects. He stated that it is not a good location.

Mr. McQueen read a letter on behalf of Ms. Wade. The letter stated that she is concerned for the additional traffic and increase of noise.

Mr. McQueen reiterated that it is his knowledge that Mr. Thurmond had not spoken with any of the fellow property owners in the area. He stated that he believed that Mr. Thurmond's plan has not been completely thought out.

Mr. McQueen asked the committee if there were any questions. There were none.

The public hearing was closed.

Mr. Harmon reminded the committee that the planning staff does not make recommendations for approval or denial of special use permits because the decision is based on sworn testimony given during the public hearing. He also reminded the committee that the letters read were in opposition but can not be taken into evidence due to the fact that the citizens who wrote the letters were not present at the hearing.

Mr. Harmon recited the charge of special use permits to the committee and the requirements needed. He stated that it was an available option, if the committee felt it necessary, that the applicant would have to return with additional required information. Mr. Harmon offered a list of possible stipulations.

Mr. Harmon asked if the committee had any questions.

Mr. Paoni asked about the square footage concerning the play area and the amount of children there at one time.

Mr. Harmon answered maybe, but that it was possible that there be 30 children there at one time by the way the applicant had applied for the permit.

Mr. Paoni asked for a motion from the committee.

Mr. Crowley made a motion to deny the request. Mr. West seconded the motion.

A vote was taken and the motion for denial passed unanimously.

The case will be heard by the City Council as a public hearing on Monday, February 23<sup>rd</sup>.

**IV. OTHER**

**V. ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:45 PM.

**CITY COUNCIL ACTION  
MEMO**

**To:** Rob Anderson, Chief Development Officer    
**From:** Jimmy Teal, Planning Director   
**Date:** March 23, 2009  
**Case No.** P09-02F

**THE QUESTION:** Consider changing an R6\Conditional Zoning site plan from 192 condominium units to 192 apartment units. All conditions of the site plan remain with the exception of changing the proposed units from condominiums to apartments.

**RELATIONSHIP TO STRATEGIC PLAN:** Strong Local Economy

**BACKGROUND:**

Owner:	South East Development of Cumberland, LLC
Applicant:	Chris Manning
Council District:	District 3 – Massey
Requested Action:	Change the condition from 192 condominium units to 192 multi-family units allowing condominiums or apartments
Existing Zoning	R6\Conditional Zoning
Status of Property:	Conforming
Size:	+/- 28.2 acres
Existing Land Use:	Vacant
Adjoining Land Use & Zoning:	North – Vacant & zoned R10 residential South – Houses & zoned R6 residential East – Radio Tower & zoned R10 West – Church & zoned R10
2010 Land Use Plan:	Low density residential
Letters Mailed:	118

000089

**SPECIAL INFORMATION:**

This property was zoned from R10 to R6\Conditional Zoning on July 23, 2007. The site plan with conditions was approved as part of the rezoning. The applicant is asking to amend the original request to allow apartments and condominiums rather than only condominiums as originally approved.

**Public Utilities:**

Water: PWC  
Sanitary Sewer: PWC

**Transportation:**

Rosehill Road is a minor thoroughfare. The estimated average daily traffic volume at this location on Rosehill Road is 10,000.

**OPTIONS:**

1. Change the condition from solely 192 condominium units to 192 multi-family units allowing either condominium or apartment units;
2. Deny the request and limit the multifamily units to condominiums only.

**RECOMMENDATIONS:**

Zoning Commission and planning staff recommend option 1, the approval of changing the site plan to allow condominium or apartments units. This recommendation is based on the stipulation that the prior approved conditions remain in effect. The site plan, layout and the buildings will be built as proposed with the exception that they could be used as apartments or condominiums as opposed to condominiums only. The conditions approved with the rezoning in July 2007 are listed.

1. The density is restricted to 61 single family units and 192 multifamily units;
2. The property is within the watershed and the applicant must comply with all watershed regulations. The maximum impervious area allowed for the development is 70%. The submitted plans calls for 39% of impervious area;
3. The vehicular access for the property is only by Country Club Drive with street improvements required by North Carolina Department of Transportation prior to obtaining building permits for the property;
4. The current R6 zoning limits the height of the buildings to 35 feet;
5. A buffer shall be placed where the property abuts Rosehill Road.

Case No.: P09-02F  
Location: Rosehill Road

City Council at the February 23<sup>rd</sup> meeting voted to hold a public hearing on this item. In addition, the City Council requested the following information:

1. Statistics for crime in apartments, condominiums and single-family residences;
2. Whether the drainage plan falls under the old or new storm water ordinance;
3. Overview of development comparable in size within the city;
4. How residents feel about the project;
5. Review of the ingress and egress of the project to Country Club Drive.

The Police Department statistics suggest that large apartment and condominium complexes attract crime or are targets for crime rather than the residents perpetrating the crime. The attached maps from other condominium and apartment complexes illustrate that the majority of crime from these complexes is primarily motor vehicle break-ins.

The proper management of a condominium or apartment complex contributes to reduced crime. This will vary among condominium and apartment complexes throughout the city.

The applicant's property is located in the watershed area requiring storm water facilities to limit the storm water runoff. The first phase of the project containing 18 single-family homes and 5 multifamily buildings containing a total of 60 units had their storm water drainage plan approved prior to the adoption of the storm water ordinance. The remaining portion of the proposed development, 43 single-family houses and 11 multifamily buildings containing 132 units must meet the new storm water ordinance guidelines.

There are several large condominium and apartment complexes throughout the city. Although condominiums are individually owned, they can be used as rental property. The rental rate for Stewart's Creek Condominiums is 28% while the rental rate for Barton's Landing is 42%.

The city's breakdown for all types of housing units is 56% owner occupied and 44% renter occupied.

The applicant held a neighborhood meeting on Thursday, January 8<sup>th</sup> at 6:00 PM at City Hall. Three residents from the area attended the meeting to discuss the case. The Zoning Commission held a public hearing on Tuesday, January 13<sup>th</sup> at 7:00 PM at City Hall. Two speakers spoke in opposition while the applicant spoke in favor. Letters were mailed to all property owners within 750 feet from the boundary of the property inviting them to the City Council public hearing on Monday, March 23<sup>rd</sup>.

A large site plan is attached showing the only access point to the development is off of Country Club Drive. There is an area of professional offices just off of Country Club Drive, then townhomes and single-family homes and then the multi-family units.

**ATTACHMENTS:**

000091

Case No.: P09-02F  
Location: Rosehill Road

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1. Vicinity Map
2. Zoning Map
3. Current Land Use Map
4. Zoning Commission Minutes from January 2009 Case
5. Zoning Commission Minutes from Previous Case
6. Site Plans
7. Application
8. Crime Incident Maps

000092

APPLICATION FOR CONDITIONAL ZONING  
CITY OF FAYETTEVILLE

P09-02 F

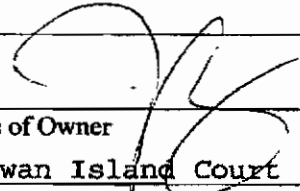
To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

Ref. P07-41F

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to grant Conditional Zoning. In support of this application, the following facts are shown:

Location/Address of the Property: Country Club Dr. @ Green Valley Rd. Zip       
Owner of the Property: South East Development of Cumberland, LLC  
Owner's Home Phone: 910-527-2007 Owner's Work Phone: 910-527-2007

- A. Section and provision of the Zoning Ordinance from which the Conditional Zoning is requested: Change the current CZ allowing "condominiums" such that it allows "multifamily" giving the flexibility to build apartments
- B. The property sought for Conditional Zoning is owned by South East Development as evidenced by deed, recorded in Deed Book 7356, Page 820, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in Registry.)
- C. Tax Property Identification Number(s) (PIN#): 0439-30-2525 a portion of
- D. Acreage requested for Conditional Zoning: 28.2
- E. It is requested that the property be rezoned:  
From: R5ACZ R6/C2 To: R5ACZ R6/C2 amended
- F. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail to include hours of operation, screening, number of residential units or square footage of nonresidential uses, access points, phasing if applicable, parking and circulation pattern. )  
The use remains the same as the initial application:  
253 residential units

 Chris Manning

Signature of Owner  
428 Swan Island Court  
Address  
Fayetteville NC 28311  
City State Zip Code  
Home Phone: 910-527-2007  
Work Phone: 910-527-2007

(for additional application forms: [www.cityoffayetteville.org](http://www.cityoffayetteville.org) then visit the Planning Dept. page)

4 D Site Solutions, Inc.  
Chris Rusey  
409 Chicago Dr. Suite 112  
28306 000093

## Green Valley South LLC

December 16, 2008

Dear Property Owner:

Green Valley South, LLC has recently applied to the City of Fayetteville for a change of condition from 192 condominium units to 192 multi-family units for property located off of Rosehill Road behind Haymount Presbyterian Church.

You may recall this property, 28.2 acres, was rezoned from R10 residential district to R6 residential district\conditional zoning in July 2007 by the Fayetteville City Council. The action taken by City Council in July 2007 limits the number of residential units to a total of 253 with 61 single-family units and 192 condominium units. The conditions associated with the plan restricted access to Country Club Drive, provided aeration for the water detention ponds and required a buffer for the area where the property abuts Rosehill Road.

The reason for the request is to allow flexibility in developing the property for multi-family units. The current condition restricts the multifamily development to condominium units only. **The only way to amend the condition to allow either condominium units or apartment units is to go back through the conditional zoning process with the City. The number of units, the number of buildings, the street network and the open space all remain as approved under the original site plan.**

The conditional zoning process provides for an informal meeting of the neighborhood to discuss the project. The neighborhood meeting will take place on Thursday, January 8, 2009 at 6:00 PM in the Cape Fear Conference Room of City Hall at 433 Hay Street. Following this meeting, the process continues with a public hearing by the Fayetteville Zoning Commission on January 13, 2009 at 7:00 PM at City Hall. The Planning Department will send you a letter regarding that meeting.

If you have any questions, please feel free to call me at 910 527 2007

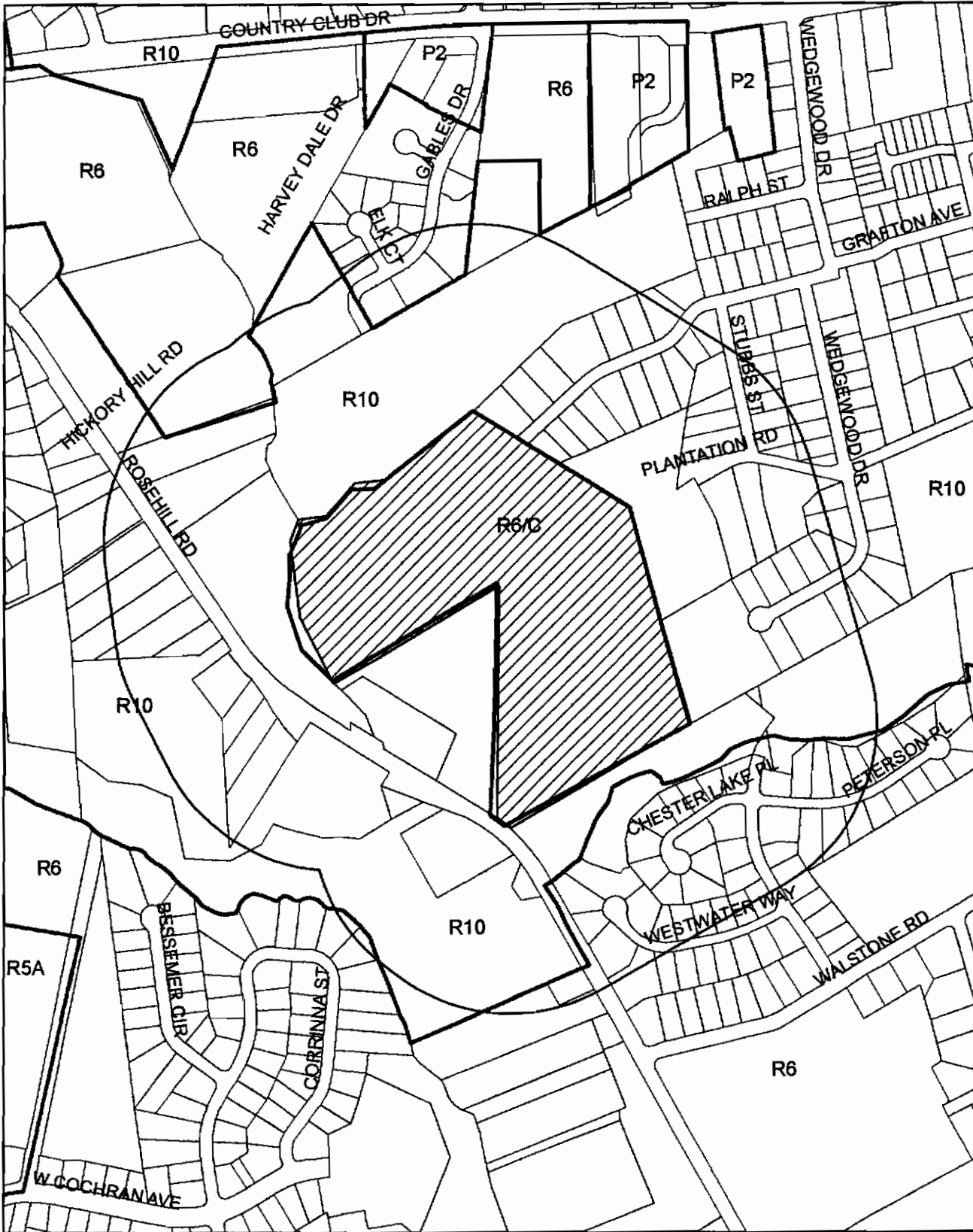
Sincerely,

  
Chris Manning

000094



**ZONING COMMISSION  
CASE NO. P09-02F**



**Request: Amend R6/CZ**  
**Location: Rosehill Road**  
**Acreage: 28.2**

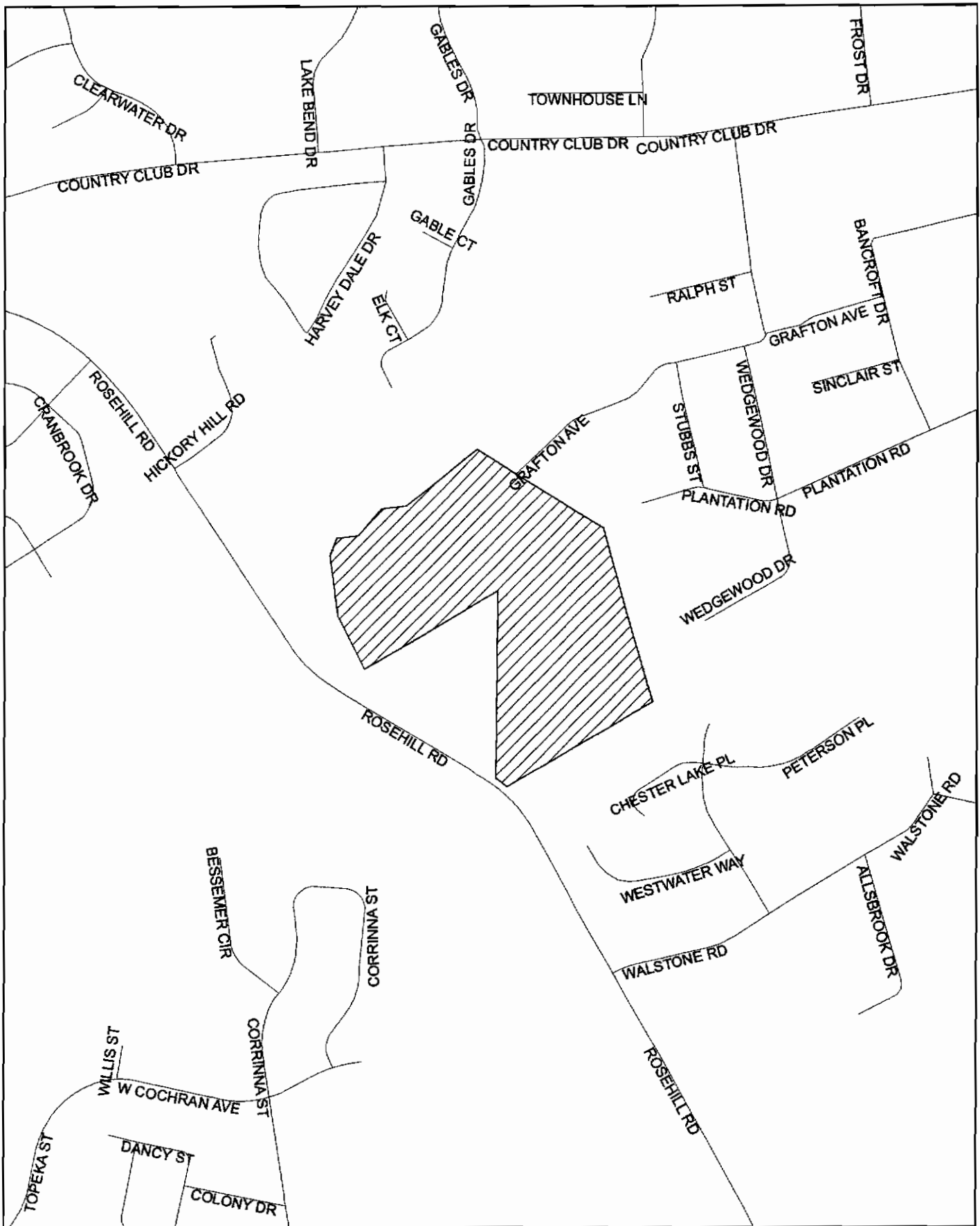
**Zoning Commission: 1/13/2009**  
**City Council: \_\_\_\_\_**  
**Pin: a portion of 0439-30-2525**

**Recommendation: \_\_\_\_\_**  
**Final Action: \_\_\_\_\_**

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

# Zoning Commission - Vicinity Map

Case No. P09-02F

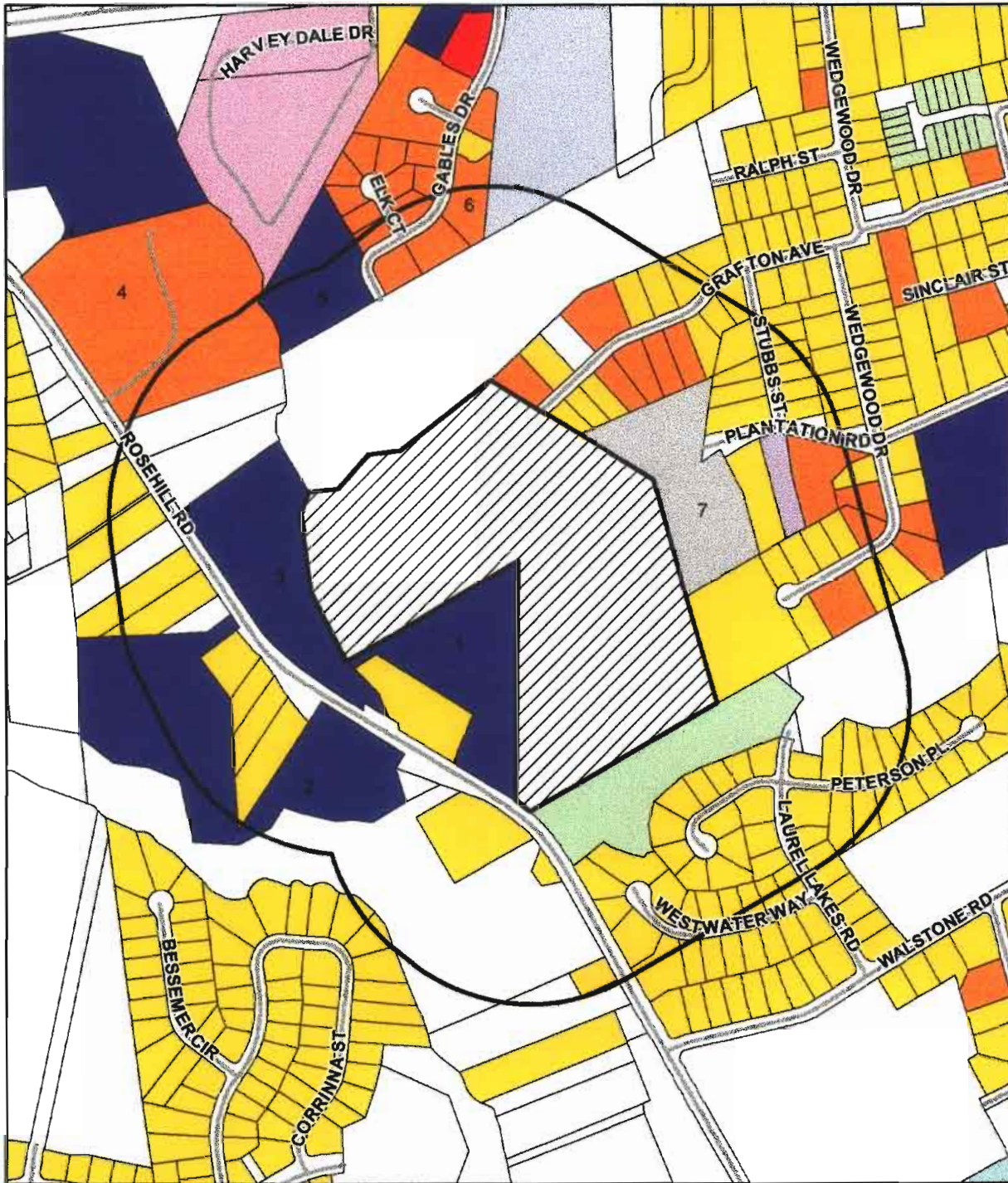


Request: Amend R6/CZ  
Location: Rosehill Road  
Pin: a portion of 0439-30-2525

000096











# Current Land Use

P09-02F



- Legend**
- |                                 |                            |                           |
|---------------------------------|----------------------------|---------------------------|
| 1. Haymount Presbyterian Church | 5. Elks Lodge              | Single-Family Residential |
| 2. Hood Memorial Church         | 6. Green Valley Apartments | Multi-Family Residential  |
| 3. Abney Chapel Church          | 7. Tower                   |                           |
| 4. Hickory Hill Apartments      |                            |                           |

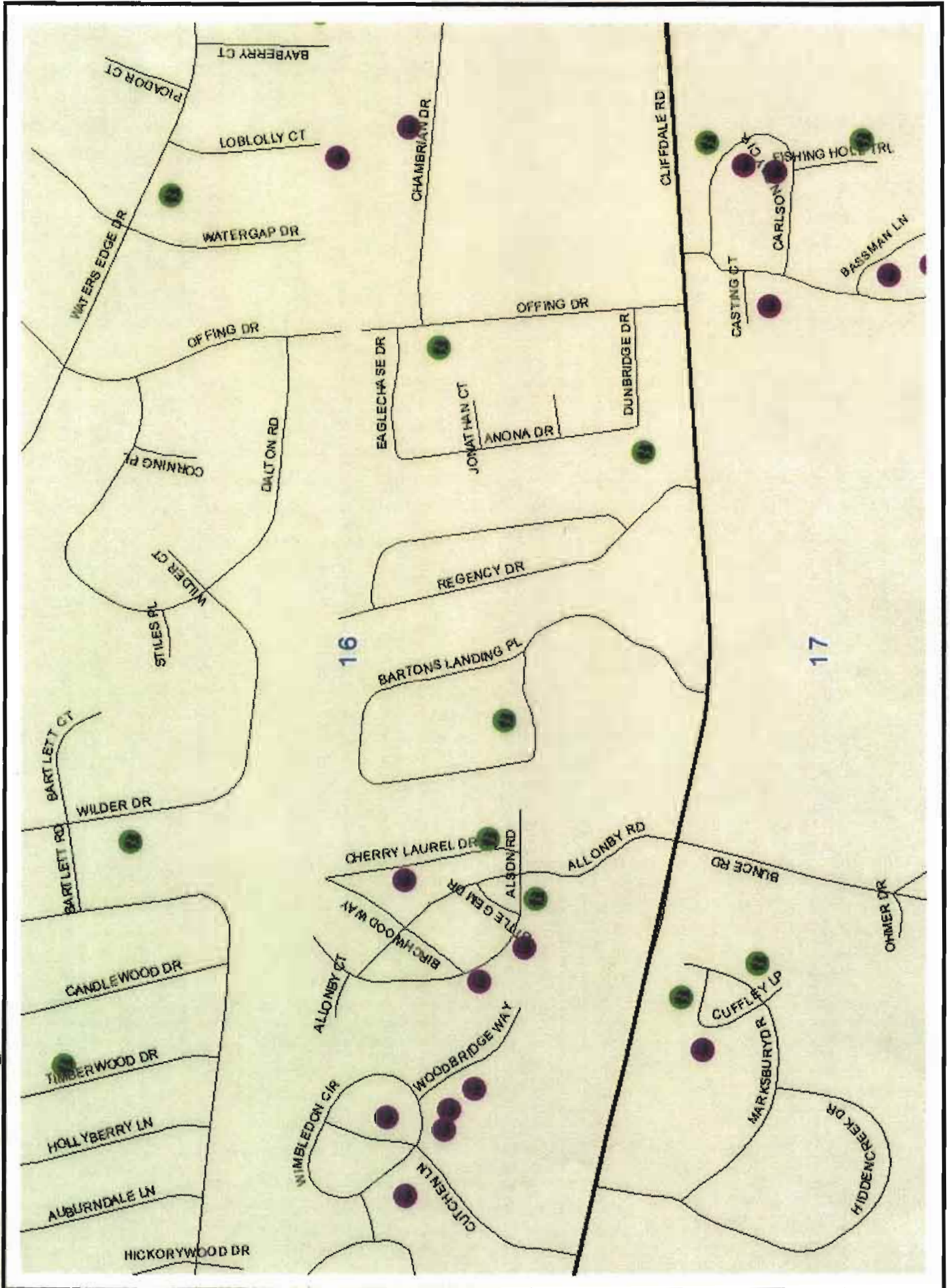


Feature Crimes Legend	
	Robbery - Active Case
	Robbery - Cleared Case
	Residential B&E - Active Case
	Residential B&E - Cleared Case
	Business B&E - Active Case
	Business B&E - Cleared Case
	Motor Vehicle B&E - Active Case
	Motor Vehicle B&E - Cleared Case
	Motor Vehicle Theft - Active Case
	Motor Vehicle Theft - Cleared Case

Data Timeframe  
 January 1, 2009 – March 9, 2009

000098

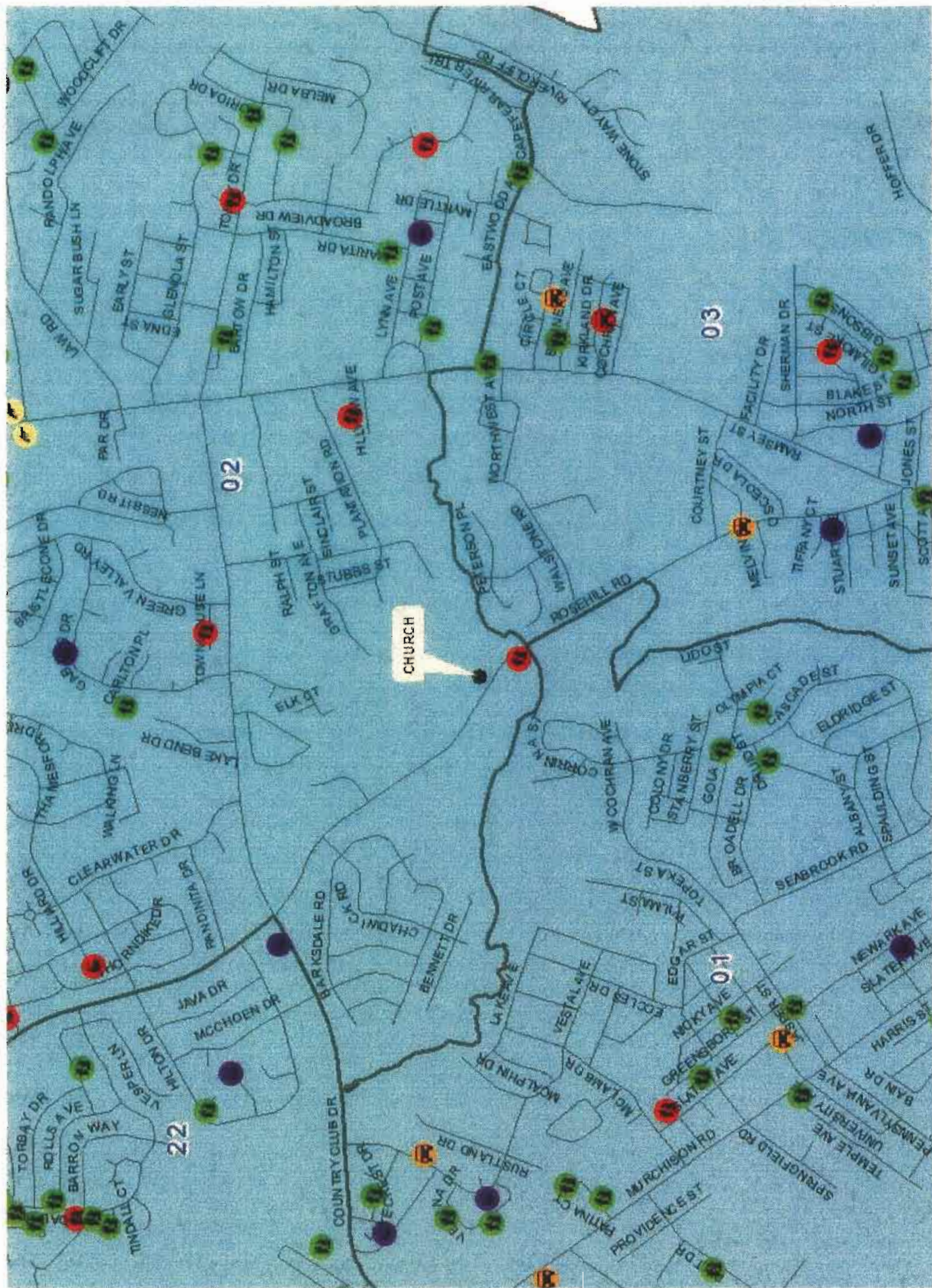
Barton's Landing







Incidents Around Haymount Presbyterian Church 1/1/2009 to 3/9/2009







**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
JANUARY 13, 2009- 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
Jeannie Nelson  
John Crawley  
Lockett Tally

**MEMBERS ABSENT**

**OTHERS PRESENT**

Karen Hilton, Asst. Planning Dir.  
Craig Harmon, Planner  
Marsha Bryant, Planner  
David Nash, Planner  
Janet Smith, Asst. City Atty.

**I. APPROVAL OF AGENDA**

Mr. West made a motion to approve the agenda. Mr. Tally seconded the motion.

A vote was taken and the motion passed unanimously.

**II. APPROVAL OF THE MINUTES FROM THE DECEMBER 9, 2008 MEETING**

Mr. West made a motion to approve the minutes. Mr. Crawley seconded the motion.

A vote was taken and the motion passed unanimously.

**III. PUBLIC HEARINGS**

- B. Case No. P09-02F.** Consideration of an application by Chris Manning to amend a previously approved R6 Residential District/Conditional Zoning to allow the flexibility of the multi-family residential to be condominiums and/or apartments for an area located on Rosehill Road at the end of Grafton Avenue. Containing 28.2 acres more or less and being the property of Green Valley South, LLC.

Ms. Bryant provided a brief overview of the request, which is an amendment to an existing conditional zoning. The overview included a zoning map, surrounding land uses, the 2010 land use plan's recommendation of low density residential uses, pictures and a site plan. She stated that the conditional zoning was approved in 2007 to allow 192 condominium units. The applicant would like to amend the condition zoning to allow the flexibility of constructing condos or apartment units.

The public hearing was opened.

Mr. West asked what was the difference between apartments and condominiums? Ms. Bryant stated that both must have sprinkler systems, the firewall specifications are more strict with condos, and apartments must have handicap units and accessibility.

Mr. Chris Manning, owner/developer, stated that he would like to amend the conditional zoning so that he will have the flexibility of constructing apartment buildings vs. condo buildings in order to meet the demands of the market. Mr. Manning also stated the financial market has undergone a huge change since 2007 and the financing of condominiums is extremely difficult.

Mr. Robert Williams, resident on Rosehill Road spoke in opposition. Mr. Williams stated when the rezoning was approved in 2007 they were hoping a development would be designed to compliment the neighborhood rather than degrade or depreciate the neighborhood. Their concern did not begin within the past two years with the Green Valley South proposal but was expressed in and about 1979 and 1980 with the development of Hickory Hill Apartments understanding that Rosehill Gardens and Melvin Place were sizeable complexes that had been developed years earlier. Because of the disproportionate number of apartments that had been developed on the segment of Rosehill Road between Ramsey Street and Country Club Drive, citizens requested and a previous City Council committed not to approve any more multi-family housing on this segment.

In 2007 developers requested the property the question be rezoned, after numerous meetings and discussions the citizens of this community reluctantly conceded to the proposed conditional zoning that was approved. They felt if there were any protection to be afforded to the residents the conditions would protect them. The conditions were made because they felt condominiums were more exemplary of homeownership than apartments. Some were surprised to learn the developers want to renege on the compromise and eliminate the conditional zoning.

They respectfully request the Commission adhere to the conditional R6 zoning approved by the City Council in July 2007.

Mr. Parker appeared in opposition. After the neighborhood meeting Mr. Manning stated some of the reasons he desired to change the plan. He has resided on Rosehill Road for 42 years and has seen many changes in zoning; none of the outsiders every seemed to be satisfied. Mr. Parker is of the opinion this meeting should be based on what has been requested, what is existing and if change is really necessary. He spoke of the existing zoning and what the developer may construct noting that it has been approved and development may begin at any day without further action from the Zoning Commission or the Council. In the neighborhood meeting they were informed that Mr. Manning was seeking the option of building apartment units rather than condominium units.

In his closing, Mr. Parker felt the condominiums should be built so they would have a nice neighborhood.

In rebuttal Mr. Manning stated the community they are building has many distinct properties. The property does abut Rosehill Road but just for a few hundred feet and they do not connect nor is there an entrance on Rosehill Road, the entrance is on Country Club Drive. At the beginning of the project there are seven (7) professional office buildings, the next phase would be ninety (90) townhouses and then the single family section where they planned 58 although they are allowed to do 61 and the back portion has 192 multifamily units.

The use of the units will not change; if an apartment is built or a condo and he could lease every unit because it does not have to be sold and has nothing to do with ownership. There are condo buildings all over that may have twelve (12) units with twelve (12) different owners or twelve (12) units with one owner owning all the units; it has to do with the legal paperwork and how the attorney draws out the spaces on the deeds of the property. There might be a few firewall changes and a few of those were mentioned by Ms. Bryant.

Mr. Manning stated the change has to do with feedback he received from lending institutions and, once again, it has nothing to do with ownership of the property.

Mr. Paoni asked if the single-family would be constructed in the project. Mr. Manning replied yes. The conditional use was done on twenty-eight (28) acres but approximately half of that is laid out for single-family homes and that will not be altered; this request has to do with approximately fourteen (14) acres in the rear. The townhomes in the front of the community and the single family remain the same with all of the conditions. Multiple meetings were held with the community approximately one and a half years ago and both sides were presented; he shared what he desired to do and the community told him their issues. Each issue was discussed, resolved and placed the restrictions in the deed in the conditional zoning at that time and he is not attempting to change those except the word "condo" to "multi-family" so it could be apartments or condos, this does not change the use of the property or any of the conditions that he agreed he would fulfill with the community.

Mr. Paoni asked about ingress and egress. Mr. Manning replied it remains the same, one way in and out, which was approved by DOT, on Country Club Drive. He is also required to install a traffic light on Country Club Drive, beside the nursing home at the corner of Green Valley and Country Club Drives; none of that will change.

The public hearing was closed.

Ms. Bryant stated the planning staff recommends approval of changing the site plan to allow condominium or apartments units. This recommendation is based on the prior approved conditions will remain in effect. The site plan and layout will remain in effect and the buildings will be built as proposed with the exception that they could be used as apartments or condominiums as opposed to condominiums only. The conditions approved with the rezoning in July 2007 are listed:

1. The density is restricted to 61 single family units and 192 multifamily units;
2. The property is within the watershed and the applicant must comply with all watershed regulations. The maximum impervious area allowed for the development is 70%. The submitted plans calls for 39% of impervious area;
3. The vehicular access for the property is only by Country Club Drive with street improvements required by North Carolina Department of Transportation prior to obtaining building permits for the property;
4. The current R6 zoning limits the height of the buildings to 35 feet;
5. A buffer shall be placed where the property abuts Rosehill Road.

The project also went through site plan review and one condition was the addition of a 6-foot solid fence and a 12-foot wide landscape buffer where the project abuts single-family residential structures. There are conditions of approval in addition to the conditional zoning they would have to obtain site plan, draining plans, driveway permits, and all things pertaining to development.

The public hearing was closed.

Mr. West made a motion to follow staff recommendation. Mr. Crawley seconded the motion.

A vote was taken and the motion passed unanimously.



**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
JUNE 12, 2007 - 7:00 P.M.**

**MEMBERS PRESENT**

Beverly Brayboy  
Jack Cox  
Billy Manning  
Culous Hayes  
John Crawley

**MEMBERS ABSENT**

**OTHERS PRESENT**

Jimmy Teal, Planning Director  
Kyle Garner, Planner  
Marsha Bryant, Planner  
Amanda Briggs, Asst. City Atty.  
David Steinmetz, Code Enf. Off.

The meeting was called to order at 7pm.

Mr. Cox explained the Zoning Commission process. Each side has 15 minutes to speak and after the public hearing is closed the Commission members will render a recommendation to be forwarded to City Council. If any party is aggrieved by the decision they may file an appeal with the City Clerk within ten (10) of today's meeting. The deadline to file an appeal is by the close of business on June 22, 2007.

**I. APPROVAL OF THE AGENDA**

Mr. Manning made a motion to approve the agenda. Ms. Brayboy seconded the motion.

A vote was taken and the motion passed unanimously.

**II. APPROVAL OF THE MINUTES OF THE MAY 8, 2007 MEETING**

Ms. Brayboy made a motion to approve the minutes. Mr. Crawley seconded the motion.

A vote was taken and the motion passed unanimously.

**III. PUBLIC HEARINGS**

**B. Case No. P07-41F.** The rezoning from R10 Residential to R5A Residential District/Conditional Zoning to allow a 253 unit development on property located on Rosehill Road. Containing 28.2 acres more or less and being the property of Green Valley South, LLC.

Mr. Teal stated this case was heard last year when the request was to rezone from R10 Residential District to R6 Residential District and the City Council denied the request and suggested to the applicant to consider Conditional Zoning. He has done so and has returned with that request.

The overview included a vicinity map, surrounding land uses, the 2010 land use plan's recommendation for low-density residential uses and pictures of the vacant site.

Mr. Teal said he had spoken with the applicant, Mr. Manning, regarding matters concerning this case and when he comes before the Commission members he would like to amend his request, which adds more restrictions. With conditional zoning if the applicant voluntarily submits or requests restrictions they could be considered by the Commission; if he was asking for less restrictions that would require another public hearing. Any conditions that are suggested by the applicant could be considered by the Zoning Commission and any conditions suggested by the Commission have to be voluntarily approved by the applicant.

Ms. Brayboy asked how long the conditional zoning stayed in effect or was there a time frame. Mr. Teal said, assuming City Council approved the request; it runs with the land forever. If he wanted another rezoning he would have to return to the Commission after one year.

The public hearing was opened.

Mr. Manning, the developer, appeared in favor. They have held two neighborhood meetings to try and alleviate their concerns about the project and the change in zoning. Jointly they have arrived at conditions, which he would like to voluntarily impose on the property. The conditions are as follows:

- They desire to change the zoning request to R6 with conditional zoning
- No more than 253 units
- Pond on site, with aerators, to handle and treat the storm water
- There would be no connection to Rosehill Road
- A plant buffer would be installed between the project and Rosehill Road

Mr. Cox asked for a description of the buffer. Mr. Manning explained where the property adjoins Rosehill Road; the back of the garages could be seen from Rosehill Road. He would like to install Leland or holly bushes that would block that view.

Ms. Brayboy asked, when considering this type of foliage, what is the height of the proposed buildings. Mr. Manning replied the walls would be 10-feet in height and the roof would be approximately an additional 5-feet because they are single garages with a gable roof; a total 14 to 16 feet in height. He envisioned planting 6 to 8-foot plant material, mature in nature, and within a year it would be to the height of the building.

Mr. Williams appeared in favor. He stated he had no opposition to Mr. Manning's presentation. There was one additional item they requested is for the conditions are made part of the deed to the parcels of land in the development, if possible. So that if the property is sold or transferred the conditions would not be lost. Mr. Teal said it was unsure if that could be done but on conditional zoning whatever is approved is what has to occur on the property. They could not return and do all multi-family housing or choose not to do the buffer or have an entrance off of Rosehill Road. Only the conditions approved by the Zoning Commission and City Council could be done.

Ms. Briggs supported Mr. Teal's statement adding just as any other zoning could not be part of someone's deed but if the residents are concerned about enforcement that would be handled through the Inspections Department and the Zoning Enforcement Officers.

Ms. Brayboy asked the allowable units for R5A versus R6, which was requested by the applicant. Mr. Teal said it does not affect the number of units because R5A allows 391 and R6 allows from 280 to 290 units. In Mr. Manning's request he is asking for 253; 192 condominiums and 61 single-family homes. Therefore if this is approved the most he could build is 253. The other significant change is in R5A there is no building height restriction but in R6 the building height is 35-feet.

Being no one signed up to speak in opposition, the public hearing was closed.

Mr. Teal stated staff recommended approval of R6 Residential District/Conditional Zoning. The R6 zoning provides the height restriction of no building greater than 35 feet that staff felt was needed. Mr. Teal mentioned the other conditions as outlined by Mr. Manning to be included in the Zoning Commission's action if the action is for approval. Mr. Teal stated two communities meetings were held when only one meeting was required and they were able to work out the terms with the neighborhood.

Mr. Crawley made a motion to accept staff's recommendation to rezone the property to R6/Conditional zoning with conditions and restrictions as noted previously.

Mr. Manning seconded the motion.

A vote was taken and the motion passed unanimously.

Mr. Teal explained any aggrieved party has ten days from today to file an appeal with the City Clerk's Office; the deadline would be 5pm on Friday, June 22, 2007. The appeal would forward this case to the City Council to be heard as a public hearing item on July 23, 2007. If no appeal were filed it would move forward as a consent item, which is not a public hearing, on the same date. Any questions, please contact the Planning Department for further assistance.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Dale Iman, City Manager  
**Date:** March 23, 2009  
**Re:** Defense and Security Technology Accelerator (DSTA) Presentation

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**THE QUESTION:** This presentation is for information purposes only.

**RELATIONSHIP TO STRATEGIC PLAN:** Goal 1 – Greater Tax Base Diversity – Strong Local Economy.

**BACKGROUND:** Mr. Scott Perry, General Manager will present information about the Partnership for Defense Innovation (PDI) and two programs DSTA and the SOF wireless lab. These projects represent collaboration between the City and the Chamber of Commerce toward creating technology jobs and growth for our community.

**THE ISSUE:**  
For information only.

**OPTIONS:**  
N/A

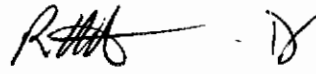
**RECOMMENDATIONS:**  
For information only.

000109

ITEM 4.

# CITY COUNCIL ACTION MEMO

**To:** Rob Anderson, Chief Development Officer  
**From:** Jimmy Teal, Planning Director  
**Date:** March 23, 2009  
**Case No.** P09-08F



**THE QUESTION:** R10 Residential District to R5 Residential District

**RELATIONSHIP TO STRATEGIC PLAN:** Growth and Development

**BACKGROUND:**

Owner:	M. J. Weeks, Sr.
Applicant:	Mayon J. Weeks, Jr.
Council District:	District 5 - Hurst
Requested Action:	Rezone from R10 to R5
Existing Zoning	R10 District
Status of Property:	5946 Cliffdale Road (Occupied)
Size:	+/- 2 Acres
Existing Land Use:	Multi-Family (11 units)
Adjoining Land Use & Zoning:	North – R10 Residential South – C1P East – C1P West – R10 Residential
2010 Land Use Plan:	Low Density Residential
Letters Mailed:	52

**SPECIAL INFORMATION:** No rezoning cases in this area since 2005. The current R10 residential zoning allows 11 units while R6 residential zoning allows 18 units.

**Public Utilities:**  
Water: PWC  
Sanitary Sewer: PWC

**Transportation:**  
Cliffdale Road is a major thoroughfare. The average daily traffic count on Cliffdale Road at this location is 36,000 vehicles.

- OPTIONS:**
1. Rezone the property to R6 Residential District as recommended by the Zoning Commission & staff;
  2. Set a public hearing to consider other options.

000110

ITEM 5



**RECOMMENDATIONS:**

Zoning Commission & planning staff recommend approval for R6 Residential:

1. Although the 2010 Land Use Plan recommends low density residential uses for this property, it is staff's opinion that medium density is more appropriate;
2. This property is bordered by low density residential on one side and commercial on the other. Staff believes that this property should be left as a transition property to buffer between the commercial and low density residential;
3. Building height will be restricted with an R6 district;

**ATTACHMENTS:**

1. Application for Rezoning
2. Vicinity Map
3. Zoning Map
4. Current Land Use Map
5. Zoning Commission Minutes

**APPLICATION FOR REZONING  
CITY OF FAYETTEVILLE**

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to amend the Zoning Ordinance and to change the Zoning Map of the City of Fayetteville as hereinafter requested, and in support of this application, the following facts are shown:

Location/Address of the Property: 5946 CLIFFDALE ROAD  
Owner of the Property: MAYNOR J. WEEKS & WIFE DOROTHY  
Address of the Owner: 1704-A RAEFORD RD., FAYETTEVILLE Zip 28305  
Owner's Home Phone: 910-484-9571 Owner's Work Phone: NA

A. The property sought for Rezoning is owned by MAYNOR J. WEEKS & WIFE DOROTHY as evidenced by deed, recorded in Deed Book 2998, Page 829/830, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

B. It is desired and requested that the foregoing property be rezoned:  
From: R-10 To: R-5 ZERO LOT LINE

Please describe the proposed use of the property requested for rezoning: MULTI-FAMILY RESIDENTIAL RENTAL - REMOVAL OF SINGLE FAMILY HOUSE FACING CLIFFDALE RD. AND BUILDING NEW RENTAL UNITS.

C. Tax Property Identification Number (PIN#) of the property: 0407-76-9817.

D. Acreage to be rezoned: APPROXIMATELY 2 ACRES

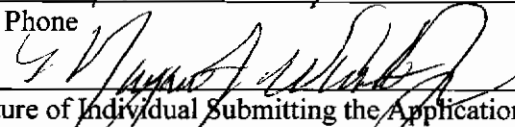
E. To the best of your knowledge, has an application for rezoning been filed for this property within the previous 5 years? (If yes, please indicate month and year of application.)  
NO

F. Existing use of the property (Specify any structures and respective uses): NOW - 1 SINGLE FAMILY RENTAL HOUSE FACING CLIFFDALE RD., PLUS 5 DUPLEX STYLE BUILDINGS CONTAINING 10 RENTAL UNITS.

G. Existing and/or proposed water service (Specify if Community System): PWC

H. Existing and/or proposed sewer service (Specify if Community System): PWC

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. It is further understood by the undersigned that the singling out of a small parcel(s) of land for exceptional zoning would likely constitute illegal "spot zoning" and in such cases a rezoning request and a public hearing are superfluous. Therefore, it is the responsibility of the applicant to submit a valid request not incompatible with existing neighborhood zoning patterns. The responsibility of securing additional properties to be included in the request lies with the undersigned.

MAYON J. WEEKS & WIFE DOROTHY  
Print or Type Name of Owner  
1704-A RAEFORD RD, FAYETTEVILLE, NC 28305  
Address of Owner  
910-484-19571 NA  
Home Phone Work Phone  
MAYON J. WEEKS, JR.  
Print or Type Name of Applicant  
501 EDINBURGH DR, FAYETTEVILLE, NC 28303  
Address of Applicant  
910-485-1447 910-813-1101/cell  
Home Phone Work Phone  
  
Signature of Individual Submitting the Application

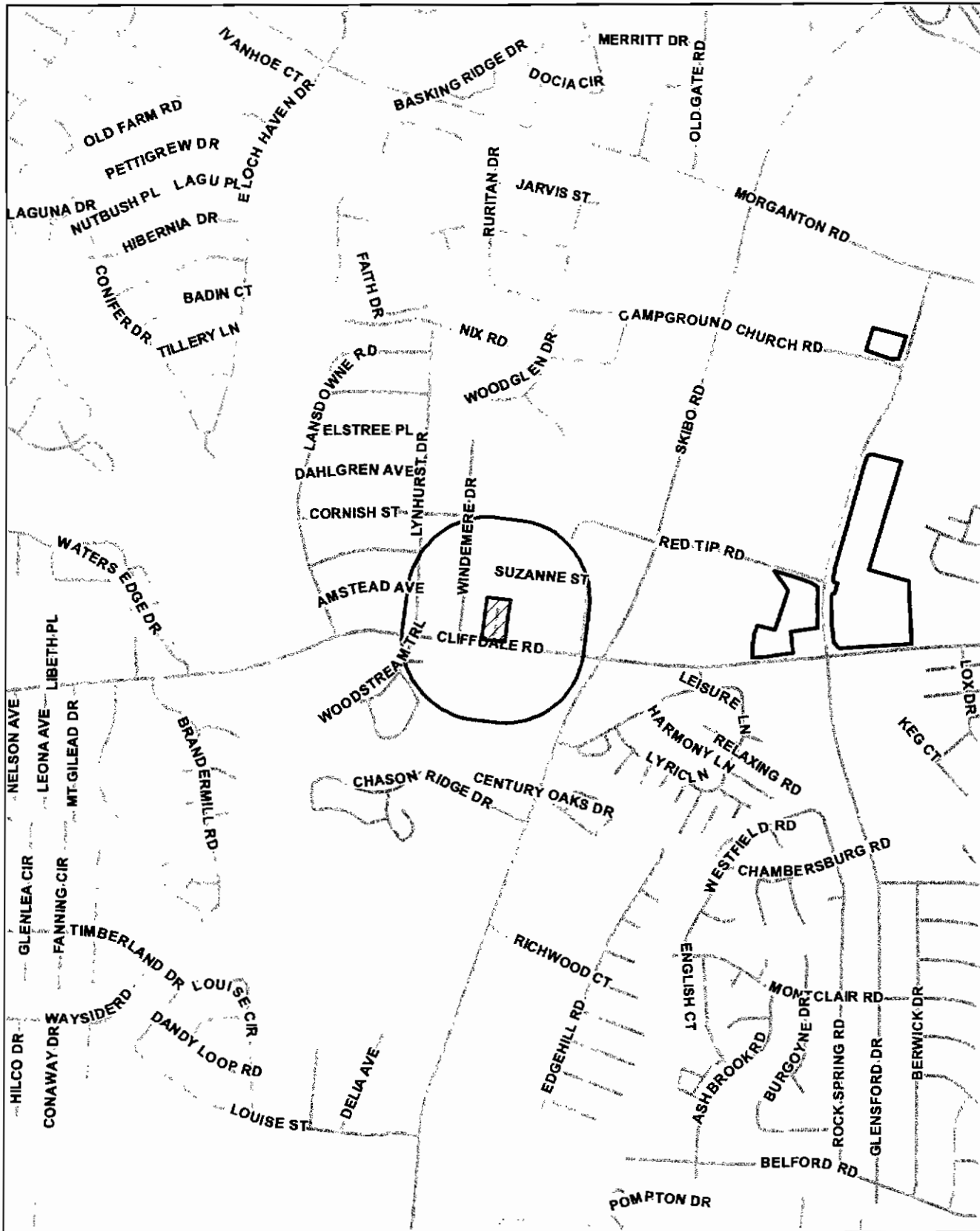
**City of Fayetteville Appeals Procedure:** Any person aggrieved by the recommendation of the Zoning Commission shall have the right to appeal the action of the Zoning Commission in writing to the Clerk of the City of Fayetteville within ten (10) calendar days of the action of the Zoning Commission. If an appeal is timely filed, then the City Council shall hold a public hearing on the case.

If the Zoning Commission's recommendation is to rezone the property, and no appeal is filed, then the City Council shall have the right to adopt the rezoning without further public hearing. If the Zoning Commission's recommendation is to deny the rezoning, and no appeal is filed, then the request will not be forwarded to City Council. There is a 1-year waiting period before any further rezoning request can be filed for this property.

(for additional application forms: [www.cityoffayetteville.org](http://www.cityoffayetteville.org) then visit the Planning Dept. page)

# Zoning Commission - Vicinity Map

Case No. P09-08F



Request: R10 to R5  
Location: 5946 Cliffdale Rd. - Between Windemere Dr. & Suzanne St.  
Pin: 0407-76-9817-



000114

**ZONING COMMISSION  
CASE NO. P09-08F**



**Request:** R10 to R5  
**Location:** 5946 Cliffdale Rd.  
**Acreage:** 2+/-

**Zoning Commission:** 2/10/2009  
**City Council:** \_\_\_\_\_  
**Pin:** 0407-76-9817-

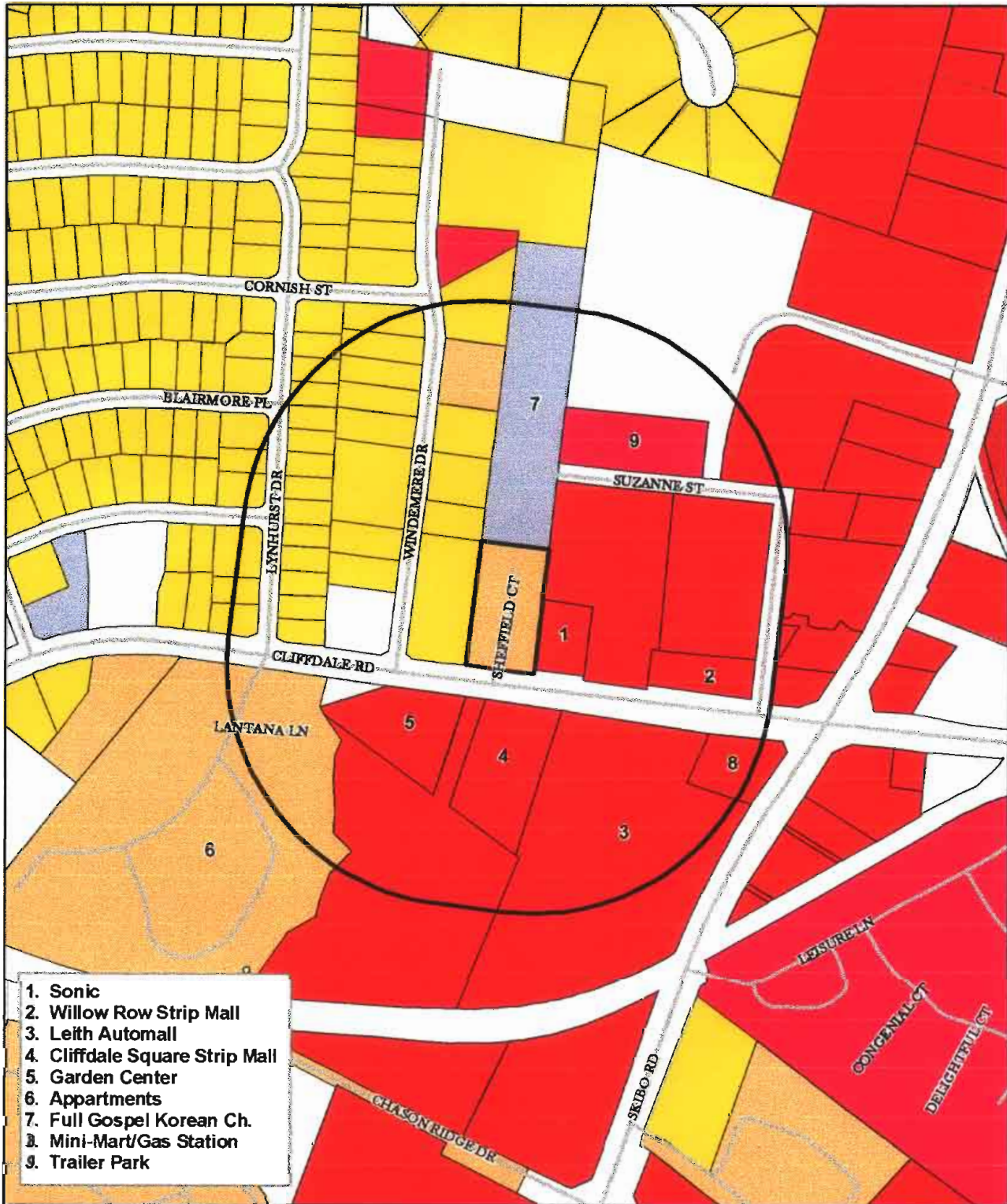
**Recommendation:** \_\_\_\_\_  
**Final Action:** \_\_\_\_\_



Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

# Current Land Use

## P09-08F



- 1. Sonic
- 2. Willow Row Strip Mall
- 3. Leith Automall
- 4. Cliffdale Square Strip Mall
- 5. Garden Center
- 6. Apartments
- 7. Full Gospel Korean Ch.
- 8. Mini-Mart/Gas Station
- 9. Trailer Park

**Legend**

land use	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN



**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
FEBRUARY 10, 2009- 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
John Crawley  
Lockett Tally

**MEMBERS ABSENT**

Jeannie Nelson

**OTHERS PRESENT**

Karen Hilton, Asst. Planning Dir.  
Craig Harmon, Planner  
Marsha Bryant, Planner  
David Nash, Planner  
Janet Smith, Asst. City Atty.  
David Steinmetz, Inspections  
Jimmy Teal, Planning Director

**I. APPROVAL OF AGENDA**

Mr. West made a motion to approve the agenda. Mr. Crawley seconded the motion. A vote was taken and the motion passed unanimously.

**II. APPROVAL OF THE MINUTES FROM THE JANUARY 13, 2009 MEETING**

Mr. Crawley made a motion to approve the minutes. Mr. Tally seconded the motion. A vote was taken and the motion passed unanimously.

**III. PUBLIC HEARINGS**

- A. Case No. P09-07F.** The rezoning from R10 Residential District to P4 Neighborhood Professional District or to a more restrictive zoning classification for property located at 2026 Hope Mills Road. Containing 0.28 acres more or less and being the property of J & E Pest Enterprises.

Mr. Harmon provided a brief overview of the request including maps, pictures, surrounding land uses, and the 2010 land use plan's recommendation of low dense residential area. Mr. Harmon stated that 121 letters were mailed out to surrounding property owners in the surrounding 750 foot buffer area. Mr. Harmon used the Hope Mills Road land use plan stating that the property falls within the area suggested for office and institutional use. He stated there was no flood plane flood hazard and that water and sewer were not an issue for the property.

Mr. Harmon asked if there were any questions of staff. There were none.

The public hearing was opened.

Mr. Thomas appeared in favor of the request. He stated that he was present to answer questions if there were any. There were none.

Mr. Paoni stated that there was no one in opposition.

The public hearing was closed.

Mr. Harmon stated that the planning staff recommended approval for P4 Professional District in this case. He stated that the Hope Mills Road land use plans recommended office and institutional for the property. He stated that many of the homes in the area have already been converted over to various types of office uses. Mr. Harmon stated that the R10 zoning was not compatible with changing zoning that is going on in the area.

Mr. Crawley asked what the property zoning on either side of the subject property was.

Mr. Harmon stated that both properties directly on either side of the subject property were residential. He stated that property that one property removed from the subject property was commercial on both sides.

The Commission member asked for clarity, asking that the subject property was between two residential properties. Mr. Harmon replied yes.

Mr. Paoni asked in matter of consistency, asked about the varying zoning on Hope Mills Road. He asked if there were any disadvantages of having a P4 zoning in the area.

Mr. Harmon stated that the only difference in the zoning classifications are that P4 requires that it maintain some look of a residential structure whereas with P2 they could actually build an office type structure.

Mr. Teal stated that the applicant did speak with the Inspections Department who suggested P4 due to the type of business and the fact that it would be required to have a site plan with the Planning Commission which would allow for some control with the property and still meet the applicant's needs.

Mr. Crawley asked if a buffer would be required for the P4 zoning.

Mr. Harmon replied yes. He stated that there is a commercial landscape buffer that has to go in between commercial and residential properties which would be included in the review of the site plan for that property.

Mr. Crawley asked if the site plan is to be completed after the property is rezoned. Mr. Harmon replied yes.

Mr. Crawley stated that there would be no way of knowing what would be included in regard to the buffering on site plan as of tonight.

Mr. Harmon stated that the plan is required to meet the minimum standard for the buffer.

Mr. Teal added that it ten feet from the property line can not be used as a parking lot or storage area. He stated that the area must remain natural.

Mr. Crawley asked if any plant material where required.

Mr. Teal replied that in reference to trees and plants, those things would be included in the applicant's site plan.

A Commission member asked Mr. Steinmetz to clarify.



Mr. Steinmetz stated that a privacy fence and landscaping would be along the area where any residential is abutting the property.

Ms. Smith clarified the requirements for rezoning stating that the Commission is to look at the zoning and any thing that is applicable to the area as opposed to specifically a site plan.

The Commission member agreed.

Mr. Paoni asked if there were any more questions for Mr. Harmon. There were none.

Mr. Crawley made the motion to approve P4. Mr. Talley seconded the motion. A vote was taken and the motion passed unanimously.

Mr. Teal stated that this request would go to the City Council on March 23, 2009 and he gave a brief explanation as to what could possibly occur next.

# CITY COUNCIL ACTION MEMO

**To:** Rob Anderson, Chief Development Officer    
**From:** Jimmy Teal, Planning Director   
**Date:** March 23, 2009  
**Re:** Sidewalk Within Fayetteville's Municipal Influence Area

**THE QUESTION:** Consider a request from the Cumberland County Planning Board regarding a sidewalk waiver submitted by Gilbert Smith Family LLC for a sidewalk on River Road within Fayetteville's Municipal Influence Area.

**RELATIONSHIP TO STRATEGIC PLAN:** Growth & Development

**BACKGROUND:**

The Fayetteville City Council and the Cumberland County Board of Commissioners approved an agreement establishing a municipal influence area in the unincorporated land surrounding the city. The agreement provides for development standards within the MIA to be constructed to the same standards as used within the city limits of Fayetteville. I have attached the adopted MIA Agreement.

**ISSUES:**

The Gilbert Smith Family LLC intends to build a subdivision at the corner of River Road and Sweetie Road. While Sweetie Road is a dirt street not requiring a sidewalk, River Road is a paved road requiring installation of a sidewalk a total of 546 linear feet to coincide with the length of the property.

The property owner has requested the Cumberland County Joint Planning Board to waive the sidewalk requirement. Before acting on the request, the Planning Board is requesting a recommendation from the Fayetteville City Council.

The County does not have a payment-in-lieu of mechanism like the City. The choice for the County Planning Board is to grant or deny the waiver.

**OPTIONS:**

1. Recommend denial of the sidewalk waiver;
2. Recommend approval of the sidewalk waiver.

**RECOMMENDATION:**

Option 1 – Recommend denial of the sidewalk waiver.

000120

ITEM 61

**STATE OF NORTH CAROLINA**

**INTERLOCAL AGREEMENT**

**COUNTY OF CUMBERLAND**

THIS INTERLOCAL AGREEMENT, made and entered into on the 9th day of June, 2008, by and between the CITY OF FAYETTEVILLE, a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter "CITY"), and the COUNTY OF CUMBERLAND, a North Carolina body politic, organized and existing under the laws of the State of North Carolina (hereinafter "COUNTY"). (Collectively, the City and the County are the "Parties.")

**WITNESSETH:**

WHEREAS, the CITY and the COUNTY desire to enter into an agreement providing for a Municipal Influence Area (hereinafter "MIA") pursuant to the COUNTY's Zoning and Subdivision Ordinances, a Sewer Service Area Policy, and a Joint Planning Commission; and

WHEREAS, the governing bodies of the COUNTY and the CITY have by resolution duly approved and recorded this Interlocal Agreement (hereinafter the "Agreement") in their respective minutes.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits resulting from the Agreement, the Parties agree as follows:

**AGREEMENT**

This Agreement consists of this Interlocal Agreement, and Exhibit 1 delineating an MIA for the CITY and-delineating a Sewer Service Area.

**Municipal Influence Area Established**

The COUNTY Board of Commissioners approves, establishes, and designates an MIA for the CITY as shown in Exhibit 1. The CITY and the COUNTY shall review the CITY's MIA boundary every five (5) years and agree on its adjustment as appropriate. The first such review shall occur, after review and comment by the Municipal/County Planning Commission, by April 20, 2013 to take effect as of July 1, 2013.

The CITY's minimum standards of design (but not zoning) as addressed in Exhibit 1 to Section 3.20.2 of the County Subdivision Ordinance shall apply within the CITY's MIA, provided that the more stringent public street design standard, whether per the City Code or North Carolina DOT standards, shall apply.

The CITY shall create and adopt zoning districts substantially in conformance with the COUNTY's Mixed Use and Density Development Conditional Use Districts. On collector streets

in Density Development Conditional Use Districts within the CITY's MIA sidewalks shall be required only on one side of those collector streets.

For those zoning, subdivision, design, and/or development standards not addressed in this Agreement, the COUNTY standards, ordinances, small area plans and comprehensive plan shall be followed.

### **Sewer Service Area**

1. The Sewer Service Area delineated in Exhibit 1 (or as expanded pursuant to the provisions of this Agreement) sets forth an area within which the parties contemplate that developments should be served by sanitary sewer. An annexation petition shall not be required for extension of sanitary sewer in this area.

2. No sewer should be provided or programmed outside the Sewer Service Area except sewer may be provided outside of the Sewer Service Area for areas served by a regional lift station if approved for installation as follows:

(a) The CITY Planning Board and the COUNTY's Joint Planning Board, meeting either separately or together as the Municipal/County Planning Commission provided for below, shall each review a request for expansion of the Sewer Service Area to be served by PWC. Each board by a separate vote, and PWC, shall then make a recommendation to the COUNTY's Board of Commissioners. The COUNTY's Board of Commissioners shall approve or disapprove that request. If approved with sewer service to be provided by PWC, the area to be served by the regional lift station would then become part of the Sewer Service Area. Whether or not to provide sewer service shall be within the discretion of PWC according to its usual and customary policies and procedures.

(b) The COUNTY's Joint Planning Board shall review a request for expansion of the Sewer Service Area to be served by a sewer service provider other than PWC. The COUNTY's Joint Planning Board and that sewer service provider shall then each make a recommendation to the COUNTY Board of Commissioners. The COUNTY Board of Commissioners shall approve or disapprove that request. If approved with sewer service to be provided by that sewer service provider, the area to be served by the regional lift station would then become part of the appropriate Sewer Service Area. Whether or not to provide sewer service shall be within the discretion of the sewer service provider according to its usual and customary policies and procedures.

(c) The foregoing procedure shall not be required for or apply to any request for sanitary sewer service outside of the Sewer Service Area for economic development projects receiving incentives from the COUNTY Board of Commissioners or the Fayetteville/Cumberland County Chamber of Commerce. Each sewer service provider shall review such requests in accordance with its customary policies and procedures.

3. Within the Sewer Service Area, the development standards set forth below shall apply. Zoning District references are to those districts as described in the COUNTY's Code of Ordinances ("County Code"), as applicable.

More specifically,

- a. Sewer Service. Sewer Service (hereinafter "Sewer") shall be required when density is greater than 2.2 units per acre. Sewer will not be required when density is 2.2 units per acre or less, provided, however, this Agreement shall not be deemed to, or applied to, downzone or decrease allowable densities of properties as zoned as of April 30, 2008.
- b. Water Service. Water Service (hereinafter "Water") shall be required when density is 2.2 units per acre or greater, provided, however, this Agreement shall not be deemed to, or applied to, downzone or decrease allowable densities of properties as zoned as of April 30, 2008.
- c. Sidewalks. Sidewalks shall be required on one side of collector streets and along both sides of all thoroughfares. A thoroughfare is a major street in the street system that serves as an avenue for the circulation of traffic into, out, or around the community and carries high volumes of traffic. A collector is a street whose principal function is to carry traffic between local streets and thoroughfares and that also may provide direct access to abutting properties. It serves or is designed to serve (at build out), directly or indirectly, at least 100 dwelling units.
- d. Public Streets. The more stringent standard public street design standard, whether per the City Code or North Carolina DOT standards, shall apply.
- e. If the CITY's MIA boundary is subsequently extended to include an area formerly in the Sewer Service Area, a project in that area which has been approved for development in phases in the Sewer Service Area but which is thereafter brought into the CITY's MIA any phase undeveloped as of the date it is brought into the CITY's MIA may nevertheless be completed under COUNTY standards, regulations and ordinances if the developer obtains zoning permits for such phase and incurs substantial expenditures on reliance on that zoning permit within two years of the date the MIA boundary is extended to include that project.

#### **Municipal/County Planning Established**

1. The COUNTY and the CITY establish Municipal/County Planning for the purpose of addressing and making recommendations on inter-jurisdictional planning and related issues, examples of which may include, but are not limited to, transportation, air quality, parks, economic development (e.g., business park location siting), utility extensions, new school locations, military (e.g., housing, buffers, support areas), as well as small area plans that are in the MIA.

2. Municipal/County Planning shall be comprised of the City of Fayetteville Planning Commission and the Cumberland County Planning Board meeting in joint session. The City of Fayetteville Planning Commission and the Cumberland County Joint Planning Board shall meet quarterly, or more often as necessary or desirable to further the purposes of this Agreement, for Municipal/County Planning. The Chairperson from time to time of the City Planning Commission and of the Joint Planning Board shall alternate from year to year as Presiding Officer for Municipal/County Planning. The COUNTY and CITY planning staffs shall cooperate to provide staff and logistical support as appropriate for Municipal/County Planning.

#### Duration and Termination

1. This Agreement shall continue through December 31, 2030, except that either party may by resolution of its governing board terminate this Agreement on six months prior notice.

2. This Agreement may be amended by resolution of the City Council and COUNTY's Board of Commissioners.

IN WITNESS WHEREOF, the parties hereto have executed this Interlocal Agreement as of the date first above written.


#### COUNTY OF CUMBERLAND

By:   
J. BREEDEN BLACKWELL, Chairman

ATTEST:

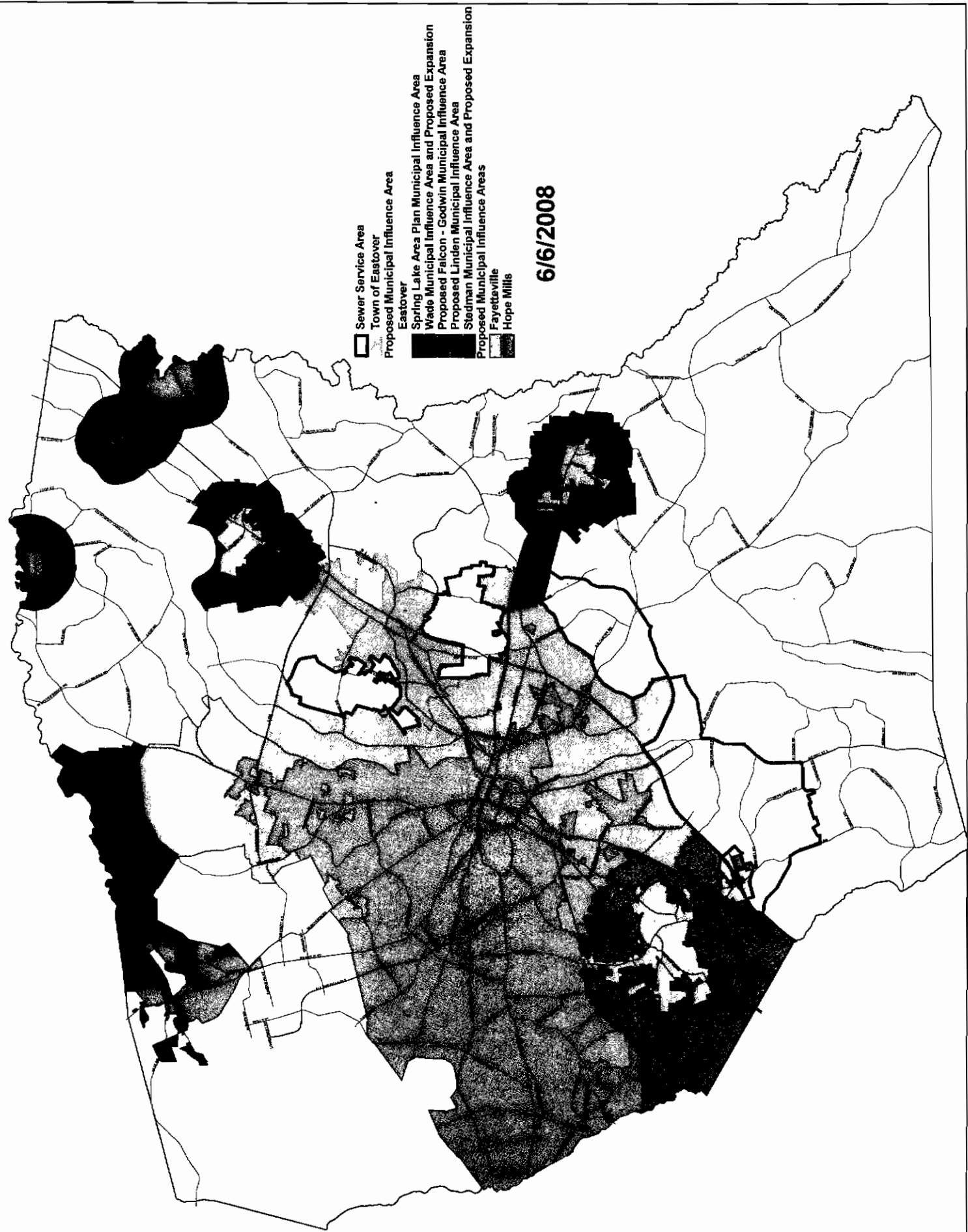
  
MARSHA FOGLE, Clerk to the Board

#### CITY OF FAYETTEVILLE

By:   
ANTHONY G. CHAVONNE, Mayor

ATTEST:

  
CANDICE H. WHITE, City Clerk



- Sewer Service Area
- Town of Eastover
- Proposed Municipal Influence Area
- Eastover
- Spring Lake Area Plan Municipal Influence Area
- Wade Municipal Influence Area and Proposed Expansion
- Proposed Falcon - Godwin Municipal Influence Area
- Proposed Linden Municipal Influence Area
- Stedman Municipal Influence Area and Proposed Expansion
- Proposed Municipal Influence Areas
- Fayetteville
- Hope Mills

6/6/2008

<b>SUBJECT</b> Sidewalk Construction and Maintenance	<b>Number</b> <b>160.2</b>	<b>Revised</b> 4-24-06	<b>Effective Date</b> 4-5-83	<b>Page 1 of 2</b>
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**CITY OF FAYETTEVILLE  
SIDEWALK POLICY**

GOAL:

The City of Fayetteville shall provide a planned and coordinated system of sidewalks as an essential service to facilitate the safe and convenient movement of pedestrians throughout and between all areas of the City.

PLAN ELEMENTS:

1. New development shall provide sidewalks as part of their overall development. This includes industrial, commercial, professional, institutional and residential development consisting of two or more units.
2. Street improvements may include the installation of sidewalks.
3. Sidewalks shall be constructed on at least one side of all major and minor thoroughfares, except limited access highways. Cul-de-sac streets shall include sidewalks on one side of the street if they are greater in length than 500 feet. Cul-de-sac bulbs do not require sidewalks. Sidewalks are not required on existing soil streets.
4. School sites shall serve as primary areas in which to construct sidewalks.
5. Sidewalks are not required on private streets.
6. Sidewalks shall be constructed abutting the curb unless it is impractical.

SIDEWALK FUNDING:

1. New developments shall pay 100 percent of the cost of the sidewalk.



<b>SUBJECT</b> Sidewalk Construction and Maintenance	<b>Number</b> <b>160.2</b>	<b>Revised</b> 4-24-06	<b>Effective Date</b> 4-5-83	<b>Page 2 of 2</b>
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2. City shall pay 100 percent of the cost of the sidewalk along major and minor thoroughfares unless the sidewalk construction is associated with new development.
3. Property owners within established residential neighborhoods may petition City Council for sidewalks. The procedure shall include:
  - A. A minimum distance of one city block.
  - B. 51 percent of the property owners who abut the right-of-way within the petition area.
  - C. City Council holds a public hearing to determine whether to construct the sidewalk and assess the property owners.
  - D. All right-of-way required for the sidewalk project shall be dedicated to the City at no cost.
  - E. The standard property owner's assessment rate is \$5.00 per linear foot.
4. A sidewalk waiver to pay in lieu of constructing the required sidewalk may be submitted to the Planning Commission for their consideration and recommendation to City Council for final action. Sidewalk waivers shall not be granted under the following circumstances:
  - A. The required sidewalk is listed on the City of Fayetteville's adopted sidewalk plan.
  - B. The sidewalk is part of a new subdivision.
5. All funds received from sidewalk waivers allowing payment in lieu of constructing the required sidewalk shall be used only for sidewalk related items, such as right-of-way, engineering and construction cost.

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

March 3, 2009

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

### **MEMORANDUM**

**TO:** Fayetteville City Council

**FROM:** Edward M. Byrne, Land Use Codes

**SUBJECT:** CASE NO. 08-177 WAIVER REQUEST FOR THE GILBERT SMITH FAMILY, LLC (SUBDIVISION REVIEW) FROM SECTION 2302.A "MUNICIPAL INFLUENCE AREA (MIA)" REGARDING SIDEWALK CONSTRUCTION, COUNTY SUBDIVISION ORDINANCE; ZONING: A1; TOTAL ACREAGE: 19.50+/-; LOCATION: NORTH SIDE OF SR 1724 (SWEETIE ROAD), EAST OF SR 1714 (RIVER ROAD). (FAYETTEVILLE MIA)

The Cumberland County Planning and Inspection Department is requesting a recommendation from the City Council to be relayed to the Cumberland County Joint Planning Board for a requested waiver. The developer is requesting approval of a waiver from the Municipal Influence Area (MIA) standards in regard to the requirement for sidewalk construction. Since this development is located within the City of Fayetteville MIA, the city development standards apply. The developer is requesting that they not be required to construct a sidewalk along the right-of-way of SR 1714 (River Road) – see Condition No 17 on the attached conditional approval. The lots along SR 1714 (River Road) have 545.98 feet of road frontage. The lots along SR 1724 (Sweetie Road) are not required to have a sidewalk installed since the state road is a dirt road and sidewalks are not required to be installed along dirt roads under city standards.

The recommendation from the Council will be included in the packet and presented to the Cumberland County Joint Planning Board for the Planning Board's final ruling on this request.

Attached you will find the wavier application, conditions of approval, subdivision sketch plan, and vicinity map. If you have any questions, please contact me at 910-678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us) or Patti Speicher at 910-678-7605, email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

cc: Gilbert Smith Family, LLC, Developer  
Mike Tate, Surveyor  
Jimmy Teal, City Planning  
Cecil Combs, Deputy Director  
Patti Speicher, Land Use Codes



Date Request Submitted: 2-25-09  
Planning Board Meeting Date: \_\_\_\_\_  
Received by: EMB

**Cumberland County Subdivision Ordinance**  
***Request for Waiver***

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Case No.: 08-177 Case Name: GILBERT SMITH FAMILY, LLC  
Related Ordinance Section Number(s): FAYETTEVILLE MUNICIPAL INFLUENCE ARE  
Summary of Request: ELIMINATE CONCRETE SIDEWALKS FROM SUB-DIVISION

---

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

***Section 6.1. Waivers***

*The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:*

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

*In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.*

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

SEE ATTACHMENT

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2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

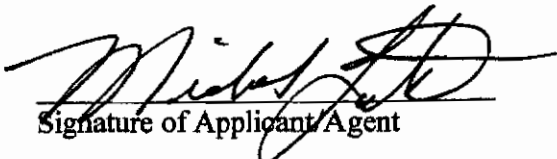
NOT INSTALL SIDEWALKS THAT THE STATE OR CITY WOULD HAVE TO REMOVE AND RE-INSTALL TO FIT FUTURE ROAD PROJECTS

3. The property owner would not be afforded a special privilege denied to others, because:

WE WOULD HOPE THAT OTHERS WOULD NOT BE REQUIRED TO INSTALL SIDEWALKS UNDER SIMILAR CIRCUMSTANCES.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

MICHAEL TATE, PLS  
Printed Name of Applicant/Agent

  
Signature of Applicant Agent

910-483-7387  
Daytime Phone Number

2-18-09  
Date Signed

Item #1

- A- Sub-division consists of large lots, 2.00 acre minimum.
- B- River Road is on the county thoroughfare plan with all of the proposed right-of-way not acquired. Since there is no project design nor elevations available, what grades or elevations could be used on a sidewalk placement?
- C- Estimated cost of 5 inch by 5 foot wide sidewalk is \$24.75 per linear foot.  
545.98 LF of frontage @ \$24.75 = \$13,513.00 Cost to Family

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



CUMBERLAND  
COUNTY



# COUNTY of CUMBERLAND

## Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Revised: 2-20-09

STAFF REVIEW: 02-02-09 PLANNING BOARD DECISION: N/A

CASE NO: 08-177 NAME OF DEVELOPMENT: GILBERT SMITH FAMILY, LLC. PROPERTY

MIA: FAYETTEVILLE ZERO LOT LINE SUBDIVISION REVIEW

LOCATION: ON THE NORTH SIDE OF SR 1724 (SWEETIE ROAD), ZONING: A1

EAST SIDE OF SR 1714 (RIVER ROAD). PIN: 0449-61-2806-

OWNERS / DEVELOPER: GILBERT SMITH FAMILY, LLC ENGINEER OR DESIGNER: MICHAEL TATE

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

**Watershed-Related:**

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

**Permit-Related:**

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note:

All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)

4. Connection to public water is required, the Eastover Sanitary District must approve water plans prior to application for any permits. A copy of the Eastover Sanitary District's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. All applicable provisions of Section 240I, "Group Developments", County Subdivision Ordinance, must be complied with.
11. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
13. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
14. Turn lanes may be required by the NC Department of Transportation (NCDOT).

**Plat-Related:**

15. The final plat must be labeled as a "Zero Lot Line" development or revised and re-submitted showing all lots to be a minimum of two acres outside of the right-of-way – see Condition No. 26 below.
16. Dedication of 10 feet of right-of-way and reservation of 10 feet of right-of way along SR 1714 (River Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans.. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
17. Prior to final plat approval a concrete sidewalk must be constructed along the right-of-way where SR 1714 (River Road) abuts the subject property.
18. Lot 4 and Lot 5 of this proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at [www.ncfloodmaps.com](http://www.ncfloodmaps.com). Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.

19. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$199.88 (\$49.97 per lot/4 lots) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District # 1)
20. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
21. A minimum 10-foot wide utility easement is required along the rear lot lines and must be reflected on the final plat.
22. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
23. The NC Department of Transportation (NCDOT) mostly likely will not allow a driveway for each individual lot. If the NCDOT requires joint driveways for these lots, the required joint driveways must be reflected on the final plat as required and approved by NCDOT.
24. A 10' x 70' sight distance easement is required at the intersection of SR 1724 (Sweetie Road) with SR 1714 (River Road) and must be reflected on the final plat.
25. A 25' right-of-way radius is required at the intersection of SR 1724 (Sweetie Road) with SR 1714 (River Road) and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance) (Note: Lot 1 must be changed to reflect the 25 foot radius with the acreage being adjusted.)
26. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
27. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
28. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
29. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

30. Since this development does not have public sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Discloser, County Subdivision Ordinance):

"The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."

**Advisories:**

31. The applicant is advised to consult an expert on wetlands before proceeding with any development.
32. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.



33. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of any of these lots.

**Other Relevant Conditions:**

34. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

Contact Information (Area Code is 910 unless otherwise stated):

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
County Health Department:	Danny Soles	433-3685
Eastover Sanitary District:	Morgan Johnson	323-3973
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer:	Rusty Thompson	433-1660
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

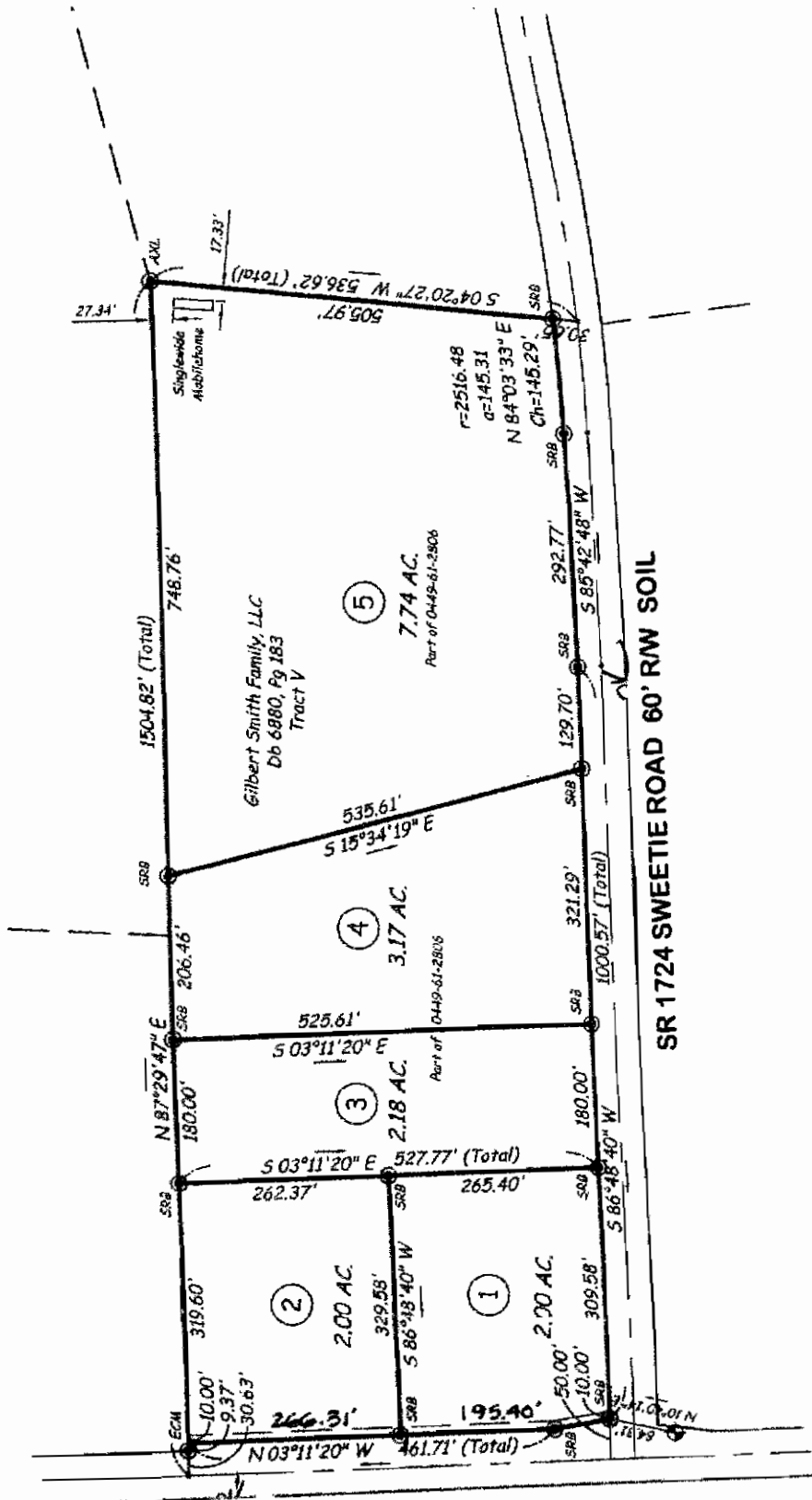
**OFFICIAL PRELIMINARY STAMP**  
CUMBERLAND COUNTY  
CASE NO: 08-177

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING & INSPECTION DEPARTMENT ON: 02-02-09

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW. THIS APPROVAL IS VALID UNTIL: 02-02-11

*Patricia S. Speicher*  
\_\_\_\_\_  
EMB  
SUPERVISOR, LAND USE CODES



SR 1774 RIVER ROAD R/W VARIES PAVED

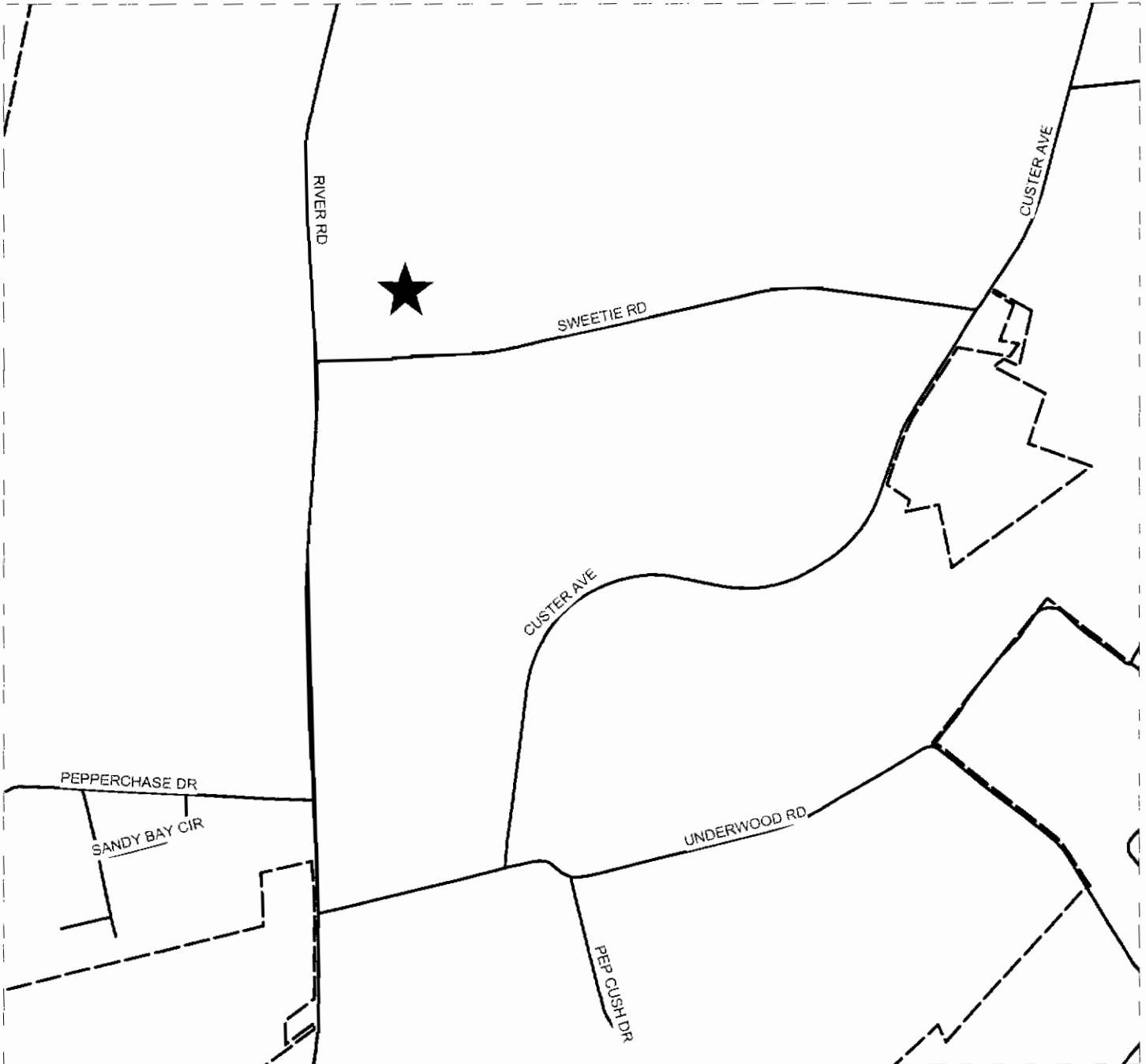
SR 1724 SWEETIE ROAD 60' RW SOIL

**GILBERT SMITH FAMILY, LLC**  
**SUBDIVISION REVIEW**  
**REQUEST: SIDEWALK REQUIREMENT WAIVER**  
**CASE: 08-177 ACREAGE: 19.50 AC +/-**  
**ZONED: A1 SCALE: NTS**

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

000136

**GILBERT SMITH FAMILY, LLC  
SUBDIVISION REVIEW  
CASE NO. 08 - 177**



PIN(S): 0449-61-2806-  
Prepared by ebm - CCJPB  
March 3, 2009

Map not to scale



**000137**



March 23, 2009

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Less Than \$100

The tax refunds listed below for less than \$100 were approved by the Cumberland County Special Board of Equalization for the month of February, 2009.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Bryant, Vera E.	5494188	2007	Corrected Assessment	32.05
New Life Pentacostal Holiness Trustees	2413034	2004-2007	Mapping Error	82.68
<b>TOTAL</b>				<b>\$114.91</b>





OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5<sup>th</sup> Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302  
Phone: 910-678-7507 • Fax: 910-678-7582 • [www.co.cumberland.nc.us](http://www.co.cumberland.nc.us)

MEMORANDUM

TO: Candice White, Fayetteville City Clerk  
FROM: Aaron Donaldson, Tax Administrator *AD*  
DATE: March 2, 2009  
RE: MONTHLY STATEMENT OF TAXES

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of February 2009. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have any questions regarding this report, please contact me at 678-7587.

AD/sn  
Attachments

*Celebrating Our Past...Embracing Our Future*

*EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE*

000139

**INFORMATION**



FAYETTEVILLE MACC LEDGER  
1998-2008

2008 ANNEX	2007 CC	2007 VEHICLE	2007 REVIT	2007 VEHICLE REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 ANNEX	2006 CC	2006 VEHICLE	2006 REVIT
0.00	42.75	6,180.56	0.00	0.00	755.00	18.82	0.00	0.00	384.64	0.00	314.63	0.00
17.22	531.60	3,704.77	0.00	0.00	500.00	25.12	9.36	0.00	812.16	566.86	161.13	0.00
0.00	281.53	2,363.58	0.00	0.00	335.00	12.00	0.00	0.00	657.11	0.00	183.28	0.00
8.63	340.19	2,333.20	0.00	0.00	325.00	68.01	13.03	0.00	1,072.44	(89.02)	45.37	0.00
0.00	2,979.65	5,551.53	0.00	12.92	658.66	102.22	191.72	0.00	603.67	484.48	275.56	0.00
0.00	216.61	3,543.95	0.00	0.00	575.99	0.00	0.00	0.00	497.22	0.00	219.57	0.00
0.00	832.42	2,895.74	0.00	0.00	350.00	30.88	37.76	0.00	387.52	29.09	418.96	0.00
0.00	20.82	2,286.02	0.00	0.00	310.00	38.32	0.00	0.00	437.36	9.24	83.37	0.00
6.17	435.12	2,678.50	0.00	0.00	410.00	36.00	24.00	0.00	443.84	454.20	(25.15)	0.00
0.00	213.14	7,254.40	0.00	0.00	841.86	12.00	0.00	0.00	583.04	40.02	347.84	0.00
0.00	155.34	2,038.58	0.00	0.00	333.37	0.00	0.00	0.00	454.02	24.78	167.41	0.00
0.00	60.60	2,685.34	0.00	0.00	370.00	24.00	0.00	0.00	93.81	0.00	81.07	0.00
9.77	302.31	2,697.15	0.00	0.00	330.00	0.00	0.00	0.00	333.93	150.49	169.44	0.00
0.00	257.01	2,634.92	0.00	0.00	325.00	0.00	0.00	0.00	285.93	326.80	28.67	0.00
0.00	125.55	3,252.20	0.00	0.00	430.00	3.32	0.00	0.00	114.89	0.00	188.57	0.00
0.00	785.99	3,093.98	2.47	0.00	385.28	19.28	24.00	0.00	348.97	270.22	186.12	0.81
0.00	384.88	1,704.83	0.00	0.00	270.00	48.00	96.00	0.00	194.28	180.88	(53.02)	0.00
85.51	332.95	1,628.95	0.00	0.00	300.00	12.00	0.00	0.00	700.51	0.00	64.29	0.00
6.19	182.77	3,425.02	0.00	0.00	517.59	17.04	0.00	0.00	295.27	17.39	339.83	0.00
27.10	126.92	4,795.99	0.56	0.00	595.00	11.10	14.64	0.00	2,078.92	25.18	240.89	0.00
160.59	8,608.15	66,749.21	3.03	12.92	8,917.75	478.11	410.51	0.00	10,779.53	2,490.61	3,437.83	0.81



**FAYETTEVILLE MACC LEDGER**  
**1998-2008**

FEBRUARY 2009

2006 VEHICLE REVIT	2006 FVT	2006 STORM WATER	2005 CC	2005 VEHICLE	2005 REVIT	2005 VEHICLE REVIT	2005 FVT	2005 STORM WATER	2004 CC & PRIOR	2004 VEHICLE & PRIOR	2004 REVIT & PRIOR	2004 VEHICLE REVIT & PRIOR	2004 FVT & PRIOR
0.00	85.00	0.00	9.70	82.30	0.00	0.00	30.00	0.00	0.00	117.78	0.00	0.00	35.00
0.00	24.72	44.05	237.69	190.76	0.00	0.00	35.00	32.29	153.56	169.25	0.00	0.00	25.00
0.00	35.00	12.00	0.00	28.49	0.00	0.00	5.00	0.00	40.31	103.58	0.00	0.00	25.00
0.00	8.19	34.56	0.00	61.12	0.00	0.00	5.00	24.00	0.00	50.02	0.00	0.00	20.00
0.00	50.00	0.00	0.00	288.04	0.00	0.00	45.00	0.00	0.00	347.88	0.00	0.00	75.00
0.00	70.00	0.00	125.08	54.11	0.00	0.00	15.00	0.00	19.88	242.65	0.00	0.00	35.00
0.00	80.00	12.00	91.71	269.72	0.00	0.00	35.00	12.00	10.14	227.08	0.00	0.00	99.24
0.00	15.00	0.00	0.00	29.62	0.00	0.00	15.00	0.00	58.47	85.21	0.00	0.00	21.29
0.00	5.00	12.00	4.84	0.00	0.00	0.00	0.00	12.00	30.51	71.45	0.00	0.00	30.00
0.00	55.00	0.00	74.48	41.84	0.00	0.00	5.00	0.00	48.52	123.61	0.00	0.00	22.16
0.00	25.00	4.98	380.95	45.65	0.00	0.00	5.00	0.00	2.37	27.61	0.00	0.00	16.18
0.00	33.37	12.00	0.00	75.26	0.00	0.00	5.00	24.00	0.00	11.13	0.00	0.00	5.00
0.00	40.00	0.00	9.82	74.11	0.00	0.00	20.00	0.00	9.82	189.99	0.00	0.00	30.00
0.00	20.00	0.00	151.86	3.94	0.00	0.00	5.00	0.00	4.13	122.52	0.00	0.00	20.00
0.00	40.00	0.00	0.83	18.22	0.00	0.00	10.00	0.00	0.00	123.50	0.00	0.00	23.35
0.00	30.00	0.00	144.41	111.87	0.00	0.00	20.00	0.00	82.48	222.85	0.00	0.00	30.00
0.00	10.00	0.00	0.00	67.72	0.00	0.00	25.00	0.00	40.70	153.17	0.00	0.00	45.00
0.00	25.00	0.00	0.00	2.20	0.00	0.00	10.00	12.00	10.71	231.09	0.00	0.00	46.72
0.00	95.00	0.00	62.67	402.80	0.00	0.00	85.00	0.00	73.61	1,295.54	0.00	0.00	257.12
0.00	40.00	0.00	25.18	48.14	0.00	0.00	20.00	0.00	518.94	182.89	0.00	0.00	40.00
0.00	786.28	131.59	1,319.22	1,895.91	0.00	0.00	395.00	116.29	1,104.15	4,098.80	0.00	0.00	901.06

FAYETTEVILLE MACC LEDGER  
1998-2008

2004 & PRIOR STORM WATER	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
0.00	4,189.17	153.15	121.30	161.32	19.27	87.46	204,906.93
0.00	3,266.19	6.35	104.68	92.45	21.63	119.67	104,684.18
0.00	1,585.64	(12.44)	40.60	39.55	18.28	60.26	50,333.04
0.00	2,417.26	6.54	94.16	93.90	38.92	115.58	104,940.88
0.00	3,378.68	3.68	80.09	115.88	16.61	94.01	102,448.46
7.47	3,889.65	2.80	140.52	218.29	24.62	198.58	154,706.95
0.00	2,832.03	0.00	71.90	89.03	10.61	84.49	89,632.89
0.00	1,973.98	0.35	80.08	85.70	12.03	86.45	85,687.24
36.00	2,197.93	0.00	48.49	117.18	41.93	116.95	83,424.37
0.00	3,099.22	5.52	75.01	114.28	31.72	110.15	103,173.39
0.00	1,498.47	0.00	29.61	46.24	20.24	39.32	48,959.06
0.00	2,968.26	1.78	142.68	174.31	2.58	139.98	129,946.46
0.00	1,922.40	0.83	90.68	120.61	23.83	89.78	80,118.33
0.00	1,646.49	0.00	56.37	60.48	7.86	69.68	67,069.53
0.00	3,207.46	8.07	102.22	155.83	3.37	132.40	109,875.83
2.26	3,217.26	0.46	112.06	144.13	29.32	124.89	141,745.72
0.00	1,994.79	5.82	81.99	136.97	5.35	103.00	80,078.73
0.00	3,076.34	0.00	110.89	144.71	21.62	122.68	131,334.50
0.00	4,352.17	0.00	80.38	93.82	8.50	127.09	126,748.10
0.00	4,521.42	1.26	164.78	186.15	70.42	175.35	183,524.91
45.73	57,234.81	184.17	1,828.49	2,390.83	428.71	2,197.77	2,183,339.50

# CITY COUNCIL INFORMATION MEMO

**To:** Dale Iman, City Manager

**From:** Lisa Smith, Chief Financial Officer *LS*

**Date:** March 23, 2009

**Re:** Report on Disposal of City of Fayetteville and PWC Surplus Personal Property Sold During the Time Period of July 1, 2007 Through June 30, 2008

**THE QUESTION:** City Policy #155.2 requires the City Manager to annually report to City Council all city-owned personal property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

**RELATIONSHIP TO STRATEGIC PLAN:** Goal 4: More Efficient Government – Cost Effective Service Delivery

**BACKGROUND:**

- The attached reports contain all City of Fayetteville and Public Works Commission surplus personal property that was sold during the time period of July 1, 2007 through June 30, 2008.

**ISSUES:** None

**OPTIONS:** Information Report Only

**RECOMMENDATIONS:** None

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INFORMATION

**City of Fayetteville  
Sale of Surplus Personal Property  
FY 2008**

COF Asset #	Description	Serial/Vin Number	Date		Sale Amount	Buyer
			Sold			
	Scrap		7/11/2007		\$ 859.10	Cohen & Green
95-0262	1995 Ford F250 XL	1FTHF25H0SNB17367	7/23/2007		\$ 2,525.00	Ray Sides, Virginia Beach, VA
99-0087	1995 Chevrolet Caprice	1G1BL52P8SR148525	7/25/2007		\$ 2,251.00	Joseph Nunnery, Fayetteville, NC
99-0084	1996 Chevrolet Caprice	1G1BL52P1TR107025	7/25/2007		\$ 2,551.00	Joseph Nunnery, Fayetteville, NC
2002-0016	1999 Ford Crown Victoria	2FALP71W4XX183910	7/25/2007		\$ 2,026.00	Mikhail Pimenov, Beltsville, MD
95-0270	1995 Chevrolet Caprice	1G1BL52P2SR135611	7/25/2007		\$ 2,528.00	Joseph Nunnery, Fayetteville, NC
96-1005	1996 Ford Crown Victoria	2FALP71W2TX15975	7/25/2007		\$ 1,350.00	Rick Robinson, Roswell, GA
2001-0158	1998 Ford Crown Victoria	2FALP71W0WX172336	7/25/2007		\$ 1,626.77	Rodney Musselwhite, Bennettsville, SC
97-0166	1997 Ford Taurus	1FALP52U7VA208468	7/25/2007		\$ 2,125.00	John Mithum, N. Charleston, SC
	Misc IT Equipment	Various	7/31/2007		\$ 108.00	Creative Recycling, Cary, NC
200293	1999 Ford Crown Victoria	2FALP71W1XX196596	8/2/2007		\$ 1,575.00	Rodney Musselwhite, Bennettsville, SC
98-0199	1998 Ford Taurus	1FALP52U0WA193942	8/2/2007		\$ 2,525.00	Donnie Totten, Greensboro, NC
99-0082	1996 Chevrolet Caprice	1G1BL52P9TR107175	8/2/2007		\$ 2,626.00	Rodney Musselwhite, Bennettsville, SC
2001-0166	1996 Chevrolet Caprice	1G1BL52P5TR107500	8/2/2007		\$ 2,626.00	Rodney Musselwhite, Bennettsville, SC
99-0088	1996 Chevrolet Caprice	1G1BL52P8TR104767	8/2/2007		\$ 2,800.00	Rodney Musselwhite, Bennettsville, SC
95-0261	1995 Ford F250 XL Pickup Truck	1FTHF25HXSXB17361	8/2/2007		\$ 3,358.00	Robert Daugherty, Winterville, NC
97-0219	1997 Ford F150 Pickup Truck	1FTEF17W0VNC45122	8/2/2007		\$ 3,036.17	Shawn Prater, Kernersville, NC
2003-0151	1991 Mercury Marquis LS	2M3CM75W6NX621354	8/7/2007		\$ 250.00	Diane Myers, Clemmons, NC
97-0168	1997 Ford Taurus	1FALP52U6VA208459	8/7/2007		\$ 1,300.00	Christopher Mfikwa, Fayetteville, NC
97-0158	1997 Ford Taurus	1FALP52U2VA208460	8/7/2007		\$ 1,475.00	Liz McNeill, Fayetteville, NC
	Scrap		8/9/2007		\$ 1,833.05	Cohen & Green
97-0092	1997 Ford Crown Victoria	2FALP71W5XX183947	8/13/2007		\$ 2,175.00	Rodney Musselwhite, Bennettsville, SC
2001-0156	1998 Ford Crown Victoria	2FALP71W4WX131062	8/13/2007		\$ 1,625.00	Emery Gibbs, Fayetteville, NC
96-0068	1996 Chevrolet Caprice	1G1BL52P8TR114358	8/13/2007		\$ 330.00	Terry Warner, Jacksonville, FL
95-0288	1995 Oldsmobile Cutlass Ciera	1G3AJ55M1S6386132	8/13/2007		\$ 550.00	Evans Kessey, Charlotte, NC
2001-0161	1997 Ford Crown Victoria	2FALP71W9VX138526	8/16/2007		\$ 780.99	Justin Kelley, Jacksonville, NC
97-0149	1997 Ford Crown Victoria	2FALP71W3VX136450	8/16/2007		\$ 1,400.00	Henry Bullock, Sedalia, NC
99-0091	1996 Chevrolet Caprice	1G1BL52P5TR106962	8/16/2007		\$ 2,526.00	Rodney Musselwhite, Bennettsville, SC
91-0238	1991 Ford L800 Garbage Truck	1FDZW82A1MVA20014	8/16/2007		\$ 4,275.00	Thomas Phillips, Hurdle Mills, NC
91-0236	1991 Ford L800 Garbage Truck	1FDZW82A5MVA20016	8/16/2007		\$ 5,700.00	Thomas Currie, Wagram, NC
92-0107	1992 Ford F350 Truck	1FTJF35M2NNA87877	8/16/2007		\$ 4,785.00	David Willis, Roanoke, VA
98210	1998 Ford Crown Victoria	2FALP71W6WX145576	8/21/2007		\$ 500.00	Richard Smith, Gaffney, SC
2001-0163	1997 Ford Crown Victoria	2FALP71W9VX138865	8/21/2007		\$ 1,375.00	Rick Mitchell, Lewiston, NC
10209	2001 Ford Crown Victoria	2FALP71W31X128937	8/21/2007		\$ 750.00	Michael Makon, Morrisville, PA
97-0122	1997 Ford Crown Victoria	2FALP71W2VX125245	8/21/2007		\$ 575.00	Timothy Brown, Bolivia, NC

COF Asset #	Description	Serial/Vin Number	Date		Sale		Buyer
			Sold		Amount		
95-0279	1995 Chevrolet Caprice	1G1BL52P45R135741	8/27/2007		\$	1,025.00	Daniel Hall, Summerdale, AL
99-0228	1999 Ford Crown Victoria	2FAPF71W8XX163711	8/27/2007		\$	300.00	Renee Hill, Albemarle, VA
95-0281	1995 Chevrolet C20 Van	1GCEG25H55F192141	8/27/2007		\$	795.00	Steve Layton, Jacksonville, NC
97-0092	1997 Ford Crown Victoria	2FALP71W2VX125214	8/28/2007		\$	275.00	Willie Graves, Chesapeake, VA
95-0286	1995 Oldsmobile Cutlass Ciera	1G3AJ55M456385928	8/28/2007		\$	825.00	Kevin Miller, Pinellas Park, FL
95-0289	1995 Oldsmobile Cutlass Ciera	1G3AJ55M556383931	8/28/2007		\$	375.00	Willie Graves, Chesapeake, VA
95-0285	1995 Oldsmobile Cutlass Ciera	1G3AJ55M756385874	8/28/2007		\$	275.00	Willie Graves, Chesapeake, VA
98-0197	1998 Ford Taurus	1FAPF52U7WA193940	8/28/2007		\$	875.00	Arthur Harvin, Southern Pines, NC
93-0217	1993 Ford F250XL Truck	1FTHF25H3PNA69130	8/28/2007		\$	1,710.00	Kenneth Zoglio, Fuquay Varina, NC
90-0576	1990 Chevrolet C1500 Truck	2GCEC14HXL1222766	8/28/2007		\$	981.00	Kenneth Zoglio, Fuquay Varina, NC
97-0239	1997 Ford Taurus	1FALP52UXVA242095	8/29/2007		\$	1,500.00	Percy McNeill, Fayetteville, NC
99-0225	1999 Ford Crown Victoria	2FAPF71W8XX163708	9/6/2007		\$	612.34	Ronnie Black, Saluda, SC
94-0133	1995 Navistar Int'l 4700 Garbage Truck	1HTGCAAT3XH631501	9/6/2007		\$	1,525.00	Michael Simmerman, Jackson Springs, NC
94-0135	1995 Crane Let 40 Garbage Truck	1CYC6N483RT041203	9/6/2007		\$	1,125.00	Francisco Pitelson, Miami, FL
97-0265	1998 Crane Let 40 Garbage Truck	1CYGCK485WT043285	9/6/2007		\$	7,225.00	Frank Faivre, Dixon, IL
	Scrap		9/11/2007		\$	1,184.40	Cohen & Green
99-0278	1999 Ford Crown Victoria	2FAPF71W6XX164260	9/12/2007		\$	650.00	Catherine Stephens, Brandon, MI
96-0067	1996 Chevrolet Caprice	1G1BL52P7TR114349	9/12/2007		\$	1,313.00	David Harris, Osteen, FL
95-0280	1995 Chevrolet Caprice	1G1BL52PXSRI35744	9/17/2007		\$	1,700.00	Charles Lawson, Providence, NC
94-0179	1994 Chevrolet Caprice	1G1BL52PXRRI91449	9/17/2007		\$	1,675.00	Charles Lawson, Providence, NC
96-0054	1996 Chevrolet Caprice	1G1BL52P0TR113575	9/17/2007		\$	1,325.00	Pat Dent, Perry, GA
96-0092	1996 Chevrolet Caprice	1G1BL52P3TR113439	9/17/2007		\$	1,779.00	Pat Dent, Perry, GA
98-0245	1998 JCB Backhoe	SLP214TSWE0470240	9/27/2007		\$	16,000.00	Mohamed Hadjila, Verdunville, WV
92-0037	1992 Navistar Int'l Garbage Truck	1HTGCN6R2NH446395	9/27/2007		\$	4,160.00	Bruce Griffith, Channelview, TX
93-0172	1993 Chevrolet Caprice	1G1BL5374PR124860	10/4/2007		\$	626.01	Marshall Gray, Jeffersonville, IN
97-0148	1997 Ford Crown Victoria	2FALP71W7VX136449	10/4/2007		\$	950.00	Dwight Ross, Jackson, MI
	Laminate Tables w/Metal Legs	Various	10/4/2007		\$	20.00	Tracy Dowd, White Oak, NC
	Individual Sect'l Seating w/Tables (Gray)	Various	10/4/2007		\$	65.00	Michael Overcash, Atlanta, GA
	Misc IT Equipment	Various	10/9/2007		\$	152.20	Creative Recycling, Cary, NC
	Scrap		10/10/2007		\$	585.90	Cohen & Green
95-0274	1995 Chevrolet Caprice	1G1BL52P8SR1436178	10/15/2007		\$	1,513.88	Adam Fisher, New Bern, NC
94-0180	1994 Chevrolet Caprice	1G1BL52P5RR190144	10/23/2007		\$	900.00	Jon E. Haas, Knoxville, TN
2000-0105	Plt #149 Aladin Portable Pressure Washer	69990	10/23/2007		\$	102.00	Dusty Smithers, Dallas, NC
	Plt #147 Aladin Portable Pressure Washer	78933	10/23/2007		\$	252.00	Dusty Smithers, Dallas, NC
	C145 - 2008 Auto Seats - Ford Crown Vic	Various	10/24/2007		\$	85.00	Chris Oglesby, Augusta, GA
	C146 - 2008 Auto Seats - Ford Crown Vic	Various	10/24/2007		\$	120.00	Darrell Hearne, Savannah, GA
	C147 - 2008 Auto Seats - Ford Crown Vic	Various	10/24/2007		\$	145.00	Todd Brown, Canton, GA
	C150 - 2007 Chevy Impala Misc Parts	Various	10/24/2007		\$	210.00	H. Neilan, Jersey City, NJ

COF Asset #	Description	Serial/Vin Number	Date		Sale Amount	Buyer
			Sold			
97-0146	1997 Ford Crown Victoria	2FALP71W3VX136447	10/29/2007		\$ 550.00	Eugene Setzer, New Bern, NC
	3-Seater Sectional Seats (Red/Tan)	Various	10/29/2007		\$ 20.00	Jack Keen, Coal City, WV
	3 & 4-Seater Sectional Seats (Green)	Various	10/29/2007		\$ 40.00	Jack Keen, Coal City, WV
	3 & 4-Seater Sectional Seats (Brown)	Various	10/29/2007		\$ 52.00	Jack Keen, Coal City, WV
	Scrap		11/14/2007		\$ 308.80	Cohen & Green
93-0201	1993 Chevrolet Caprice	1G1BL537XPR124751	11/14/2007		\$ 450.00	Larry Leary, Marion, SC
99-0238	1999 Ford Crown Victoria	2FAPF71W0XX163721	11/15/2007		\$ 568.21	Larry Leary, Marion, SC
99-0241	1999 Ford Crown Victoria	2FALP71W6XX163724	11/15/2007		\$ 851.00	Cromwell Murray, Monks Corner, SC
94-0134	1995 Navistar Int'l Garbage Truck	1FT6CAAT5SH631502	11/26/2007		\$ 6,775.00	Toms Truck Sales, LLC
	C151 - 2008 Ford Crown Vic Seats	Various	11/26/2007		\$ 671.00	Steven Derrick, S. Boston, MA
	Scrap		12/11/2007		\$ 4,917.60	Cohen & Green
96-0080	1996 Chevrolet Caprice	1G1BL52P5TR114463	12/13/2007		\$ 875.00	Shawn Thompson, Fayetteville, NC
	Plt #153 - Misc Radio Equipment	Various	1/2/2008		\$ 30.00	Charles Lowery, South Boston, VA
94-0205	1994 Chevrolet C2500 Truck	1G6G624K3RE297987	1/8/2008		\$ 2,450.00	Robert Daugherty, Winterville, NC
94-0202	1994 Chevrolet C2500 Truck	1G6G624K7RE302026	1/8/2008		\$ 3,025.00	Richard Anderson, Angier, NC
	Scrap		1/14/2008		\$ 289.65	Cohen & Green
97-0160	1997 Ford Taurus	1FALP52U6VA208462	1/28/2008		\$ 2,151.00	Henry Hall, Camilla, GA
97-0163	1997 Ford Taurus	1FALP52U1VA208465	1/28/2008		\$ 1,525.00	Henry Hall, Camilla, GA
97-0165	1997 Ford Taurus	1FALP52U5VA208467	1/30/2008		\$ 1,650.00	Henry Hall, Camilla, GA
95-0271	1995 Chevrolet Caprice	1G1BL52P9SR135502	1/30/2008		\$ 1,835.00	Kerr Motors, Augusta, GA
97-0240	1997 Ford Taurus	1FALP52U1VA242096	1/30/2008		\$ 1,325.00	Henry Hall, Camilla, GA
97-0086	1997 Ford Crown Victoria	2FALP71W7VX125208	1/31/2008		\$ 375.00	Harold Hix, Abbeville, SC
95-0283	1995 Oldsmobile Cutlass Ciera	1G3AJ55M6S6385297	1/31/2008		\$ 1,284.99	Henry Hall, Camilla, GA
95-0287	1995 Oldsmobile Cutlass Ciera	1G3AJ55M5S6386053	1/31/2008		\$ 1,300.00	Henry Hall, Camilla, GA
97-0241	1997 Ford Taurus	1FALP52U3VA242097	1/31/2008		\$ 1,926.00	Henry Hall, Camilla, GA
97-0162	1997 Ford Taurus	1FALP52UXVA208464	1/31/2008		\$ 2,081.00	Henry Hall, Camilla, GA
	C111 - Printers & Copiers	Various	2/7/2008		\$ 75.00	Donald Esslinger, Fayetteville, NC
96-0073	1996 Chevrolet Caprice	1G1BL52P1TR114668	2/7/2008		\$ 2,135.00	Mike Williams, South Hill, VA
99-0235	1999 Ford Crown Victoria	2FAPF71W0XX163718	2/7/2008		\$ 1,425.00	Larry Newsome, Spring Lake, NC
	Scrap		2/11/2007		\$ 2,065.80	Larry Newsome, Spring Lake, NC
97-0115	1997 Ford Crown Victoria	2FALP71W7VX125239	2/12/2008		\$ 825.00	Cohen & Green
97-0277	1997 JCB Backhoe	465781	2/13/2008		\$ 15,100.00	Dwight Ross, Jackson, MS
	Misc IT Equipment	Various	2/14/2008		\$ 87.50	Mohamed Hadjila, Verdunville, WV
	Misc IT Equipment	Various	2/20/2008		\$ 100.00	Creative Recycling, Cary, NC
98208	1998 Ford Crown Victoria	2FAPF71W2WX145574	2/21/2008		\$ 1,525.00	Creative Recycling, Cary, NC
98212	1998 Ford Crown Victoria	2FAPF71WXWX145578	2/21/2008		\$ 1,510.00	Wayne Lewis, Jacksonville, FL
98206	1998 Ford Crown Victoria	2FAPF71W9WX145572	2/21/2008		\$ 1,312.54	Rodney Musselwhite, Bennettsville, SC
99-0239	1999 Ford Crown Victoria	2FAPF71W2XX163722	2/21/2008		\$ 901.00	Rodney Musselwhite, Bennettsville, SC

COF Asset #	Description	Serial/Vin Number	Date Sold	Sale		Buyer
				Amount	Amount	
01-0162	1997 Ford Crown Victoria	2FALP71W1V138858	2/21/2008	\$	2,100.00	Terry Greene, Spartanburg, SC
803733	1980 John Deere 925, 72" Mower	MOP925X160035	2/26/2008	\$	1,420.00	Lefty Gibbs, Fairfield, NC
97-0199	1997 Ford Aerostar Van	1FTRP14U4UZB21666	2/26/2008	\$	1,180.00	Tony Eleka, Lanham, MD
94-0187	1995 Int'l Garbage Trk w/Lighting Loader	1HTSCAARS5H627913	2/26/2008	\$	10,302.00	Mass Blackwell, Pearl River, LA
98-0195	1998 Ford Taurus	1FAPP52V9WA193938	2/26/2008	\$	2,255.99	Wayne Lewis, Jacksonville, FL
	Plt#C163-1 Lot of 46 ea Motorola MDT's	Various	3/4/2008	\$	75.00	Gayle Dilley, Warren, OH
96-0077	1996 Chevrolet Caprice	1G1BL52P6TR115010	3/6/2008	\$	932.00	Rodney Musselwhite, Bennettsville, SC
96-0072	1996 Chevrolet Caprice	1G1BL52P8TR114599	3/6/2008	\$	2,024.00	Rodney Musselwhite, Bennettsville, SC
96-0069	1996 Chevrolet Caprice	1G1BL52PXTTR114362	3/6/2008	\$	1,525.00	Rodney Musselwhite, Bennettsville, SC
2006-0102	1997 Ford Crown Victoria	2FAFP71W53X110975	3/6/2008	\$	1,300.00	Charles Martin, Raleigh, NC
	Scrap		3/10/2008	\$	1,786.70	Cohen & Green
94-0182	1994 Chevrolet Caprice	1G1BL52P3RR188635	3/10/2008	\$	1,175.00	Rodney Musselwhite, Bennettsville, SC
96-0076	1996 Chevrolet Caprice	1G1BL52P9TR114871	3/10/2008	\$	1,175.00	Rodney Musselwhite, Bennettsville, SC
96-0065	1996 Chevrolet Caprice	1G1BL52P9TR114322	3/10/2008	\$	1,575.00	Rodney Musselwhite, Bennettsville, SC
96-0089	1996 Chevrolet Caprice	1G1BL52P2TR115487	3/10/2008	\$	925.00	Rodney Musselwhite, Bennettsville, SC
96-0074	1996 Chevrolet Caprice	1G1BL52P6TR114679	3/10/2008	\$	1,525.00	Rodney Musselwhite, Bennettsville, SC
	C152 - Custom KR 10 Radar Mounts	Various	3/18/2008	\$	233.00	Louis Staccone, Williamsport, PA
2003-0057	2003 Ford Crown Victoria	2FAHP71W53X178766	3/26/2008	\$	485.99	Wayne Odom, Hubert, NC
10227	2001 Ford Crown Victoria-PARTS ONLY!	2FAFP71W51X128955	3/26/2008	\$	370.00	Eugene Setzer, New Bern, NC
	Scrap		4/8/2008	\$	1,564.40	Cohen & Green
99-0229	1999 Ford Crown Victoria	2FAFP71WXXX163712	4/10/2008	\$	457.10	Milton Allen, Kinston, NC
96-0066	1996 Chevrolet Caprice	1G1BL52P1TR114329	4/10/2008	\$	1,225.00	Melissa Adams, Marion, NC
2003-0055	2003 Ford Crown Victoria	2FAHP71W13X178764	4/10/2008	\$	2,226.00	Michael Makon, Morrisville, PA
96-0108	1996 Jeep Cherokee	1J4FT28S4 TL218071	4/14/2008	\$	625.00	Christover Davis, Jacksonville, NC
93-0173	1993 Chevrolet Caprice	1G1BL5375PR123846	4/14/2008	\$	1,925.00	Calvin Johnson, Fayetteville, NC
94-0099	1994 4x4 2500 Chevrolet Suburban	1GNGK26K1RJ408633	4/14/2008	\$	2,775.00	Michael Ingram, Wadesboro, NC
95-0275	1995 Chevrolet Caprice	1G1BL52P0SR135638	4/16/2008	\$	675.00	Joseph Nunnery, Fayetteville, NC
95-0269	1995 Chevrolet Caprice	1G1BL52P1SR135471	4/16/2008	\$	900.00	Milton Allen, Kinston, NC
98209	1998 Ford Crown Victoria	1FAPP71W4WX145575	4/16/2008	\$	350.00	Cathy Horne, Kannapolis, NC
95-0278	1995 Chevrolet Caprice	1G1BL52P0SR135719	4/16/2008	\$	1,025.00	Melissa Adams, Marion, NC
97-0220	1997 Ford F150 Truck (Parts Only-No Title)	1FTEF17W2VNC45123	4/17/2008	\$	700.00	Wayne Odom, Hubert, NC
1230	2001 Ford Crown Victoria	2FAFP71W01X128958	4/17/2008	\$	450.00	Wayne Odom, Hubert, NC
97-0263	1998 Crane Int'l Garbage Truck	1CYCCK481WTO43283	4/17/2008	\$	20,602.00	Gary Schneider, Defiance, MO
	Plt #C165 - Panasonic C27 Mobile ToughBooks	Various	4/17/2008	\$	530.00	Bueford McDonald, Lexington, KY
97-0095	1997 Ford Crown Victoria	2FALP71W8VX125217	4/17/2008	\$	650.00	Joel Acciardo, Fayetteville, NC
	Office Chairs	Various	4/18/2008	\$	100.00	Little Briton, Wilmington, NC
97-0169	1997 Ford Taurus	1FALP52U9VA208469	4/22/2008	\$	1,200.00	Thomas Jernigan, Ahsokie, NC
	C#29 Computer Desktop Towers	Various	4/23/2008	\$	139.77	William Azaglo, Charlotte, NC

COF Asset #	Description	Serial/Vin Number	Date Sold	Sale Amount	Buyer
	3 Seater Office Chairs (Green/Tan)	Various	4/25/2008	\$ 102.00	Office Furniture Whse, Fayetteville, NC
	4 Seater Office Chairs (Green /Tan)	Various	4/25/2008	\$ 48.00	Office Furniture Whse, Fayetteville, NC
	Scrap		4/30/2008	\$ 369.65	Cohen & Green
99-0081	1995 Chevrolet Caprice	1G1BL52P85R148668	5/1/2008	\$ 1,750.00	Rodney Musselwhite, Bennettsville, SC
96-0064	1996 Chevrolet Caprice	1G1BL52P8TR114765	5/1/2008	\$ 932.77	Ziad Minkara, Kennesaw, GA
99-0015	1985 Chevrolet Step Van, 30 Series	1GCHP32M8F3305852	5/1/2008	\$ 2,525.00	Marvin Croson, Fayetteville, NC
92-0080	1992 ODB Leaf Blower	292-1316	5/1/2008	\$ 1,000.00	Ameer Mohamed, Durham, NC
99-0300	1999 Chevrolet Cavalier	1G1JC5249X7240540	5/1/2008	\$ 2,025.00	Michael Wagner, Hillsboro, MI
96-0124	1996 Jeep Cherokee 4 x 4	1J4FJ28SXTL283738	5/1/2008	\$ 2,126.01	John Wall, Gastonia, NC
99-0222	1999 Ford Crown Victoria	2FAPF71W2XX163705	5/1/2008	\$ 725.77	Troy Serrano, Tarpon Springs, FL
	Scrap		5/13/2008	\$ 85.00	Cohen & Green
	C#32 Computer Monitors	Various	5/21/2008	\$ 15.00	Antonio Burgess, Fayetteville, NC
	C#33 Computer Monitors	Various	5/21/2008	\$ 5.00	Antonio Burgess, Fayetteville, NC
2003-0133	2003 Ford Crown Victoria	2FAHP71W13X210788	5/21/2008	\$ 1,685.00	Francheska Hargrove, Bradenton, FL
96-0084	1996 Chevrolet Caprice	1G1BL52P4TR115040	5/21/2008	\$ 1,275.00	Gregory Fogelsong, Plain City, OH
99-0216	1999 Ford Crown Victoria	2FAPF71W0XX163699	5/21/2008	\$ 600.00	Troy Serrano, Tarpon Springs, FL
70-0693	1994 Ford F250 Pickup Truck	1FTH25H6RNA82988	5/21/2008	\$ 1,100.00	Thomas Randall, Jr, Shelby, NC
92-0057	1992 Ford F250 Pickup Truck	1FTEF25NXXNNA65727	5/21/2008	\$ 801.00	Mary Lefimil, Garysburg, NC
99-0299	1999 Chevrolet Cavalier	1G1JC5240X7241172	5/21/2008	\$ 2,782.00	Jefrey Cohen, Ft. Lauderdale, FL
70-0040	1977 Massey Ferguson Tractor	9A280829	5/21/2008	\$ 2,750.50	Gene Denning, Four Oaks, NC
	Plt #C166 - Panasonic C27 Mobile Toughbooks	Various	5/21/2008	\$ 1,410.00	Jonas Pierre-Louis, Elkins Park, PA
	Plt #C172 - Panasonic C27 Mobile Toughbooks	Various	5/21/2008	\$ 510.00	Donald Cook, Clarksville, VA
93-0215	1993 Ford F250 Pickup Truck	1FTHF25H1PNA1779	5/21/2008	\$ 2,570.00	Alex Harry Culbreth, Fayetteville, NC
99-0231	1999 Ford Crown Victoria	2FAPF71W3XX163714	5/21/2008	\$ 401.00	Tracy Ferguson, Fayetteville, NC
	Bus Stop Shelters, 7 each	Various	5/27/2008	\$ 976.00	Andrew Carwile, Charlotte Court Hs, VA
97-0086	1997 Ford Crown Victoria	2FALP71W7VX125208	5/27/2008	\$ 450.00	Devoine Sutton, Warsaw, NC
97-0212	1997 Chevrolet Cavalier	1G1JC5244V7250566	5/27/2008	\$ 1,675.00	Michael Wagner, Hillsboro, MI
	Manure Spreader (Trailer)	Various	5/27/2008	\$ 130.00	Gregg Cash, Chesnee, SC
	Plt #C169 - Office Chairs	Various	5/27/2008	\$ 5.00	Yvonnceria Sutton, Warsaw, NC
	Plt #C170 - Office Chairs	Various	5/27/2008	\$ 5.00	Yvonnceria Sutton, Warsaw, NC
	C123 - Misc Office Equipment	Various	5/28/2008	\$ 20.00	Antonio Burgess, Spring Lake, NC
	Scrap		6/10/2008	\$ 639.50	Cohen & Green
	Scrap		6/30/2008	\$ 1,514.70	Cohen & Green
	Total Sales			\$ 291,518.75	



**Public Works Commission  
Sale of Surplus Personal Property  
FY 2008**

PWC Asset #	Description	Serial/Vin Number	Date		Sold Amount	Buyer
			Sold	Sold		
Various	1 Lot of 83 Surplus Transformers #116	Various	7/6/2007	\$	26,491.50	Solomon Corporation, Decatur, TN
Various	Godwin Dump Body	GM 35004-B	7/23/2007	\$	2,046.00	Jeff Persinger, Clifton Forge, VA
V324	1997 Ford F350 XL Pickup Truck	1FDKF37HXVEB36980	7/25/2007	\$	1,605.98	Mary Gearner, Garysburg, NC
Various	UPS Backups	Various	7/26/2007	\$	100.00	RefurbUPS.com, Inc, Suffern, NY
Various	Misc IT Equipment	Various	7/31/2007	\$	42.00	Creative Recycling, Cary, NC
V362	1991 Ford F700 Pickup Truck	1FDXK74A8MVA20232	8/7/2007	\$	1,275.00	Larry Meyers, Hudson, FL
V726	1984 Ford Backhoe w/Front Bucket	HCT16072	8/7/2007	\$	7,900.00	William Robinson, Jasper, AL
V353	1989 Ford F700 Truck	1FDXK74AXKVA33884	8/27/2007	\$	2,847.00	Sergio Sanchez, Dudley, NC
Various	Plt #179 Projection Equipment	Various	9/4/2007	\$	75.00	Gary Thaine, Fayetteville, NC
Various	Plt #187 Misc Office Supplies	Various	9/4/2007	\$	22.99	Mary Stone, Wagram, NC
Various	Plt #188 Misc Water/Sewer Parts	Various	9/4/2007	\$	65.00	John Deavers, Bladenboro, NC
Various	Plt #186 Misc Communication Equip	Various	9/4/2007	\$	31.00	John Sapuppo, Detroit, MI
V440	1997 Ford Econoline Van	1FTEE1421VHB15742	9/6/2007	\$	1,500.00	Kenneth Zoglio, Fuquay Varina, NC
V680	1980 JCB Backhoe w/Front Bucket	148N2030/355670	9/6/2007	\$	7,530.00	Mohamed Hadjila, Verdunville, WV
Various	Plt #190 Misc Office Chairs	Various	9/11/2007	\$	5.00	Lynda Daniels, Fayetteville, NC
Various	1 Lot of 87 Surplus Transformers #200	Various	9/14/2007	\$	25,651.00	Southeastern Transformer, Dunn, NC
V308	1984 Volvo Truck (Cab)	1WUADCUF8EN068560	9/28/2007	\$	3,150.00	Pat George, Boundurant, IA
V6630	1990 Fontaine Dump Trailer	1ATR24208L16C1496	9/28/2007	\$	5,500.00	Francisco Pitelson, Miami, FL
V811	1991 Komatsu Forklift	320258A	9/28/2007	\$	3,250.00	Robert Armstrong, Austinville, VA
Various	Misc IT Equipment	Various	10/9/2007	\$	22.80	Creative Recycling, Cary, NC
V253	1989 Ford F700 Truck	1FDWK74P6KVA33882	10/15/2007	\$	3,775.00	Doug Fay, Elida, Ohio
V348	1988 Int'l Trk w/Camel Sewer Vac	1HTLKTVR6JH595524	10/15/2007	\$	6,625.00	Thomas Barbour, Fayetteville, NC
V222	1997 Ford F250 Truck	3FEHF25H9VMA60642	10/15/2007	\$	1,525.00	Kenneth Zoglio, Fuquay Varina, NC
Various	Plt #198 Misc Laboratory Equipment	Various	10/25/2007	\$	25.00	Larry Jones, Durham, NC
Various	Plt #205 Misc Security Equipment	Various	10/25/2007	\$	404.00	Martin Thibodeaux, Monroe, LA
B2606	1986 Miller Big 40 Diesel Welder	JG098162	10/25/2007	\$	1,210.00	Dan Carter, Valley City, OH
B7494	Plt #194 - HP Design Jet 750C Printer	ESA6335161	10/25/2007	\$	43.77	Mynor Corrales, Charlotte, NC
O6569	Plt #171-1 -Sony Digital Camera, TV/VCR Combo	116922	10/25/2007	\$	50.00	Al Johnson, Fayetteville, Nc
Various	Plt #202 - Misc Items	Various	10/25/2007	\$	20.88	Larry Jones, Durham, NC
Various	Plt #178 Interior Doors	Various	10/29/2007	\$	5.00	Ronald Bowers, Southern Pines, NC
Various	1 Lot of 75 Surplus Transformers #201	Various	11/1/2007	\$	34,720.00	Solomon Corporation, Decatur, TN
Various	Plt #185 - Misc Office Furniture	Various	11/1/2007	\$	11.50	Samantha Lopez, Angier, NC
B0490	Office Desk	Various	11/1/2007	\$	5.00	Marvin Croson, Fayetteville, NC

PWC Asset #	Description	Serial/Vin Number	Date Sold	Sold Amount	Buyer
O2919	Pit #200 - Printer Stand	Various	11/1/2007	\$ 5.00	Samantha Lopez, Angier, NC
Various	Pit #203 - Camera/Projector/Bar Code Reader	80201357/27597	11/1/2007	\$ 10.00	Frank Barrow, Garner, NC
Various	Pit #206 - Recording Volt Meter	Various, 10 each	11/1/2007	\$ 20.00	Ralph Barr, Wilmington, NC
Various	Pit #180 Telephones	Various	11/8/2007	\$ 296.88	Cedric Mayes, Desoto, TX
Various	Pit #184 Office Desk	Various	11/8/2007	\$ 82.00	Marc Tunstall, Lillington, NC
B1658	Office Desk	Various	11/8/2007	\$ 5.00	William Westbrook, Hope Mills, NC
B5322	Pit #196 - Xerox Viewer/Printer	60H020623	11/8/2007	\$ 10.00	Robert Kite, Harrisonburg, VA
Various	E63-865 Detroit Diesel Engine	3U3389	11/8/2007	\$ 3,520.00	Clark Ledbetter, Shelby, NC
Various	E63-864 Detroit Diesel Engine	3T7264	11/8/2007	\$ 3,000.00	Charlie Williams, Smyrna, GA
Various	3 Metal Workshop Tables	Various	11/8/2007	\$ 150.00	Daryl Bowen, Fayetteville, NC
Various	Pit #209 Dayton Oil Pump	Various	11/14/2007	\$ 92.00	Walter Pfaff, Glendale, KY
Various	Pit# 211 - Misc Office Equipment	Various	11/16/2007	\$ 35.00	Moataz Fawzy, Raleigh, NC
Various	Pit #210 - Printers	Various	11/26/2007	\$ 25.00	Moataz Fawzy, Raleigh, NC
000533	1957 GE 5000kva Transformer	F-959464A	11/29/2007	\$ 5,000.00	Solomon Corporation, Decatur, TN
000552	1971 GE 5000kva Transformer	G-852521B	11/29/2007	\$ 5,000.00	Solomon Corporation, Decatur, TN
O7448	Pit #201-GE Microwave/Sony Digital Camera	Various	12/3/2007	\$ 27.00	Kenny Horne, Fayetteville, NC
Various	Pit #208 Dialgrade Pipe Laser	Various	12/3/2007	\$ 47.00	Tracey Clark, Oriskany Falls, NY
Various	Pit #141-2 - Misc Construction Eqp	Various	12/3/2007	\$ 172.00	Tracey Clark, Oriskany Falls, NY
Various	Pit #213 - Misc Radio Equipment	Various	12/7/2007	\$ 700.00	John Baranosky, Plymouth, PA
Various	Pit#207a - Misc Computer/Phone Eqp	Various	12/17/2007	\$ 77.00	Sylvester Karurango, Nashville, TN
O1704	Pit #199 - Computer Table	Various	1/2/2008	\$ 7.00	Marcus Conklin, Castle Hayne, NC
Various	Pit #215 - Misc Meters & Equipment	Various	1/2/2008	\$ 105.00	Joe Roberts, Spring, TX
Various	Pit #216 - Televisions, 2 each	O2623/O3052	1/2/2008	\$ 20.00	Jose Torres, Wingate, NC
Various	Pit #217 - Misc Office Equipment	B6447/O3073/O7037	1/2/2008	\$ 178.00	Ellen Blackston, Pelion, SC
Various	Pit #218 - Misc Office Equipment	Various	1/2/2008	\$ 25.00	Oliver Stevens, Smithfield, NC
Various	Pit #219 - Misc Electrical Equipment	Various	1/2/2008	\$ 427.00	Ellen Blackston, Pelion, SC
Various	Pit #220 - Office Furniture	O2277	1/2/2008	\$ 23.85	Pat Rachmat, Benson, NC
Various	Pit #224 - Computer/Office Equipment	Various	1/2/2008	\$ 45.00	Joe Roberts, Spring, TX
Various	Pit #225 - Notifier Fire Alarm Panel	Various	1/2/2008	\$ 40.00	Joe Roberts, Spring, TX
Various	Pit #206 - Recording Volt Meter	Various, 10 each	1/2/2008	\$ 17.00	Joe Roberts, Spring, TX
Various	Copier Toner Cartridges	Various	1/10/2008	\$ 34.00	Terry Gainer, Goldsboro, NC
Various	Pit #221 - Office Desk & Chair	BO498/O2464	1/10/2008	\$ 35.00	Norma Clark, Wilmington, NC
Various	Pit #226 - Office Furniture	Various	1/10/2008	\$ 5.00	Henry Moon, Augusta, GA
Various	1 Lot of 70 Surplus Transformers #202	Various	2/7/2008	\$ 22,583.60	T&R Electric Supply, Colman, SD
V228	1995 Ford F450 Truck	1FDLF47F35EA62412	2/7/2008	\$ 4,380.00	Gary & Patricia Lee, Duncan, SC
V957	1987 Massey Ferguson Tractor	V06297	2/7/2008	\$ 6,675.00	Homer Terry, Raeford, NC
Various	Misc IT Equipment	Various	2/14/2008	\$ 37.50	Creative Recycling, Cary, NC
Various	Pit #207 - Misc Computer/Phone Eqp	Various	2/26/2008	\$ 46.28	Candace Edge, Stedman, NC

PWC Asset #	Description	Serial/Vin Number	Date		Sold Amount	Buyer
			Sold	Sold		
V153	1992 Chevrolet S-10 Blazer	1GNCS18W0N0145169	2/28/2008	2/28/2008	\$ 585.00	Howard Randolph, Hope Mills, NC
V122	1991 Ford Taurus	1FACP50U6MA183886	2/28/2008	2/28/2008	\$ 1,028.00	Emery Gibbs, Fayetteville, NC
V378	1999 Dodge Ram Pickup Truck	3B6KC26Z9XM546230	2/28/2008	2/28/2008	\$ 1,175.00	Gary Hall, Lenoir, NC
V270	1991 Int'l Trk w/Hi-Range Boom	1HTSDNUN4MH387355	2/28/2008	2/28/2008	\$ 18,775.00	Silvio Obando, Medley, FL
V6441	2005 Econoline Trailer	42ETPKE4251000980	2/28/2008	2/28/2008	\$ 4,425.00	Gary Highley, Olympia, KY
Various	Plt #228 - Kitchen Appliances	Various	3/5/2008	3/5/2008	\$ 60.00	Danny Toppings, Four Oaks, NC
Various	Plt #229 - Sewer Camera Insp Sys	030242	3/5/2008	3/5/2008	\$ 3,820.00	Michael Taylor, Poca, WV
Various	Plt #230 - Sewer Camera Insp Sys	036017	3/5/2008	3/5/2008	\$ 1,525.00	Michael Taylor, Poca, WV
Various	Pallet #159 - Street/Area Lights	Various	3/18/2008	3/18/2008	\$ 75.00	Donald Jones, Knoxville, TN
Various	Plt #212 - Misc Telephone Equipment	Various	3/18/2008	3/18/2008	\$ 65.00	Willie Stevens, Farmville, NC
Various	Plt #231 - Office Chairs	Various	3/18/2008	3/18/2008	\$ 5.00	William Westbrook, Hope Mills, NC
Various	Plt #232 - Office Chairs	Various	3/18/2008	3/18/2008	\$ 5.00	William Westbrook, Hope Mills, NC
Various	1 Lot of 55 Surplus Transformers #204	Various	3/27/2008	3/27/2008	\$ 30,576.00	Jerry's Electric, Inc, Colman, SD
Various	Plt #227 - Orbit Drill Press	D2-700585	3/31/2008	3/31/2008	\$ 150.00	Tommy Ellison, Nichols, SC
B8826	Plt #234 - Misc IT Equipment	Various	4/1/2008	4/1/2008	\$ 20.00	Frank Barrow, Garner, NC
V771	1994 Stone Ranger Asphalt Roller	3741216	5/1/2008	5/1/2008	\$ 720.00	Dusty Smithers, Dallas, NC
Various	1 Lot of 75 Surplus Transformers #203	Various	5/16/2008	5/16/2008	\$ 22,153.95	T&R Electric, Colman, SD
V659	1994 EZ-GO 2 Pasgr Golf Cart	UAL-33244	5/27/2008	5/27/2008	\$ 1,010.00	Charles Hall, Hamlet, NC
V747	Ingersoll-Rand Air Compress	191102U91309	5/27/2008	5/27/2008	\$ 1,540.00	James Tucker, Laurel Springs, NC
V774	1991 Case Backhoe w/Front Bucket	JJG0071067	5/27/2008	5/27/2008	\$ 7,035.00	Patricia Nugent, Leoma, TN
V767	1993 Thompson 6" Trash Pump	830A712	5/27/2008	5/27/2008	\$ 4,742.00	David Mikulski, Summerville, SC
Various	Hardee 5' Bushog Mower	T9275396	5/27/2008	5/27/2008	\$ 410.21	Bobby Franklin, Chuckey, TN
V652	1992 EZ-GO 2 Pasgr Golf Cart	10958	5/27/2008	5/27/2008	\$ 947.00	Teddy Boston, Sparta, IL
V931	1992 EZ-GO 2 Pasgr Golf Cart	A26086	5/27/2008	5/27/2008	\$ 945.00	Michael Sholar, Beulaville, NC
V319	1997 Ford LT8000 Dump Truck	1FDYU82E7VVA12215	5/27/2008	5/27/2008	\$ 9,152.00	Alan Vaughn, Summerville, GA
V088	1998 Ford F150XL, 2 WD Pickup	1FTZF1724WNC37587	5/27/2008	5/27/2008	\$ 1,525.00	Kenneth Zoglio, Fuquay-Varina, NC
V450	1992 Ford Taurus Wagon	1FACP55U5NA170718	5/27/2008	5/27/2008	\$ 725.00	William Haddon, Ridgeway, SC
V420	1989 Chevrolet 2500 Truck	1GCFK24H6KZ202596	5/27/2008	5/27/2008	\$ 675.00	Claxton Royal, Fayetteville, NC
V365	1991 Ford F250 Truck	1FTHF25Y6MLA52314	5/27/2008	5/27/2008	\$ 1,051.00	Kenneth Zoglio, Fuquay-Varina, NC
Various	Plt #223 - Telephones & Misc Equip	O1591	5/28/2008	5/28/2008	\$ 5.00	Claxton Royal, Fayetteville, NC
B7679	Plt #235 - Tally Printer	H67C063806	5/28/2008	5/28/2008	\$ 45.00	Rick Edelman, Carthage, NC
Various	Plt #236 - Misc IT Servers	Various	5/28/2008	5/28/2008	\$ 75.00	Rick Edelman, Carthage, NC
Various	Plt #240 - Misc Office Items	Various	5/28/2008	5/28/2008	\$ 10.00	Claxton Royal, Fayetteville, NC
O8613/O4352	Plt #242 - Misc Phone Eqp/Cameras	O10013341	5/28/2008	5/28/2008	\$ 20.00	Claxton Royal, Fayetteville, NC
Various	Plt #243 - KIP 2050 Image Scanner	7550Z00298	5/28/2008	5/28/2008	\$ 50.00	Claxton Royal, Fayetteville, NC
O7819	Plt #245 - Lab Scale	T0120127	5/28/2008	5/28/2008	\$ 7.00	Ellis Brock, Rainbow City, AL
Various	Plt #246 - Misc IT Servers	Various	5/28/2008	5/28/2008	\$ 55.00	Rick Edelman, Carthage, NC
Various	Plt #248 - Misc IT Equipment	Various	5/28/2008	5/28/2008	\$ 22.00	Antonio Burgess, Spring Lake, NC

PWC Asset #	Description	Serial/Vin Number	Date		Sold Amount	Buyer
			Sold	Sold		
O7863	Plt #249 - Misc Telephone Eqp	Various	5/28/2008		\$ 23.00	Mike Petullo, Fayetteville, NC
Various	Plt #251 - Tables and Chairs	Various	5/28/2008		\$ 12.00	Claxton Royal, Fayetteville, NC
Various	Plt #252 - Tables and Chairs	Various	5/28/2008		\$ 12.00	Claxton Royal, Fayetteville, NC
B1586	Plt #237 - Scotsman Ice Machine	Various	5/28/2008		\$ 189.13	Kevin Moiseley, Roanoke Rapids, NC
Various	1 Lot of 52 Surplus Transformers #205	Various	5/30/2008		\$ 18,716.50	Solomon Corporation, Decatur, TN
V304	1996 Ford F450 Pickup Truck	2FDLF47WONCA36875	6/5/2008		\$ 1,600.00	James Jana, Claremont, NC
B5949	Plt #239 - 3M Microfilm Mach w/Cab	18024	6/5/2008		\$ 70.00	Claxton Royal, Fayetteville, NC
Total Sales					\$ 326,320.32	

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