



FAYETTEVILLE CITY COUNCIL  
AGENDA  
APRIL 10, 2012  
7:00 P.M.  
City Hall Council Chambers

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 PLEDGE OF ALLEGIANCE**

**4.0 APPROVAL OF AGENDA**

**5.0 PUBLIC FORUM**

~~Each~~ Each speaker shall have up to 2 minutes to address Council on issues related to the City of Fayetteville. No time will be yielded to any speaker by another speaker. The Public Forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the Public Forum up to 30 minutes.

**6.0 CONSENT**

6.1 Approve Meeting Minutes:

February 3, 2012 - Strategic Plan  
February 4, 2012 - Strategic Plan  
February 6, 2012 - Work Session  
February 13, 2012 - Discussion of Agenda Items  
February 13, 2012 - Regular Meeting  
February 22, 2012 - Agenda Briefing  
February 27, 2012 - Discussion of Agenda Items  
February 27, 2012 - Regular Meeting

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

6.3 Adopt A Resolution Declaring Jointly-Owned Real Property Surplus And Authorizing A Quitclaim of the City's Interest In Order To Expedite Cumberland County's Sale Of Property

6.4 Adopt Preliminary Resolution to Set Public Hearing to Consider Closing a Portion of Finnegan Street

## 6.5 Acceptance and Establishment of Newly Revised Policy on Disposal of City Owned Property

### **7.0 PUBLIC HEARINGS**

*For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.*

#### 7.1 Phase 5 Annexation Areas 8 and 9 Public Hearing

Presenter(s): Steven K. Blanchard, PWC CEO/General Manager

### **8.0 ADJOURNMENT**

## **CLOSING REMARKS**

### **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 p.m. 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**

**April 10, 2012 - 7:00 p.m.  
COMMUNITY CHANNEL 7**

### **COUNCIL MEETING WILL BE RE-AIRED**

**April 11, 2012 - 10:00 p.m.  
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. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at [rmcelrath@ci.fay.nc.us](mailto:rmcelrath@ci.fay.nc.us), 910-433-1696, or the Office of the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.*

**CITY COUNCIL ACTION MEMO**

**TO:**

**FROM:**

**DATE:** April 10, 2012

**RE:** Each speaker shall have up to 2 minutes to address Council on issues related to the City of Fayetteville. No time will be yielded to any speaker by another speaker. The Public Forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the Public Forum up to 30 minutes.

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**THE QUESTION:**

**RELATIONSHIP TO STRATEGIC PLAN:**

**BACKGROUND:**

**ISSUES:**

**BUDGET IMPACT:**

**OPTIONS:**

**RECOMMENDED ACTION:**

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Pamela Megill, City Clerk  
**DATE:** April 10, 2012  
**RE: Approve Meeting Minutes:**  
**February 3, 2012 - Strategic Plan**  
**February 4, 2012 - Strategic Plan**  
**February 6, 2012 - Work Session**  
**February 13, 2012 - Discussion of Agenda Items**  
**February 13, 2012 - Regular Meeting**  
**February 22, 2012 - Agenda Briefing**  
**February 27, 2012 - Discussion of Agenda Items**  
**February 27, 2012 - Regular Meeting**

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**THE QUESTION:**

Should the City Council approve the draft minutes as the official record of the proceedings and actions of the associated meetings?

**RELATIONSHIP TO STRATEGIC PLAN:**

Greater Community Unity - Pride in Fayetteville; Objective 2: Goal 5: Better informed citizenry about the City and City government

**BACKGROUND:**

The Fayetteville City Council conducted meetings on the referenced dates during which they considered items of business as presented in the draft minutes.

**ISSUES:**

N/A

**BUDGET IMPACT:**

N/A

**OPTIONS:**

1. Approve the draft minutes as presented.
2. Revise the draft minutes and approve the draft minutes as revised.
3. Do not approve the draft minutes and provide direction to staff.

**RECOMMENDED ACTION:**

Approve the draft minute as presented.

**ATTACHMENTS:**

020312 Strategic Plan  
020412 Strtegic Plan  
020612 Work Session  
021312 Discussion of Agenda Items  
021312 Regular Meeting  
02221 Agenda Briefing  
022712 Discussion of Agenda Items



# DRAFT

FAYETTEVILLE CITY COUNCIL  
STRATEGIC PLANNING RETREAT MINUTES  
FAYETTEVILLE REGIONAL AIRPORT  
FIRST FLOOR CONFERENCE ROOM  
FEBRUARY 3, 2012  
2:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 2:30 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 3:30 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade R. Fowler, Jr. (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Rebecca Tew, Management Analyst  
Rebecca Rogers-Carter, Management Services Manager  
Lyle Sumek, Lyle Sumek Associates, Inc.  
Members of the Press

## CALL TO ORDER

Mayor Chavonne called the retreat to order at 2:13 p.m. and recognized Mr. Lyle Sumek, facilitator.

Mr. Sumek provided an overview of the retreat activities and covered the FY 2011-2012 successes identified by City Council and staff.

City Council recessed for dinner at 5:00 p.m. and reconvened at 5:45 p.m.

City Council identified their long-term policy issues and short-term policy issues.

City Council recessed the strategic planning retreat at 7:00 p.m. to reconvene on Saturday, February 4, 2012, at 8:15 a.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

020312

# DRAFT

FAYETTEVILLE CITY COUNCIL  
STRATEGIC PLANNING RETREAT MINUTES  
FAYETTEVILLE REGIONAL AIRPORT  
FIRST FLOOR CONFERENCE ROOM  
FEBRUARY 4, 2012  
8:00 A.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3) (arrived at 8:16 a.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia A. Applewhite (District 7) (arrived at 9:00 a.m.) ; Wade R. Fowler, Jr. (District 8); James W. Arp, Jr. (District 9)

Absent: Council Member William J. L. Crisp (District 6)

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Rebecca Tew, Management Analyst  
Rebecca Rogers-Carter, Management Services Manager  
Lyle Sumek, Lyle Sumek Associates, Inc.  
Doug Peters President and CEO, Chamber of Commerce  
Members of the Press

The strategic planning retreat reconvened at 8:05 a.m. Mr. Lyle Sumak, facilitator, led the City Council through a review of the goals for fiscal year 2013 which included Council ranking their objectives under each goal, identifying the challenges and opportunities for each goal, and prioritizing specific actions to achieve each goal.

Council began reviewing the following goals and prioritizing specific actions to achieve the goals:

- Goal 1: Greater Tax Base Diversity - Strong Local Economy
- Goal 2: More Efficient Government - Cost Effective Service Delivery
- Goal 3: Greater Community Unity - Pride in Fayetteville

City Council recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m.

Council continued reviewing the following goals and prioritizing specific actions to achieve the goals:

- Goal 4: Growing City, Livable Neighborhoods - A Great Place to Live
- Goal 5: More Attractive City - Clean and Beautiful
- Goal 6: Revitalized Downtown - A Community Focal Point

Council and Mr. Lyle Sumek agreed to reconvene on April 4, 2012, at 3:00 p.m. in the Lafayette Room at City Hall.

There being no further business, the meeting adjourned at 3:30 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney  
020412

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ANTHONY G. CHAVONNE  
Mayor



# DRAFT

FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE ROOM  
FEBRUARY 6, 2012  
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Brian Leonard, Assistant City Attorney  
Tom Bergamine, Chief of Police  
Patricia Bradley, Police Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Engineering and Infrastructure Director  
Scott Shuford, Development Services Director  
Dwayne Campbell, Chief Information Officer  
Michael Gibson, Parks and Recreation Director  
Jerry Dietzen, Environmental Services Director  
Greg Caison, Stormwater Manager  
Rebecca Rogers-Carter, Management Services Manager  
David Nash, Planner II  
Rick Moorefield, Cumberland County Attorney  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Council Member Haire.

## 3.0 APPROVAL OF AGENDA

Approval of the agenda was by consensus with a show of hands.

## 4.0 OTHER ITEMS OF BUSINESS

### 4.1 Amending Chapter 6, Animals and Fowl

Ms. Karen McDonald, City Attorney, presented this item and provided background information. She stated consistent with Council's direction, City staff was providing for Council's consideration the proposed County ordinance, a comparison between the current City ordinance and the proposed County ordinance, the County Attorney's memo to the Board of Commissioners regarding the proposed ordinance, and modifications to the ordinance that would be applicable only within the City limits. She introduced Mr. Rick Moorefield, Cumberland County Attorney.

Mr. Rick Moorefield, Cumberland County Attorney, provided an overview of the proposed significant changes and stated that duplicative provisions and requirements which had not been or could not be enforced were removed.

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A brief question and answer period ensued. Discussion followed regarding the leash laws, zoning requirements, limiting the number of pets per household, coyotes, licensing, and nuisance calls.

Consensus of Council was once the Cumberland County Board of Commissioners adopted the amended ordinance, the ordinance would be presented to the City Council for adoption.

### 4.2 R.A.M.P. - Rental Action Management Program

Mr. Doug Hewett, Assistant City Manager, presented this item with a power point presentation. Mr. Hewett stated on January 9, 2012, staff presented a finalized version of RAMP to Council for consideration and at that time Council deferred action and requested staff research several options to address stakeholder concerns. He stated the revisions addressed several stakeholder concerns while still providing a comprehensive approach to deal with problem residential property in Fayetteville. He further stated based upon feedback from Council and the stakeholders, staff was proposing the following modifications to the original RAMP ordinance:

1. Adding a definition for apartment house/apartment complex.
2. Changing the definition of "Residential Rental Property" to include single-family homes, duplexes, and triplexes, but specifically exempting apartments.
3. Adding Section 14-78, which would give Council the ability to add a property to the RAMP program by ordinance. Problem apartments and complexes could be added to RAMP following Council action.
4. Removing the property categories and references to the same.
5. Adding a provision specifying that if a property was determined not to meet the disorder threshold, registration would not be required. Additionally, the registration fee would not be deposited for ten days (the appeal period) or longer if it were actually appealed.
6. Changing the appellate process to allow for appeals of the police official's decision to require the property to register as well as any decision to revoke registration. The appeal would address the police decision but not the code violation decision. There was an appellate process already in place for code violations so it seemed unnecessary to allow an appeal of a decision to include a property in RAMP due to code violations. The right to appeal would however still exist for the properties that had their registration revoked due to an additional code violation. Also included would be a standard required showing that must be met in order for the Board to uphold the decision of the staff.

Mr. Hewett then reported the personnel requirements would be one full-time housing inspector, one part-time office assistant II, two full-time crime analysts, and one sworn police officer. He briefed the Council on the assumptions of estimated costs and estimated revenues for the program.

A brief question and answer period ensued.

Consensus of Council was to discuss and consider the item again at the February 27, 2012, City Council regular meeting.

## **DRAFT**

### **4.3 Recommended Fiscal Year 2013-2017 Capital Improvement Plan (CIP) and Information Technology Plan (ITP).**

Mr. Dale Iman, City Manager, presented this item and recognized and thanked Mr. Rusty Thompson, Engineering and Infrastructure Director; Mr. Dwayne Campbell, Chief Information Officer; and Ms. Lisa Smith, Chief Financial Officer, for their effective team effort.

Mr. Rusty Thompson, Engineering and Infrastructure Director, presented the recommended FY 2013-2017 Capital Improvement Plan (CIP) with a power point presentation. Mr. Thompson stated the process for capital planning required updating and evaluating existing projects, engaging departments to identify major capital projects or equipment needs to support strategic goals, prioritizing needs and developing a funding plan, developing project schedules based on organizational capacity, and communicating the recommended plan. He further stated the CIP goals were to increase department director participation while engaging Council and citizens, ensure staff resources were aligned with approved project schedules, and coordinating the proposed and approved CIP with PWC. In conclusion, he stated vehicle and new and replacement equipment purchases were not included in the CIP.

Mr. Dwayne Campbell, Chief Information Officer, presented the recommended FY 2013-2017 Information Technology Plan (ITP) with a power point presentation. Mr. Campbell explained the ITP definition was the replacement, upgrade, or purchase of new technology with a combined implementation cost of \$25,000.00 or greater (e.g., hardware, software, communication devices, etc.); expansion, renovation, or replacement of an existing system if the cost was greater than \$10,000.00; a multi-year technology project; and a project with enterprise-wide impacts (e.g., server virtualization).

Ms. Lisa Smith, Chief Financial Officer, presented information regarding the funding of the CIP and ITP projects with a power point presentation. Ms. Smith explained the "Pay as you Go" was funding from the general fund, revenues, and use of the fund balance. She further explained other funds included airport, stormwater, County revenues, grants, etc. In addition, she stated funding could also be provided through debt issuance with installment financing. She further explained the Capital Funding Plan (CFP) was to maintain the tax rate equivalent contribution at 5.65 cents per fiscal year, dedicate Hope VI incremental tax revenues to the CFP through 2021 to repay inter-fund loan for the project, and dedicate incremental tax revenues in CBTD and other funding to pay debt service for the parking deck. She reported the low point in debt capacity would occur in FY 2012 and FY 2016 and there would be significant debt capacity in FY 2018 and beyond as portions of current debt were retired. She provided handouts with the recommended CIP/ITP projects and stated the next steps in the process were to receive feedback from the Council; follow up with another discussion at the March 5, 2012, work session; and adopt a five-year CIP and ITP with the adoption of the annual budget in June 2012.

A brief discussion period ensued.

Consensus of the Council was to revisit this item at the March 5, 2012, City Council work session.

### **4.4 Parks and Recreation - Financial Package for Park Bond Proposal.**

Mr. Kristoff Bauer, Assistant City Manager, presented this item with a power point presentation and stated staff had prepared a preliminary list of Parks and Recreation capital projects, based upon the adopted facilities master plan, and presented it to Council and Cumberland County Commissioners during a joint meeting. He then stated the feedback was to refine the list looking for ways to reduce the cost and potential tax impact and staff was also charged with clarifying the process to achieve voter consideration. He stated staff had taken the revised cost estimates based upon the work of Site

## DRAFT

Solutions and worked with Ms. Janice Burke of First Southwest Financial to develop a financial plan and the plan was reviewed and refined in consultation with City and County Finance staff as well as the bond counsel and the Local Government Commission. He stated the capital project proposal was designed to be supported by new revenue and the project was self-supporting from an operational perspective. Additionally, he stated Council could consider providing funds to support the effort to educate the community regarding the proposal as the general obligation bonds must be voter approved, which would be scheduled for the February 2013 election. He further stated the Cumberland County-Fayetteville Parks and Recreation Advisory Board had given unanimous support for the proposal. He also stated he would be briefing the Cumberland County Commissioners in March and was also working with neighboring municipalities. In conclusion, he stated the next steps would be to execute a memorandum of understanding, set a ballot measure, and initiate an informational campaign.

A brief discussion period ensued.

The consensus of Council was to bring the item back for further information and discussion in March 2012.

- 4.5 Revisions to Policy 150.2 relating to annexation requirements in exchange for PWC services that have not been implemented with complete success. Revisions to policies and implementation practices to address issues will be presented.**

Mr. Kristoff Bauer, Assistant City Manager, presented this item with a power point presentation. Mr. Bauer stated the Council adopted a revised policy entitled "Provisions of Water and Sewer to Municipal Influence Area" on December 14, 2009, which established the requirement that property owners within the City's growth area seeking PWC water or sewer service must file a petition for voluntary annexation before the service would be provided. He also stated PWC policy at that time allowed developers to get water and sewer availability permits without petitioning for annexation as required by the policy. He also stated the policy was enforced at the time when water meters were requested and at that point, the development would be very close to completion. Additionally, he stated case law established the standard that petitions for annexation must contain the signatures of all property owners at the time of Council consideration instead of the time of petition in order to be valid. However, he stated the combination of factors created two challenges to the successful implementation of the policy: (1) it allowed development to proceed to completion under County standards and (2) it created the opportunity for the annexation petition to be invalidated through sale of lots, pre-sale of homes, or sale of completed homes during the period after the petition for annexation was filed. He reported subsequent to that action there was an incident when a property owner filed a petition for annexation and then took actions that invalidated that petition before the City Council was able to act thereon. He stated staff had worked with PWC and representatives of the development community to develop an implementation strategy designed to address the issues without negatively impacting the development process. In conclusions, he stated key elements of the strategy included the following:

1. A clarified Policy 150.2;
2. Adding language to water and sewer availability permits as well as the PWC service agreement;
3. Expediting the annexation review process to allow it to run parallel with the initial zoning process; and
4. Revision to Policy 165.1, Initial Zoning After Annexation, to address an order concern and give the Council additional flexibility in establishing the initial zoning. Staff will

## DRAFT

review how these changes respond to concerns raised and how the new process will be implemented.

Consensus of Council was to bring this item back for consideration at the February 27, 2012, City Council regular meeting.

#### 4.6 Consideration of adoption of revisions to Chapter 23, Article II, Stormwater Management Ordinance.

Mr. Greg Caison, Stormwater Manager, presented this item and stated the Stormwater Management Ordinance, also referred to as Article III, Stormwater Control, initially became effective January 1, 2009, and established minimum requirements and procedures for new development to control the adverse effects of increased stormwater quantity and runoff quality. He stated the ordinance also included state-mandated stormwater requirements developed directly from language as contained in the state's stormwater model ordinance. He stated a local stakeholders group, the Stormwater Advisory Board, and City staff originally developed the ordinance in 2008, and that same group recently worked for several months to craft and review the proposed changes. He stated as part of that effort, a new Stormwater Administrative Manual was developed to help all users apply the ordinance to their specific needs. He stated the original Article III first became effective in early 2009 and City staff and those affected by the requirements had wrestled with several technical matters, particularly those regarding stormwater Best Management Practices (BMPs). He stated the proposed revisions would address those areas of concern and provide for clarification and/or other resolutions had now been fully reviewed by the stakeholders group, the Stormwater Advisory Board, and City staff. He stated all parties expressed agreement with both the proposed changes and the new Administrative Manual. He stated the NC Division of Water Quality recently reviewed the ordinance and proposed the majority of the requested revisions. He stated to continue to maintain the municipal NPDES stormwater permit compliance, and as part of the NC Division of Water Quality's (DWQ) recent review, the City was required to add specific new language as contained in the state's model ordinance to meet Phase II requirements. He stated when adopted, the ordinance would better align with the State's Stormwater Phase II Model Ordinance, and the state agreed to immediately delegate authority to the City to administer post-construction requirements. He stated doing so would provide for internal and external efficiencies, eliminating a duplication of services between the City and local NC DENR office, thereby allowing developers to need only a single (stormwater) permit rather than two. He stated a performance guarantee was required by the ordinance to effectively ensure that stormwater BMPs were built/installed in accordance with the engineering design. He stated the original ordinance performance guarantee was 150 percent of the estimated BMP construction cost and was established to guard against the "unknown" as the City prepared to move into the BMP business. He stated now that City staff had gained experience and a comfort level over time, a change had been proposed to reduce the performance guarantee to 75 percent of estimated construction which would reduce financial burden and also be more consistent with similar UDO requirements. He stated the Stormwater Advisory Board unanimously requested that the changes be adopted. He stated the City also received a letter from the Home Builders Association of Fayetteville in support of the changes. He requested the Council set a public hearing for consideration and voting on the proposed revisions to the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

Council Member Hurst stated the revised ordinance was a significant improvement that was well coordinated and thanked Mr. Caison for his good work.

Consensus of Council was to hold a public hearing on February 13, 2012, on the revisions to Chapter 23, Article II Stormwater Management Ordinance.



## DRAFT

### 4.7 Backdoor Yard Waste

Mr. Jerry Dietzen, Environmental Services Director, presented this item and stated Council Member Bates requested information on what it would take to provide back door yard waste service for individuals who currently receive back door garbage collection. Mr. Dietzen stated traditionally they had found that individuals with disabilities who were not physically able to pull or push the garbage cart to the curb were also not able to complete weekly yard work so they had a relative or yard service company complete the work. He stated the person completing the yard work would then place the carts at the curb for collection. He stated in their analysis of the request, the department recorded the time it would take to leave the truck, go to the back yard location where the trash carts were located, and return to the truck and then to double that time to return the cart to the same location in the yard. He stated the average time was 3.5 minutes per service location. He stated they had not included the loading time since that would be constant. He stated in order to keep the cost of the new program reasonable, every back door resident would have to participate and would be charged the service rate. He stated this would apply if they used the service or not. He stated providing the additional service would cause the department to be less efficient in its delivery of services during holidays and peak season collections. He stated the analysis indicated that it would take a minimum of two additional garbage trucks, four additional personnel, and the associated supplies, materials, vehicle maintenance, and fuel to serve these households in this manner. He stated the beginning cost for the new service as reviewed by Finance would be approximately \$683,757.00 per year, subject to annual increases due to inflation. He stated the cost per household, based upon mandatory participation of all 650 households, would begin at \$45.58 per year or \$3.80 per household per month. He stated staff recommended keeping yard waste collection as it was currently.

Consensus of Council was to keep yard waste collection as it was currently.

### 5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:42 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

020612

# DRAFT

FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM  
FEBRUARY 13, 2012  
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 6:25 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Members of the Press

Mayor Chavonne called the meeting to order at 6:00 p.m.

MOTION: Mayor Pro Tem Arp moved to go into closed session for discussion of litigation in the matter of *City of Goldsboro, et al. v. State of North Carolina Board of Elections*.  
SECOND: Council Member Bates  
VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:20 p.m. The regular session reconvened at 6:30 p.m.

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

Mayor Chavonne reviewed the agenda items and noted there were eight speakers for the public forum.

Council Member Haire expressed his intent to pull Items 6.4 and 6.8.

Mr. Dale Iman, City Manager, explained Item 6.8 regarding the park facility at the school and the other parks that would benefit.

Council Member Fowler agreed to do the invocation.

Mayor Chavonne asked to add Item 5.2 to allow the City Manager to provide an update on the traffic stops action plan.

Mr. Iman then provided an update on the Police Chief search and discussed the proposed timelines.

There being no further business, the meeting adjourned at 6:45 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

021312

# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
FEBRUARY 13, 2012  
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Patricia Bradley, Police Attorney  
Jerry Dietzen, Environmental Services Director  
Scott Shuford, Development Services Director  
Greg Caison, Stormwater Manager  
Craig Harmon, Planner II  
Rebecca Rogers-Carter, Management Services Manager  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Council Member Fowler.

## 3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 747, sponsored by St. James Lutheran Church.

## 4.0 APPROVAL OF AGENDA

**MOTION:** Mayor Pro Tem Arp moved to approve the agenda with the addition of Item 5.2, update on the traffic stop action plan timeline.

**SECOND:** Council Member Haire

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

## 5.0 PUBLIC FORUM

### 5.1 Public Forum Speakers

Mr. Carey Pierce, 3363 Quarry Drive, Fayetteville, NC 28303, requested the moratorium on consent searches be dismissed. He stated consent to search was one of the many tools in the police arsenal used to fight crime.

Mr. Myron Brown, 1120 Southern Avenue, Fayetteville, NC 28301, expressed concerns for the homeless in Fayetteville. He requested the City Council work together with staff, church groups, and business owners to help solve the problem.

Mr. Chris North, 902 Penwall Court, Fayetteville, NC 28303, expressed concerns for encroachment in the Summerhill Subdivision that could result in increased population, automobiles, noise, and crime and property devaluation.



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Mr. Irving Maxwell, 7113 Fillyaw Road, Fayetteville, NC 28303, stated he and his wife as Fayetteville homeowners for 30 years were opposed to rezoning property that would allow 120 apartments to be built.

Mr. Emmett Dover, 6463 Freeport Road, Fayetteville, NC 28303, stated he had resided in the Summerhill Subdivision since 1984 and was opposed to the rezoning that would allow apartments to be built. He requested Council deny the rezoning.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28303, informed Council there was an "Occupy Fayetteville" local group that was peaceful and law abiding and intended to attend as many City Council meetings as possible. She requested the Council adopt an ordinance that would provide preference to local businesses when a contract was out for bid.

Ms. Mary McGrue, 9079 NC Hwy 20, Lumber Bridge, NC 28357, stated she and her husband owned rental properties in the City of Fayetteville and requested the Council revisit the fines and procedures associated with the potential RAMP ordinance.

### **5.2 Police Department traffic stop action plan timeline update.**

Mr. Dale Iman, City Manager, presented this item and provided Council with a handout. Mr. Iman briefly reviewed the points of the action plan timeline as follows:

#### **STEP 1**

**Action:** Identify an organization external to the Fayetteville Police Department to review all traffic stop policies, procedures, and standards of conduct. Review the Fayetteville Police Department Accreditation Process to identify training areas. Review Audit findings and determine if the issues identified were also identified in the audit for corrective action. Review and analyze all data collected to determine if biased-based policing has occurred and if so, determine if it is a departmental problem or the result of individual officers. Immediately implement acceptable CALEA Accreditation training standards and identify specific and measurable goals to ensure the conduct of traffic stops (Self-assessment and External assessment) meet the standards.

**Goal:** Initiate Self-Assessment and External Assessment. Conduct Code of Conduct training during this period for officers and the department to establish an organizational culture where any bias-based policing is immediately detected and corrected. Include citizen representative(s) for input into the training elements design and delivery.

#### **STEP 2**

**Action:** Complete purchase and installation of cameras into patrol vehicles, collect audio and video data, and utilize that new technology to monitor the activities of all traffic stops and conduct additional assessment as necessary.

**Goal:** Provide the ability to record audio and video every time a traffic stop takes place to provide evidence of illegal/improper activity and to protect officers against false complaints of misconduct. Fully Mission Capable cameras should be required for all traffic patrol operations.

#### **STEP 3**

**Action:** Develop a reliable and valid police-citizen contact data collection and reporting system method to collect and analyze data in a timely and cost effective fashion which would be

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minimally disruptive to the daily responsibilities of our officers.

**Goal:** Establish system to analyze and track the police-citizen contact data to include time, date, reason, and location of consent search requests and probable cause searches. Provide an objective and impartial analysis of the data of our officer-initiated traffic stops to identify trends (trends analysis) and institute corrective actions as necessary to meet established metrics for conduct of officers and public safety. Data shall be reportable on a monthly, quarterly, and annual basis. Identify an outside agency or organization to help design a reporting system and help ensure accurate and timely information and analysis is provided.

### STEP 4

**Action:** Review, revise, and implement changes to the current Citizen and Employee Complaint process that increases citizen and employee confidence in goals, objectives, policies, and practices of the Fayetteville Police Department. Ensure all complaints are investigated thoroughly and criticism is made an integral part of the department's analysis of day-to-day services. Working with the external organization identified in Step 1, fully explore an external review process for complaints.

**Goal:** Develop and implement a plan for internal reviews of complaints and resolutions on a regular basis. Fully explore an external review process for citizen complaints (by an organization external to the Fayetteville Police Department such as a modified Ethics Commission).

Mayor Pro Tem Arp thanked Mr. Iman for the update and inquired if camera installation would be completed by March 1, 2012. Mr. Iman responded in the affirmative.

Mayor Pro Tem Arp inquired if Council would receive an update from NOBLEE on March 12, 2012. Mr. Iman responded in the affirmative.

Mayor Chavonne requested Mr. Iman explain Step 3 relating to recent reporting issues. Mr. Iman explained he was developing a report on the issue and hoped to have it completed within the next couple of days.

### 6.0 CONSENT

**MOTION:** Council Member Haire moved to approve the consent agenda with the exception of Items 6.4 and 6.8 for discussion.

**SECOND:** Council Member Fowler

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

### 6.1 Approve Meeting Minutes:

- November 28, 2011 - Regular Meeting
- December 7, 2011 - Special Agenda Briefing
- December 12, 2011 - Discussion of Agenda Items
- December 12, 2011 - Regular Meeting

### 6.2 Adoption of the Federal Legislative agenda.

6.3 Authorizing a drainage easement to NCDOT for the upcoming bridge replacement project along US 301 Business over Cross Creek.

6.4 Pulled for discussion by Council Member Haire.

**DRAFT**

6.5 Adopt resolution to declare City foreclosed property surplus, sale by sealed bid, and award and accept highest bid.

RESOLUTION TO DECLARE CITY FORECLOSED PROPERTY SURPLUS, SALE BY SEALED BID, AND TO AWARD AND ACCEPT HIGHEST BID. RESOLUTION NO. R2012-006.

6.6 Award contract for the purchase of eight mini-hybrid thermal management system kits to Clarke Power Services, Greensboro, NC, in the amount of \$168,000.00.

Bids were received as follows:

Clarke Power Services (Greensboro, NC) ..... \$168,000.00  
Engineered Machined Products (Escanaba, MI) ..... \$172,000.00

6.7 Finance - Tax Refunds of Greater Than \$100.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Natural Pleasures, LLC	2009-2010	Corrected Assessment	\$ 333.47
Rouse, JB	2006-2010	Corrected Assessment	108.86
System Business Equipment	2008-2010	Corrected Assessment	7,863.76
Wingate, Addie	2010	Corrected Assessment	176.23
Burkhead-Devane Printing	2006	Corrected Assessment	923.46
Total			<u>\$9,405.78</u>

6.8 Pulled for discussion by Council Member Haire.

6.9 Revisions to City Council Policy 150.2, provision of water and sewer to municipal influence area, relating to annexation requirements.

6.4 Amendment to the City's fees and charges eliminating the fee for more than six bulky item collections at one residence.

This item was pulled for discussion by Council Member Haire.

Mr. Jerry Dietzen, Environmental Services Director, presented this item. He stated as an element of several changes to the service provided by the Environmental Services Department, a fee of \$50.00 was approved by Council for residents who had more than six bulky item collections per year at one address. He stated the intent was to reduce the number of persons taking advantage of the service for business or other reasons and other residents supplementing their use or abuse of the service. He stated residents had voiced their concern over the restriction and that it was causing illegal dumping and others were not calling in a bulky item for fear they would be charged the fee.

Council members requested that the fee be removed.

MOTION: Council Member Bates moved to approve the item.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

6.8 Capital Project Ordinance Amendment 2012-19 and Capital Project Ordinance 2012-9 (Century Circle Park Facilities and Joint-Use Facilities at Cumberland County Schools)

This item was pulled for discussion by Council Member Haire.

Mr. Michael Gibson, Parks and Recreation Director, presented this item and stated in 2007 Council approved a project budget of \$800,000.00 for a park project at a school site in the western area of Fayetteville. He stated the project was part of the service plan for the area that was annexed on September 30, 2005. He stated the City's General Fund was the source of funds for the project. He stated the City was currently in the process of constructing the improvements at the new Century Circle Middle School. He stated Cumberland County

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Schools requested to reimburse the City \$441,000.00 for the parks and recreation project at Century Circle Middle School since they had surplus funds that were restricted for improvements at the school site. He stated in exchange, the school system requested that the City agree to make certain improvements and reimburse the school system for improvements at various middle and high schools located in the City in an amount not to exceed \$431,000.00. He stated the improvements would be at Nick Jeralds, Westover, Max Abbott, and Douglas Byrd Middle Schools and E.E. Smith, Westover, Terry Sanford, Reid Ross Classical, and Pine Forest High Schools. He stated the improvements would include baseball dugouts, gym bleachers, parking lot and track paving, scoreboards, tennis court and football field improvements, and air conditioning and irrigation systems improvements. He stated the net impact to the City would be a \$10,000.00 savings and was a unique opportunity to extend taxpayer dollars.

A brief question and answer period ensued.

MOTION: Council Member Haire moved to approve.  
SECOND: Council Member Crisp  
VOTE: UNANIMOUS (10-0)

### 7.0 PUBLIC HEARINGS

7.1 Case No. P12-05F. Rezoning from SF-15 Single Family District to OI Office and Institutional District, or a more restrictive district, on property located on the south side of Kinlaw Road. Containing 9 acres more or less and being the property of The Methodist University, Inc.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He also stated Methodist University had a straight translation of R15 to SF-15 given to them and the new district would not allow universities as a use. He further stated Methodist University was looking to build dormitories on the properties. He stated the Zoning Commission encouraged the University to meet with the neighbors to discuss the future building plans. Finally, He stated the Zoning Commission and staff recommended approval of the OI district based on (1) the Land Use Plan calling for Office and Institutional, (2) the dorm rooms already existing on one of the two properties, and (3) universities not being allowed in the SF-15 district.

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

Dr. Ben Hancock, 234 Kinlaw Road, Fayetteville, NC 28311, appeared in favor and stated Methodist University was growing and in need of expansion and had the additional residence hall. He stated if they were not able to proceed with the project at this time, they would have approximately 80 students they would not be able to house this coming fall. He respectfully requested the rezoning be approved.

Mr. Dale Crawford, President of Crawford Design Company, 116 Cool Spring Street, Fayetteville, NC 28301, appeared in favor and stated his company was currently working with SFLA Architects and the University to expand the campus with dormitories.

Mr. Eric Lindstrom, 233 Old Street, Fayetteville, NC 28301, appeared in favor and stated he was the architect on record for the first two phases of the Methodist University project and was here tonight to answer any technical questions.

Mr. Harvey Wright, Chairman of the Board of Trustees of Methodist University, appeared in favor.

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Ms. Mary Lynn Bryan, 505 Valley Road, Fayetteville, NC 28305, appeared in favor and stated she was the Vice Chair of the Board of Trustees for Methodist University.

Mr. Bill Little, 235 Kinlaw Road, Fayetteville, NC 28311, stated he had signed up to speak in opposition but had extensive conversations with Dr. Ben Hancock, Methodist University President, and that he no longer objected.

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

**MOTION:** Council Member Bates moved to approve the rezoning from SF-15 Single Family District to OI Office and Institutional District.

**SECOND:** Council Member Massey

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

### 7.2 Public hearing and consideration of adoption of revisions to Chapter 23, Article III, Stormwater Management Ordinance.

Mr. Greg Caison, Stormwater Manager, presented this item and stated the Stormwater Management Ordinance, also referred to as Article III, Stormwater Control, initially became effective January 1, 2009, and established minimum requirements and procedures for new development to control the adverse effects of increased stormwater quantity and runoff quality. Mr. Caison also stated the ordinance included state-mandated stormwater requirements developed directly from language as contained in the state's stormwater model ordinance. He reported to continue to maintain the municipal NPDES stormwater permit compliance, and as part of the NC Division of Water Quality's (DWQ) recent review, the City was required to add specific new language as contained in the state's model ordinance to meet Phase II requirements. He stated when adopted, the ordinance would better align with the State's Stormwater Phase II Model Ordinance, and the state agreed to immediately delegate authority to the City to administer post-construction requirements. He stated doing so would provide for internal and external efficiencies, eliminating a duplication of services between the City and local NC DENR office, thereby allowing developers to need only a single (stormwater) permit rather than two. Mr. Caison continued a performance guarantee was required by the ordinance to effectively ensure that stormwater BMPs were built/installed in accordance with the engineering design. He stated the Stormwater Advisory Board unanimously requested that the changes be adopted. The City also received a letter from the Home Builders Association of Fayetteville in support of the changes. He requested the Council set a public hearing for consideration and voting on the proposed revisions to the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 23, ARTICLE III, STORMWATER CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO COMPLY WITH STATE PHASE II STORMWATER REQUIREMENTS, TO ADJUST BMP PERFORMANCE GUARANTEE, AND TO PROVIDE FOR TECHNICAL CLARIFICATION. ORDINANCE NO. S2012-002.

**MOTION:** Council Member Bates moved to approve the adoption of the revisions to Chapter 23, Article III, Stormwater Management Ordinance.

**SECOND:** Council Member Davy

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

### 8.0 OTHER ITEMS OF BUSINESS

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8.1 City of Fayetteville 2011 Annual Report to the community.

This item was not presented.

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

021312

# DRAFT

FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
LAFAYETTE ROOM  
FEBRUARY 22, 2012  
4:00 P.M.

Present: Mayor Anthony G. Chavonne (departed at 5:45 p.m.)

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:20 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4) (departed at 5:55 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (departed at 5:50 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
Members of the Press

Mayor Chavonne called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's February 27, 2012, agenda:

## PUBLIC HEARING ITEMS:

P11-52F. Rezoning from SF-15 Single Family District to MR-5/C Mixed Residential Conditional District, or a more restrictive district, on property located at 7015 Fillyaw Road. Containing 15.14 acres more or less and being the property of James McKethan, Robert McKethan, and Kenneth McKethan, Jr. (Appeal of a Zoning Commission Denial)

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the protest petition filed would require a supermajority. He stated the applicant was requesting that the City Council remand the case back to the Zoning Commission.

Council Members inquired as to the votes that would be necessary for the remand.

Discussion ensued on the current zoning and the permissible density.

Quasi-Judicial Public Hearing - Appeal of a required street connection from a new 32-lot subdivision to an existing neighborhood (Arrans Lake West) via Lakewell Circle.

Mr. Scott Shuford, Development Services Director, presented this item. He reviewed the neighborhood street connection on Lakewell Circle. He advised the hearing would be quasi judicial and Council would have to make findings of fact.

Council members noted this was the first hearing on connectivity.

MOTION: Council Member Bates moved to go into closed session for discussion of litigation in the matter of *Rauff v. City of Fayetteville* and an attorney-client privileged matter.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

The regular session recessed at 4:45 p.m. The regular session reconvened at 5:28 p.m.



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

MOTION: Council Member Applewhite, in light of the opinion from the Attorney General's office and the pending lawsuit, moved to rescind the moratorium approved by Council on January 23, 2012, and continue with the implementation of the other items.  
SECOND: Council Member Bates  
VOTE: FAILED by a vote of 2 in favor (Council Members Applewhite and Bates) to 8 in opposition

MOTION: Mayor Chavonne moved to go into closed session for a personnel matter.  
SECOND: Council Member Crisp  
VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:35 p.m. The regular session reconvened at 5:55 p.m.

MOTION: Council Member Fowler moved to go into open session.  
SECOND: Council Member Massey  
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 5:55 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

022212



# DRAFT

FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM  
FEBRUARY 27, 2012  
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3) (arrived at 6:20 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Charlotte Landsing, Police Executive Research Forum  
Members of the Press

Mayor Chavonne called the meeting to order at 6:00 p.m.

Mr. Dale Iman, City Manager, introduced Charlotte Landsing from the Police Executive Research Forum (PERF).

Ms. Charlotte Landsing, PERF, introduced herself and PERF. She discussed the various websites the Police Chief's position was being advertised on and the process that would be utilized.

A brief discussion period ensued. Ms. Landsing then departed.

Council then reviewed the agenda items.

There being no further business, the meeting adjourned at 6:20 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

022712

# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
FEBRUARY 27, 2012  
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Ben Major, Fire Chief  
Scott Shuford, Development Services Director  
Bart Swanson, Housing and Code Enforcement Manager  
Frank Lewis, Sr. Code Enforcement Administrator  
John Kuhls, Human Resource Development Director  
Victor Sharpe, Community Development Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
Jennifer Lowe, Public Information Officer  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Rabbi Yosef Levanon of the Beth Israel Congregation Community Center.

## 3.0 PLEDGE OF ALLEGIANCE

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

## 4.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

### 4.1 Police Department traffic stops action plan timeline update.

Mr. Dale Iman, City Manager, presented this item and stated he had provided the Council a copy of the update prior to the meeting. He stated the February 27, 2012, report remained unchanged since the last report and everything was still on track and schedule. He briefly reviewed the update and stated step one was to identify an organization external to the Fayetteville Police Department to review all traffic stop policies and procedures and standards of conduct. He stated the City hired the National Organization of Black Law Enforcement Officials (NOBLE) who conducted an on-site visit and made numerous contacts throughout the community. He stated NOBLE would give a report to Council on March 12, 2012, which would be made public at that time. He stated step two was to have dashboard cameras installed in all patrol vehicles of the Police Department. He stated installation in the existing fleet was on schedule and to be completed by March 1, 2012, and newly purchased vehicles would have dashboard cameras installed. He stated step three had been accomplished to

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develop a reliable and valid police-citizen contact data collection and reporting system. He stated this system would show the information requested by City Council in October which was an articulable reason for the traffic stops. He stated the system was in place and had been tested for accuracy. He stated step four was to review and revise, implement changes to the current citizen and employee complaint process, and look at the potential for creating an external review of complaints and resolutions on a timely and regular basis.

### 5.0 CONSENT

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

### 5.1 Approve meeting minutes:

- January 3, 2012 - Work Session
- January 9, 2012 - Discussion of Agenda Items
- January 9, 2012 - Regular Meeting
- January 18, 2012 - Agenda Briefing
- January 23, 2012 - Discussion of Agenda Items
- January 23, 2012 - Regular Meeting

### 5.2 Community Development - Resolution authorizing the transfer of real property to Fayetteville State University located at 916 and 918 Washington Drive.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPROVING CONVEYANCE OF PROPERTY PURSUANT TO G.S. § 160A-279. RESOLUTION NO. R2012-007.

### 5.3 Case No. P12-01F. Rezoning from SF-10 Single Family District to NC Neighborhood Commercial District, or a more restrictive district, on property located at 906 Hope Mills Road. Containing 0.24 acres more or less and being the property of Nancy Karyo.

### 5.4 Case No. P12-02F. Rezoning from HI Heavy Industrial District to CC Community Commercial District, or a more restrictive district, on property located at 4420 Murchison Road. Containing 1.41 acres more or less and being the property of Agnes Hubbard.

### 5.5 Case No. P12-03F. Initial zoning from R10 Residential District in Cumberland County's jurisdiction to SF-10 Single Family Residential District, or a more restrictive district, on property located at W Summer Chase Drive. Containing 53.62 acres more or less and being the property of Brolanco Corporation, Don B. Broadwell, Sr, President.

### 5.6 Adopt resolution to accept a report of unpaid taxes for 2011 and direct the 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. R2012-008.

### 5.7 Special Revenue Fund Project Ordinance 2012-12 (Parks and Recreation - Return and Restore Program).

The ordinance appropriated \$10,000.00 for the Return and Restore Program at Parks and Recreation.

### 5.8 Special Revenue Fund Project Ordinance 2012-13 (PSN - Law Enforcement Training Consortium).

The ordinance appropriated \$13,000.00 for the Police Department's Law Enforcement Training Consortium for Fiscal Year 2012.

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- 5.9 Request for legal representation in the matter of *Matthew F. Bases v. Vernia Murchison*, Superior Court Case No. 12 CVS 34.
- 5.10 Resolution designating various banks and savings and loan associations as official depositories of City funds.

RESOLUTION. RESOLUTION NO. R2012-009.

- 5.11 Adopt resolution to declare City foreclosed property surplus, sale by sealed bid, and award and accept highest bid.

RESOLUTION TO DECLARE CITY FORECLOSED PROPERTY SURPLUS, SALE BY SEALED BID, AND TO AWARD AND ACCEPT HIGHEST BID. RESOLUTION NO. R2012-010.

- 5.12 Resolution to sell surplus 1994 HME Boardman fire pumper and 1994 emergency one sentry rescue truck through public auction.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING PUBLIC AUCTION SALE OF FIRE DEPARTMENT PERSONAL PROPERTY. RESOLUTION NO. R2012-011.

### 6.0 PUBLIC HEARINGS

- 6.1 Quasi-Judicial Public Hearing - Appeal of a required street connection from a new 32-lot subdivision to an existing neighborhood (Arrans Lake West) via Lakewell Circle.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He provided background information and explained the City's Development Code required connectivity between neighborhoods but would not allow citizens who live in close proximity to appeal the connection. He stated the developer wanted to provide access to the subdivision via Lakewell Circle and not provide a connection to Fisher Road. He stated Lakewell Circle was connected to Lakeway Drive and feeding traffic out to Fisher Road and Lakeway Drive and was the only connection to Fisher Road for the Arrans Lakes West Subdivision. He stated the proposed subdivision was providing a future connection stub-out to an adjacent 88-acre site and the stub-out would provide future connectivity as the vacant property was developed. He stated NCDOT indicated they would prefer not to have a connection from Arrans Cove to Fisher Road as their goal was to limit access points whenever possible. He stated some of the residents within Arrans Lakes West were against the connection of Lakewell Circle to the new subdivision and appealed the Technical Review Committee decision. He stated the residents indicated the connection would result in additional traffic and unsafe conditions. He stated the developer of the new subdivision, Arrans Cove, was not looking for a direct connection to Fisher Road, but connection to Lakewell Circle, and use Lakewell Drive as the access from the subdivision to Fisher Road. He stated City staff believed the connection supported the goals of the Development Code's Community Form Section and the Strategic Plan by providing internal circulation between neighborhoods and limiting access points onto a major thoroughfare, thus limiting possible conflict areas. He stated the new subdivision would provide for a future connection which would broaden the circulation network and eventually improve the dispersment of traffic and provide more travel options for residents and both emergency and public service vehicles in the area. He stated the benefits of connectivity were improving traffic congestion by dispersing traffic, improving public service and public safety by providing alternate routes of travel, and decreasing travel distance which could result in fewer traffic accidents. He stated staff recommended adopting the following findings of fact and denying the appeal of the street connection:

1. The connection complies with the standards and is in harmony with the general purpose and intent of the Code;

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2. The connection is compatible with the character of the surrounding area;
3. The connection avoids or minimizes any significant adverse impact on the surrounding area;
4. The connection maintains safe ingress and egress and safe road connections and the public safety and welfare have been considered; and
5. The connection allows for protection of property values and the ability of the neighboring lands to develop as permitted.

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

Ms. Mindy Love-Stanley, 2287 Lakewell Circle, Fayetteville, NC 28306, stated she was appearing in opposition to the connection and in favor of the appeal. She stated when she moved into Lakewell Circle 14 years ago, it was a dead-end street and stated Lakewell Circle did not have sidewalks.

Mr. Scott Brown, 409 Chicago Drive, Fayetteville, NC 28306, stated he was appearing on the owners' behalf. He stated he was one of the engineers over the project and the owners were in opposition of the appeal and in favor of the connectivity.

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

A question and answer period ensued between the City Council, Mr. Shuford, and Mr. Brown.

**MOTION:** Council Member Crisp moved to adopt Option 2 that based upon testimony, find one or more of the findings, 1 through 5, in the negative and approve the appeal of the proposed street connection (This will disallow the proposed street connection preventing the development unless an alternative connection can be acquired).

**SECOND:** Council Member Bates

**VOTE:** FAILED by a vote of 5 in favor (Council Members Chavonne, Massey, Fowler, Arp, and Hurst) to 5 in opposition (Council Members Davy, Haire, Applewhite, Bates, and Crisp)

**MOTION:** Council Member Crisp moved to adopt Option 3 that based upon testimony, find one or more of the findings, 1 through 5, in the negative and send the site plan back to the Technical Review Committee with direction to require additional connectivity to address the negative finding (This will allow the proposed street connection, but require the development to develop additional connections to mitigate the impact(s) identified by the findings of fact).

**SECOND:** Council Member Applewhite

A discussion period ensued. Council Member Crisp withdrew his motion.

**MOTION:** Mayor Pro Tem Arp moved to adopt Option 1 to adopt the findings of fact 1 through 5 as presented by staff and deny the appeal of the street connection.

**SECOND:** Council Member Hurst

**VOTE:** PASSED by a vote of 7 in favor to 3 in opposition (Council Members Applewhite, Crisp, and Bates)

6.2 Case No. P11-52F. Rezoning from SF-15 Single Family District to MR-5/C Mixed Residential Conditional District, or a more

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restrictive district, on property located at 7015 Fillyaw Road. Containing 15.14 acres more or less and being the property of James McKethan, Robert McKethan, and Kenneth McKethan, Jr. (Appeal of a Zoning Commission Denial)

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the owner of the property requested that the City Council remand the case back to the Zoning Commission to be reheard. He stated after the Zoning Commission meeting, the applicant and engineer met with City staff to identify issues that led to the denial. He stated the applicant would now like to redesign the project based on the concerns that the Zoning Commission and staff had given them. He stated the owner of the property had submitted a conditional rezoning request to build 120 apartment units on 14.92 acres, where 634 units would normally be allowed under the proposed MR-5 zoning district (44 units allowed under current zoning). He stated there would be a single point of ingress/egress into the development from Fillyaw Road. He stated the site plan designated that 7.18 acres be set aside as open space with 1.49 acres being required. He stated while NCDOT and the City were requiring that turn lanes be constructed for the project, traffic remained a major concern. He stated in advance of the public hearing, some residents had also expressed concern about density and how close and visible the apartments would be from the road. He stated the latter concern could be reduced by more effective screening on perimeter to SF and using plantings, fencing, and building orientation with the other buildings at the front edge to minimize the sense of scale. He stated the Zoning Commission and staff recommended the City Council move to deny the rezoning of the property to Mixed Residential 5 with conditions as currently offered by the owner.

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

Mr. Chris Pursey, 409 Chicago Drive, Suite 112, Fayetteville, NC 28306, appeared in favor and stated the three residents that spoke in opposition of the rezoning all had issues with the potential increase of traffic. He requested the item be returned to the Zoning Commission for further negotiations.

Mr. Steve Strapee, 6009 Tenbury Court, Fayetteville, NC 28306, appeared in favor and stated he was one of the developers of the property. He stated a traffic engineering company had been hired to provide a traffic impact analysis and requested the item be returned to the Zoning Commission.

Mr. James McKethan, 1936 Culpepper Lane, Fayetteville, NC 28304, appeared in favor and stated he believed the project would have the overall impact to improve the community.

Mr. Emmett Dover, 6463 Freeport Road, Fayetteville, NC 28303, appeared in opposition and stated he had lived in his residence since 1984 and was against the proposed construction of a 120-apartment complex in the middle of his neighborhood.

Mr. Irving Maxwell, 7113 Fillyaw Road, Fayetteville, NC 28303, appeared in opposition and requested the current zoning of single-family homes remain. He stated the construction of an apartment complex would increase traffic and noise and destroy the make-up of the neighborhood.

Mr. Robert Arizmendi, 1317 Fraser Drive, Fayetteville, NC 28303, appeared in opposition and stated he had been a resident of the Summerhill community since 1990. He stated he and his family members were concerned about the increase of traffic, particularly speeding, in the neighborhood if the construction were permitted.



## DRAFT

Mr. Chris North, 902 Pinwall Court, Fayetteville, NC 28303, appeared in opposition and stated he would be 82 years old in April and had lived at his current residence for over 25 years, and was strongly opposed to the rezoning.

Mr. Mario Wozniak, 7207, Godfrey Drive, Fayetteville, NC 28303, appeared in opposition and suggested the City make a positive improvement to the neighborhood and purchase the land from the land owners and build a park to provide green space for children to play.

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

Council Member Applewhite stated she applauded all the citizens coming together on the item.

MOTION: Council Member Haire moved to deny the rezoning.  
SECOND: Council Member Bates  
VOTE: UNANIMOUS (10-0)

6.3 Case No. P12-04F. Special Use Permit for a major utility on property located at 8880 Cliffdale Road. Containing 1.9 acres more or less and being the property of Lumbee River EMC.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He reported the property had an existing substation owned by Lumbee River EMC, who were interested in expanding the facility; however, under the UDO a Special Use Permit would be required for such an expansion. In addition, he reported there was an open area available on the property for the expansion. He explained there was one use-specific standard required of major utilities in the AR district which was a set back of at least 100 feet from any lot lines. Additionally, he explained that since it was an expansion of a utility that was in existence prior to the adoption of the UDO, only the new construction would fall under the UDO standards. He stated there were no special buffering standards for utilities and there were no buffering requirements between the AR district and other single-family zoning districts. Further, he stated conditions such as buffering along the existing frontage of Cliffdale Road would be included to soften the existing view. He reported the applicant had agreed to the following conditions: (1) planting additional evergreen trees to the south portion of the property to help increase the buffer with the adjoining residential use and (2) to plant low-growing trees, such as Crepe Myrtles, and ground cover along the road frontage of the property. In conclusion, he stated the Zoning Commission and staff recommended approval of the Special Use Permit based on the following standards:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;

## DRAFT

- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

Discussion ensued regarding the applicant not being present to answer questions from the Council regarding the Special Use Permit. Ms. Karen McDonald, City Attorney, stated if the motion stated a specific date for when the item was to be placed on a future City Council agenda, no additional notice of the public hearing item would be necessary for publication in the newspaper.

**MOTION:** Council Member Fowler moved to table the item until the March 26, 2012, City Council regular meeting.  
**SECOND:** Council Member Crisp  
**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Council Member Hurst)

### 7.0 OTHER ITEMS OF BUSINESS

#### 7.1 City of Fayetteville 2011 Annual Report to the Community.

Mr. Dale Iman, City Manager, presented this item with the aid of a power point presentation and stated the report was put together by City staff. He stated all the photographs, the layout, the design, the commentary, the statistics, and the data included were developed in-house by the Corporate Communications staff, who had done an excellent job. He then provided highlights of the report. The highlights included the All-America City Award, downtown revitalization, Veterans Park, our strong economy, and how Fayetteville was identified as probably the best housing market in the country and rated the best community for young professionals in the year 2011.

**MOTION:** Mayor Pro Tem Arp moved to approve the City of Fayetteville 2011 Annual Report to the Community.  
**SECOND:** Council Member Crisp  
**VOTE:** UNANIMOUS (10-0)

#### 7.2 Presentation of Appointment Committee recommendations for boards and commissions appointments.

Council Member Hurst, Appointment Committee Chair, presented this item and stated the Appointment Committee met on February 15, 2012, to review applications for the appointments to boards and commissions. He stated the Appointment Committee met again at 5:30 p.m. on Monday, February 27, 2012. He stated it was from those meetings that the Appointment Committee had provided a list of the recommendations for appointments to the City of Fayetteville boards and commissions. On behalf of the Mayor and City Council members, he expressed appreciation to all of the applicants for their commitment to public service. He stated it was through the support of citizens that they were able to continue to strengthen the services and to develop new and innovative ideas to serve the City.



## DRAFT

MOTION: Council Member Hurst moved to accept the following recommendations of the Appointment Committee:

Board/Commission	Applicant	Term
Ethics Commission	Alesia Shaw (1st Term - previously served as fill-in)	March 2012-March 2014
	Gwen Holloman (2nd Term)	March 2012-March 2014
Fair Housing Board	Charlese Gibbs (1st Term - previously served as fill-in)	March 2012-March 2014
	Larry Simmons (2nd Term - Real Estate Representative)	March 2012-March 2014
	Attorney Position (Vacant)	March 2012-March 2014
Fayetteville Advisory Committee on Transit (FACT)	Craig Williams (Fill-in - ADA Rider/Representative)	March 2012-September 2012
Historic Resources Commission	Nicolette Lanus (1st Term - Category 6, At Large)	March 2012- March 2014
	Matthew Huffman (1st Term - Category 6, At Large)	March 2012- March 2014
	Tamara Brothers (1st Term - Category 2, Historian)	March 2012- March 2014
Human Relations Commission	Lynn Thomas (Fill-In)	March 2012 - September 2012
	Kristen Dawson (Fill-In)	March 2012 - September 2012
Personnel Review Board	Annie Pope (2nd Term - Supervisor/Manager)	March 2012- March 2014
	Dr. Milton Gilbert (1st Term - Supervisor/Manager)	March 2012- March 2014
	Gordon Munden (1st Term)	March 2012- March 2014
Zoning Commission	David Baran (Fill-In - previously serving as Alternate)	March 2012 - September 2012
	Nathan Scales (Fill-In - Alternate)	March 2012 - September 2013

SECOND: Council Member Crisp  
 VOTE: UNANIMOUS (10-0)

### 7.3 Consideration of the Rental Action Management Program, RAMP, Ordinance

Mr. Kristoff Bauer, Assistant City Manager, presented this item and provided background information. He stated this item was last discussed on February 6, 2012, and staff presented a number of revisions to the program in response to Council feedback, including the following:

1. Adding a definition for Apartment Complex and excluding these facilities from administrative application of the ordinance.
2. Changed the definition of "Residential Rental Property" to include single family homes, duplexes and triplexes, but specifically exempt apartments.
3. Added Section 14-78, which gives Council the ability to add a property to the RAMP program by ordinance. Problem Apartment Complexes could be added to RAMP through Council action.
4. Removed the property categories and references to the same.
5. Added provision specifying that if a property is determined not to meet the Disorder Threshold, registration is not required.
6. Added an appeal process to the City Council for properties proposed for entry into the program due to criminal activity.

## DRAFT

Mr. Bauer stated based on the feedback from Council, staff clarified the definition of apartment complex to include multiple duplex or similar buildings under common ownership. He stated the complexes were initially excluded from automatic participation in the program.

A brief question and answer period ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW ARTICLE V, RENTAL ACTION MANAGEMENT PROGRAM, UNDER CHAPTER 14, HOUSING, DWELLINGS, AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2012-003.

MOTION: Council Member Davy moved to adopt the ordinance as presented with an effective date of July 1, 2012.  
SECOND: Council Member Hurst  
VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Fowler and Crisp)

### 7.4 Uninhabitable Structures Demolition Recommendations

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item with the aid of a power point presentation and multiple photographs of the properties listed. He stated staff was requesting demolition of two buildings determined to be dangerous or blight. He reviewed the following demolition recommendations:

#### 973 Comet Circle

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on March 8, 2011. He stated the owner did not attend the initial hearing and in a subsequent hearing an order to repair or demolish the structure was issued. He stated to date there were no repairs and the utilities were disconnected in July 2001. He stated in the past 24 months there were no calls for 911 service. He stated there were seven code violations with pending assessments of \$783.06. He stated the low bid for demolition was \$1,700.00.

#### 200 Duke Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure on April 14, 2011. He stated the structure had significant structural damage as a result from a vehicle hitting the front wall. He stated the owner did not attend the initial hearing and in a subsequent hearing an order to repair or demolish the structure was issued. He stated to date there were no repairs and the utilities were disconnected in November 2000. He stated in the past 24 months there were no calls for 911 service. He stated there seven code violations with pending assessments of \$4,281.00. He stated The low bid for demolition was \$3,489.00.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (973 COMET CIRCLE). ORDINANCE NO. NS2012-008.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (200 DUKE STREET). ORDINANCE NO. NS2012-007.

MOTION: Council Member Haire moved to approve the demolition of both structures by adopting the respective ordinances.  
SECOND: Council Member Massey  
VOTE: UNANIMOUS (10-0)

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## 8.0 ADMINISTRATIVE REPORTS

### 8.1 Monthly statement of taxes for January 2012.

2011 Taxes .....	\$10,483,509.54
2011 Vehicle .....	401,135.02
2011 Taxes Revit .....	45,345.64
2011 Vehicle Revit .....	331.14
2011 FVT .....	48,624.31
2011 Transit .....	48,624.32
2011 Storm Water .....	458,167.91
2011 Fay Storm Water...	916,335.90
2011 Fay Recycle Fee .....	231,762.96
2011 Annex... ..	0.00
2010 Taxes .....	23,645.85
2010 Vehicle .....	42,928.77
2010 Taxes Revit .....	41.93
2010 Vehicle Revit .....	1.22
2010 FVT .....	6,827.10
2010 Transit .....	6,827.07
2010 Storm Water .....	425.76
2010 Fay Storm Water...	851.52
2010 Fay Recycle Fee .....	1,215.98
2010 Annex... ..	0.00
2009 Taxes .....	4,148.57
2009 Vehicle .....	1,126.24
2009 Taxes Revit .....	0.00
2009 Vehicle Revit .....	0.00
2009 FVT .....	325.35
2009 Transit .....	325.34
2009 Storm Water .....	153.63
2009 Fay Storm Water...	307.26
2009 Fay Recycle Fee .....	334.49
2009 Annex... ..	0.00
2008 Taxes .....	966.78
2008 Vehicle .....	398.78
2008 Taxes Revit .....	0.00
2008 Vehicle Revit .....	0.00
2008 FVT .....	95.20
2008 Transit .....	65.20
2008 Storm Water .....	24.00
2008 Fay Storm Water .....	48.00
2008 Fay Recycle .....	84.00
2008 Annex... ..	0.00
2007 and Prior Taxes .....	760.48
2007 and Prior Vehicle .....	1,340.73
2007 and Prior Taxes Revit .....	0.00
2007 and Prior Vehicle Revit .....	0.00
2007 and Prior FVT .....	288.31
2007 and Prior Storm Water .....	24.00
2007 and Prior Fay Storm Water .....	24.00
2007 and Prior Annex... ..	242.12
Interest .....	32,952.26
Revit Interest .....	124.24
Storm Water Interest .....	2,015.09
Fay Storm Water Interest .....	4,007.95
Annex Interest .....	70.18
Fay Recycle Interest .....	1,071.23
Fay Transit Interest .....	1,142.80
Total Tax and Interest .....	\$12,769,067.78

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## 9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:35 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

022712

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of Council  
**FROM:** Giselle Rodriguez, PE, Interim City Engineer  
**DATE:** April 10, 2012  
**RE:** **Addition of Certain Streets to the City of Fayetteville System of Streets**

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**THE QUESTION:**

Council is being asked to accept the dedication of the attached list of streets for maintenance and addition to the City of Fayetteville system of streets. This list includes 10 paved streets adding up to a total of 0.97 mile.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods, A Great Place to Live

**BACKGROUND:**

Staff has identified several recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets.

**ISSUES:**

These streets need to be officially accepted and added to City of Fayetteville system of streets for us to begin providing maintenance services on them and for them to be included in our 2012 Powell Bill appropriation.

**BUDGET IMPACT:**

Street maintenance cost will increase while the funds received from Powell Bill increase as well.

**OPTIONS:**

- Approve the attached list for inclusion in the City of Fayetteville system of streets.
- Modify the list, then approve .
- Do not accept the streets for maintenance.

**RECOMMENDED ACTION:**

Approve the attached list of subdivision streets for inclusion in the City's system of streets.

**ATTACHMENTS:**

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

3/22/2012

**NEW STREETS FOR  
COUNCIL APPROVAL  
March 2012**

<b>STREET NAME</b>	<b>FROM</b>	<b>TO</b>	<b>LENGTH TO BE ACCEPTED</b>
Commonwealth Ave	End Maint	Dead End	0.10
Camson Rd	Braddy Rd	Cul-de-sac	0.08
Ellie Ave	End Maint	End Maint	0.13
Key Ct	Ellie ave	Cul-de-sac	0.05
Yeoman Dr	End Maint	Hickory Knoll Rd	0.02
Truewinds Dr	Cul-de-sac	Cul-de-sac	0.15
Vandenburg Dr	End Maint	Dead End	0.24
Wildcat Rd	Birchmere Way	City Limits	0.11
Birchmere Way	End Maint	Dead End	0.07
Crabapple Cir	Jennings Ln	End Maint	0.02
<b>TOTALS</b>			<b>0.97</b>

10 STREETS TOTAL

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Tami Lewis, Senior Paralegal  
**DATE:** April 10, 2012  
**RE:** **Adopt A Resolution Declaring Jointly-Owned Real Property Surplus And Authorizing A Quitclaim of the City's Interest In Order To Expedite Cumberland County's Sale Of Property**

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**THE QUESTION:**

How best to respond to a request from Cumberland County for assistance in expediting the sale of jointly-owned real properties.

**RELATIONSHIP TO STRATEGIC PLAN:**

More efficient City Government

**BACKGROUND:**

Cumberland County and The City of Fayetteville received joint title to the following properties identified as:

- 1- PIN 0427-81-9722 being Store s/s Turnpike acquired in 2007
- 2- PIN 0428-55-0724 Pelt Drive - Simmons Hgts acquired in 1981

Title to the subject properties are jointly held, due to separate foreclosures, by the County in its role as tax administrator. The County has received separate offers to purchase said properties for a price equaling the foreclosure bids, i.e. 1- \$3,108.72  
2- \$1,886.45.

The County is requesting the City declare the properties surplus and quitclaim the City's interest to the County in order to expedite the sale. From the proceeds, the City will receive:

- 1- None of these proceeds as there isn't an assessment on the final report.
- 2- A total of \$214.87 in ad valorem taxes due the City prior to 1981 for which a cross claim was filed. Per the Foreclosure, this cross claim was dropped & the County included this claim within their judgment. The City was collecting their own taxes at this time.

If the present bids are declined, the properties will remain in joint government ownership not earning taxes and requiring upkeep.

**ISSUES:**

None

**BUDGET IMPACT:**

**OPTIONS:**

- 1. Accept the County's request and quitclaim the City's title to the County.
- 2. Decline the County's request.

**RECOMMENDED ACTION:**

Adopt the attached resolution declaring the properties surplus and authorize the City Manager to sign a quitclaim deed conveying the City's interest to the County.

**ATTACHMENTS:**

Resolution - Real Estate Department

**STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND  
CITY OF FAYETTEVILLE**

Resolution R2012\_\_\_\_\_

**RESOLUTION DECLARING PROPERTY EXCESS  
TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE  
IN THE PROPERTY TO CUMBERLAND COUNTY**

**WHEREAS**, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said properties having the following tax map designation and locations –

- 1- PIN 0427-81-9722 being lot on Turnpike Road
- 2- PIN 0428-55-0724 being tract on Pelt Drive; and

**WHEREAS**, the City of Fayetteville has a financial interest in the form of collecting back taxes from the tract on Pelt Drive and in getting the real property back on the tax books; and

**WHEREAS**, the property is surplus to the needs of the City of Fayetteville; and

**WHEREAS**, the County of Cumberland has received separate offers to purchase the parcels and requests that the City of Fayetteville join in the sale of the property by declaring the parcels surplus to the City's needs and quitclaiming the City's title to the County; and

**WHEREAS**, the City Council of the City of Fayetteville finds such actions to be in the public interest.

**NOW THEREFORE**, the City Council of the City of Fayetteville hereby declares that the aforesaid real property is surplus to City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by the City Council of the City of Fayetteville, North Carolina.

**CITY OF FAYETTEVILLE**

(SEAL)

By: \_\_\_\_\_  
Kristoff Bauer, Interim City Manager

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Kecia Parker, Real Estate Manager  
**DATE:** April 10, 2012  
**RE:** **Adopt Preliminary Resolution to Set Public Hearing to Consider Closing a Portion of Finnegan Street**

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**THE QUESTION:**

Should the City accept the petition which was received from a property owner adjoining an unopened portion of Finnegan Street requesting a portion of the street be permanently closed?

**RELATIONSHIP TO STRATEGIC PLAN:**

- Growing City, Livable Neighborhood, A Great Place to Live

**BACKGROUND:**

- A petition was received from a property owner adjoining an unopened portion of Finnegan Street requesting a portion of the street be permanently closed.
- NCGS §160A-299 gives the authority and procedures for the City to close a city street or alley.
- The referenced street is currently not used as a public street or alley.
- A petition signed by two of the adjoining property owners is attached along with a map of the proposed closing.
- There are utility easements in the portion requesting to be closed that will be reserved.

**ISSUES:**

- Access to the abutting properties will not be denied as a result of the closure.

**BUDGET IMPACT:**

There is no significant impact on the budget.

**OPTIONS:**

- Adopt Preliminary Resolution calling for a public hearing.
- Deny the request.

**RECOMMENDED ACTION:**

- Adopt the attached resolution authorizing the advertisement of the Council's intent to permanently close the referenced street and setting a public hearing for May 14, 2012.

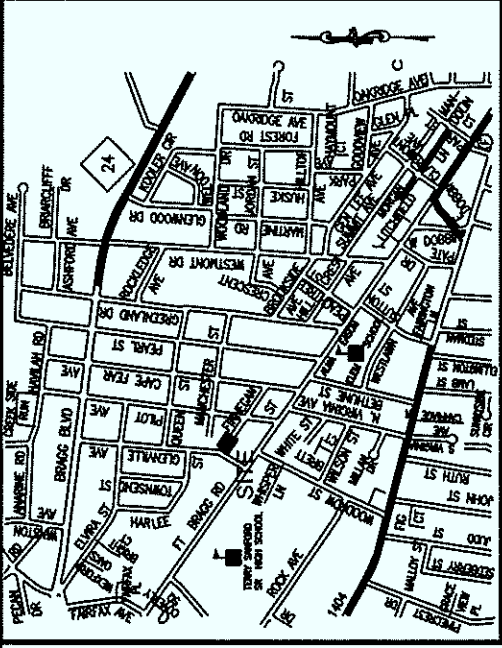
**ATTACHMENTS:**

Map  
Petition  
Preliminary Resolution

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

NOTES -

1. THE RIGHT OF WAY OF FINNEGAN STREET WAS ESTABLISHED BY HOLDING FOUND PROPERTY CORNERS AND LINES OF POSSESSION.
2. ROAD CLOSURE AREA = 704.035 SQUARE FEET.



VICINITY MAP  
N.T.S.

PB 0007, PG 0097

N/F  
JONATHAN H. DENT  
PIN # 0427-68-4620  
DB 8237 PG 00027  
PB 0010 PG 0045

N/F  
CLIFTON SMITH CAMERON  
PIN # 0427-68-5527  
DB 7693 PG 00596  
PB 0007 PG 0097

N/F  
KATHERLEEN H ROCK  
PIN # 0427-68-4512  
DB 2194 PG 0047  
PB 0010 PG 0045

N/F  
JOSE R REYES  
PIN # 0427-68-6439  
DB 7864 PG 0113  
PB 0007 PG 0097

N/F  
HAYMOUNT UNITED METHODIST  
PIN # 0427-68-5411  
DB 6500 PG 0727  
PB 0007 PG 0097

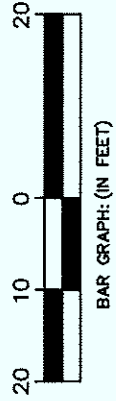
FINNEGAN STREET  
( VARIABLE RW )

Line Table	
Line #	Length Direction
L1	11.04' N07° 11' 45"E
L2	28.87' S53° 15' 00"E
L3	44.30' S36° 45' 00"W
L4	2.69' N53° 15' 00"W
L5	40.41' N05° 53' 26"E

LEGEND:

- AC = ACRE - (by coordinate computation)
- CP = COMPUTED POINT
- DB PG = DEED BOOK AND PAGE
- EIP = EXISTING IRON PIPE
- NTS = NOT TO SCALE
- PB PG = PLAT BOOK & PAGE
- R/W = RIGHT OF WAY

— SURVEYED LINE  
--- RIGHT OF WAY LINE



ENGINEERING & INFRASTRUCTURE DEPT.  
CIVIL ENGINEERING DIVISION  
433 HAY ST. 28301  
(910) 433-1656

STREET CLOSING  
FINNEGAN STREET  
FAYETTEVILLE, NC  
CROSS CREEK TOWNSHIP, CUMBERLAND COUNTY

DATE 03/12/2012 DRAWN BY TJK  
SCALE 1"=20' CK'D BY TJK

**NORTH CAROLINA**

**PETITION**

**CUMBERLAND COUNTY**

To: The Mayor and Members of the City Council of  
Fayetteville, North Carolina

1. That under the ~~deed~~<sup>plat</sup> dated \_\_\_\_\_ and being recorded in Deed Book 7, Page 97, in the office of the Register of Deeds for Cumberland County, there were dedicated certain lands to be used as a public street, said street is now known as Finnegan Street.
2. That the petitioner is owner of a portion of the property adjoining said street and is desirous of closing a portion of the street as a public street, pursuant to North Carolina General Statute 160A-299.
3. That a portion of said street, although dedicated by the heretofore mentioned plat, is not now used as a street; that your petitioner believes it would be in the best interests of all parties that said street portion be closed as a public street and that your petitioner believes that the closing of said street portion would not deprive anyone of reasonable means of ingress and egress to his or her property and that the closing of said street portion will not do any harm to person known to your petitioner.

WHEREFORE, your petitioner respectfully petitions the City Council of the City of Fayetteville as follows:

- (1) That the portion of Finnegan Street from end of payment to end of right of way be closed pursuant to the authority of North Carolina General Statute, 160A-299.
- (2) That a hearing be held pursuant to North Carolina General Statute 160A-299 after appropriate notification of all parties as set forth in the aforesaid statute.

Filed this 5<sup>th</sup> day of March, 2012.

SIGNATURE OF PETITIONERS:

G J Camer 1924 Finnegan St.  
Janet A. Camer Haymount UMC  
 1909 Finnegan St.

**STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND  
CITY OF FAYETTEVILLE**

Resolution R2012-\_\_\_\_\_

**RESOLUTION CALLING A PUBLIC HEARING  
REGARDING THE PROPOSED CLOSING OF  
A PORTION OF FINNEGAN STREET AS A CITY STREET**

**WHEREAS**, the City of Fayetteville has received a request to permanently close a portion of Finnegan Street more specifically described as:

BEGINNING at an existing iron pipe, said iron pipe being the Southeast corner of the tract of land conveyed to Jonathan H. Dent in Deed Book 8237, Page 27, Cumberland County Registry, said iron pipe also being the Northeast corner of the tract of land conveyed to Katherleen H. Rock in Deed Book 2194, Page 47, Cumberland County Registry; and running thence North 07 degrees 11 minutes 45 seconds East 11.04 feet to a point; thence South 53 degrees 15 minutes 00 seconds East 28.87 feet to a point; thence South 36 degrees 45 minutes 00 seconds West 44.30 feet to a point; thence North 53 minutes 15 seconds 00 West 2.69 feet to a point; thence North 05 degrees 53 minutes 26 seconds East 40.41 feet to the point of BEGINNING.....containing 704.035 square feet.

**AND WHEREAS**, the Council intends to approve said request.

**NOW THEREFORE**, the City Council calls a public hearing on the question of the street closure to be held during the regular meeting of the Fayetteville City Council in Council Chambers at 433 Hay Street, 7:00 PM, May 14, 2012. Persons wishing to be heard regarding this issue must register in advance with the City Clerk in the Executive Offices, Second Floor, City Hall, 433 Hay Street, prior to the hearing date or at Council Chambers between 6:30 – 7:00 PM on the evening of the hearing.

The City Manager or his designee is directed to advertise this notice as prescribed in NCGS 160A-299 on April 18<sup>th</sup>, 25<sup>th</sup> and May 2<sup>nd</sup> and 9<sup>th</sup>, 2012.

**ADOPTED** this 10<sup>th</sup> day of April, 2012 by the City Council of the City of Fayetteville, North Carolina.

**CITY OF FAYETTEVILLE**

(SEAL)

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

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Member of City Council  
**FROM:** Kecia Parker, Real Estate Manager  
**DATE:** April 10, 2012  
**RE:** **Acceptance and Establishment of Newly Revised Policy on Disposal of City Owned Property**

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**THE QUESTION:**

Should the City adopt the real property disposal policy as revised and noticed to them on March 23, 2012?

**RELATIONSHIP TO STRATEGIC PLAN:**

More Efficient Government-Cost Effective Service Delivery

**BACKGROUND:**

The City occasionally receives requests from citizens and entities wishing to purchase City property. The City Council asked staff to review its policy for the disposal of City property to address the requests. Staff reviewed the State laws for disposal of property by municipalities, discussed the issue with David Lawrence, a faculty member of the NC School of Government and the author of Local Government Property Transaction in North Carolina, and suggested revisions to the policy on March 23, 2012.

Council acted on March 26th to adopt a draft version of this policy. Staff did not successfully substitute the attached corrected version for Council consideration.

**ISSUES:**

The City Council wishes to have a policy for the disposal of the City's surplus property which complies with North Carolina law and which assures the dispositions are fair, non-discriminatory, serve the general public welfare and increase the ad valorem tax base.

This policy was presented and discussed at the March 5th work session and revisions were made to the ordinance based on those discussions and on discussions with Lawrence.

**BUDGET IMPACT:**

No significant impact to budget.

**OPTIONS:**

- Adopt the revised policy as presented in the March 23, 2012 draft.
- Reject the revisions and keep the policy adopted on March 25, 2012.

**RECOMMENDED ACTION:**

Staff recommends that the City Council adopt the attached policy distributed on March 23, 2012.

**ATTACHMENTS:**

Revised Policy

# PROPOSED CITY COUNCIL POLICY

**SUBJECT – CITY PROPERTY  
Real Property - Disposal**

**Number  
155.1**

**Revised  
- -2012**

**Effective  
Date  
05-06-1985**

**Page 1 of 2**

## **I. Purpose:**

The City of Fayetteville strives to dispose of its surplus real property in a fair, equitable, and non-discriminatory manner which avoids the appearance of favoritism, best serves the general public welfare and increases the ad valorem tax base.

The following procedures are hereby adopted to carry out this policy in compliance with North Carolina law. Nothing in these procedures will be construed to conflict with North Carolina law, the Charter of the City of Fayetteville, or the Fayetteville City Code. These procedures do not attempt to cover rare dispositions or real property such as leasing, equal exchanges between governmental units, or the sale of historic and artistic property.

## **II. Procedures:**

- A. In all real property dispositions, the City shall comply with Article 12 of the North Carolina General Statutes which mandates the various methods available to North Carolina Municipalities for the disposition and conveyance of real property, and which mandates the procedure for each available method.
- B. Each Request to acquire real property owned by the City shall be sent to the Real Estate Division. The Real Estate Division will determine how the property was acquired by the City and whether it is surplus to the needs of the City. If property is still in government use, Real Estate will notify the Requestor that the property is not surplus.
- C. Surplus property shall be disposed of according to Article 12 of the North Carolina General Statutes following a determination of the terms of sale which may include but are not limited to the following factors:
  - 1. The nature of the sale (whether by private negotiation and sale; advertisement for sealed bids; negotiated offer, advertisement, and upset bid; public auction; or exchange).
  - 2. The minimum sale price; (if not controlled by Article 12);
  - 3. The need for and amount of any deposit;
  - 4. A showing by the purchaser of financial responsibility;
  - 5. That the purchaser is current on property tax payments;
  - 6. Whether payment will be by cash or on some other basis;
  - 7. Whether employees may bid on the property;

# PROPOSED CITY COUNCIL POLICY

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**Page 2 of 2**

8. The time of closing; and
9. Whether the property is sold “as is.”

- D. In addition to the determinations of the terms set forth above, and if the surplus property is one which can be conveyed by private sale to a nonprofit entity, the City may consider a request to convey surplus property to a nonprofit organization by private sale without monetary consideration. The recipient must agree to use the property for a continued public purpose. The City shall attach to any such conveyance covenants or conditions which assure that the property will be put to a public purpose by the recipient entity. Prior to making this type of conveyance, the City will determine whether the proposed public purpose is consistent with the City’s comprehensive plans, land use plan, strategic plan or its community development action plan.

If the City deems that the use proposed by the requesting party is in fact a public use, but one not necessarily consistent with the comprehensive plans, land use plan, strategic plan or its community development action plan, the property may be conveyed for fair market value as determined by the Real Estate Department staff following an appraisal of the value of the property with any negotiated use restrictions, and any transaction costs.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** April 10, 2012  
**RE:** **Phase 5 Annexation Areas 8 and 9 Public Hearing**

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**THE QUESTION:**

Providing sanitary sewer service to Areas 8 and 9 of the Phase 5 Annexation.

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

City Council approved the Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Calling Public Hearing in their meeting on March 26, 2012. The Resolution set the date of the public hearing for Tuesday, April 10, 2012. A notice was published in the Fayetteville Observer regarding the public hearing and the preliminary assessment notices were mailed March 28, 2012 informing the property owners of their proposed assessment and the public hearing date. I have enclosed the certification of mailing of preliminary assessment notices for your records.

Areas 8 and 9 of the Phase 5 Annexation project resulted in 31,896 feet of sanitary sewer main having been installed at a cost to date of \$5,316,147. Construction contracts in the annexation area indicate the average per parcel cost for sanitary sewer which includes the service lateral is \$11,215. The sanitary sewer assessment rate for single family residential lots is recommended at \$5,000 which includes both the main and lateral charges. For non-single family residential properties, a per front foot rate of \$55.56 with a 90 foot minimum plus the area average lateral charge of \$1,036 is recommended.

After the public hearing, the next step in the process is to approve the Resolution Confirming Assessment Roll and Levying Assessments. This item is currently scheduled for April 23, 2012. After the resolution is approved, the confirmed assessment roll will be delivered to the PWC tax collector who will mail the final assessment notices to the property owners on April 25, 2012 and publish a newspaper notice on May 14, 2012.

**ISSUES:**

N/A

**BUDGET IMPACT:**

N/A

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

Receive public comments regarding the Preliminary Assessment Roll.

**ATTACHMENTS:**

PowerPoint Presentation  
Certification of Mailing



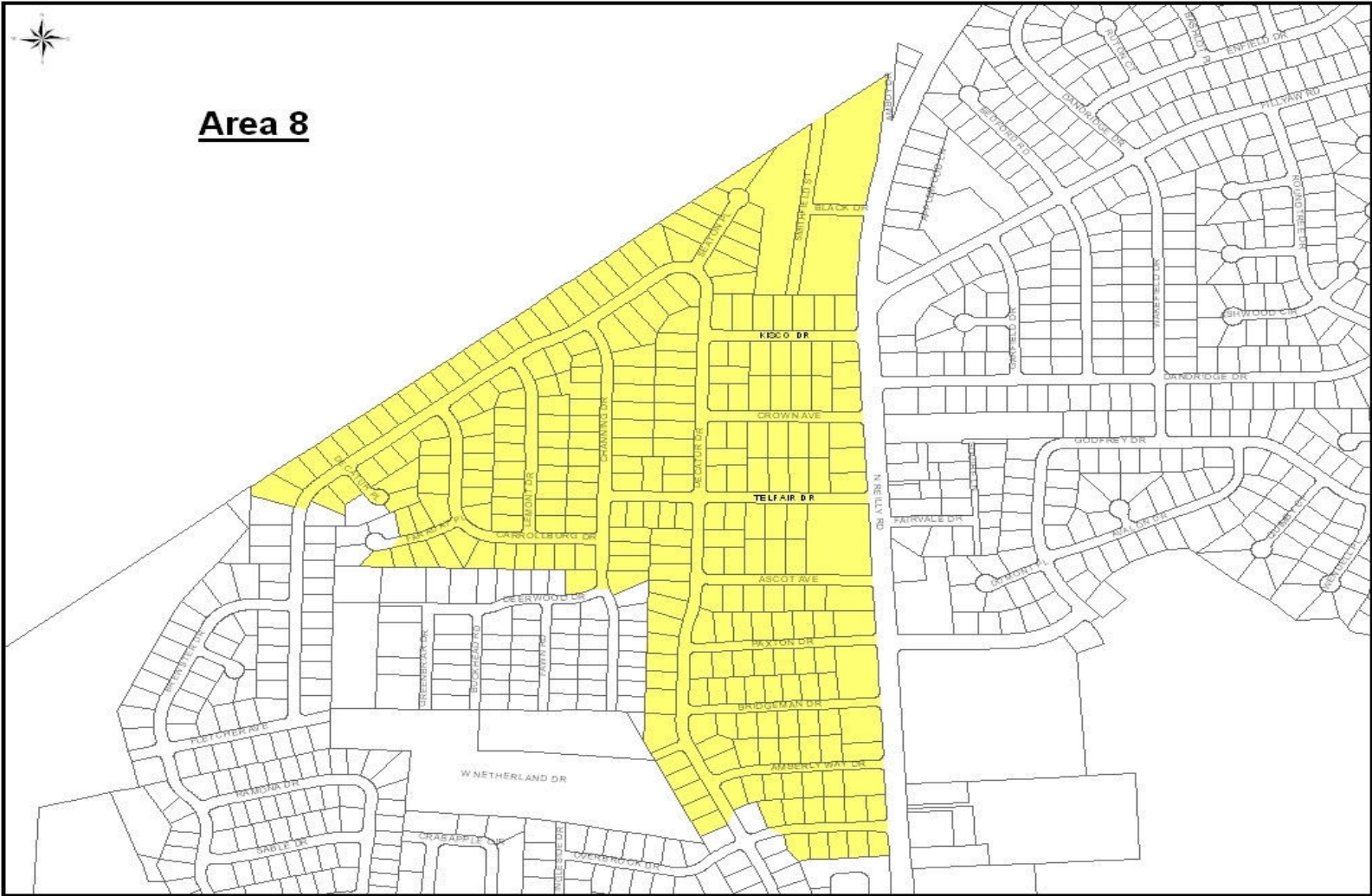


# Phase V Annexation

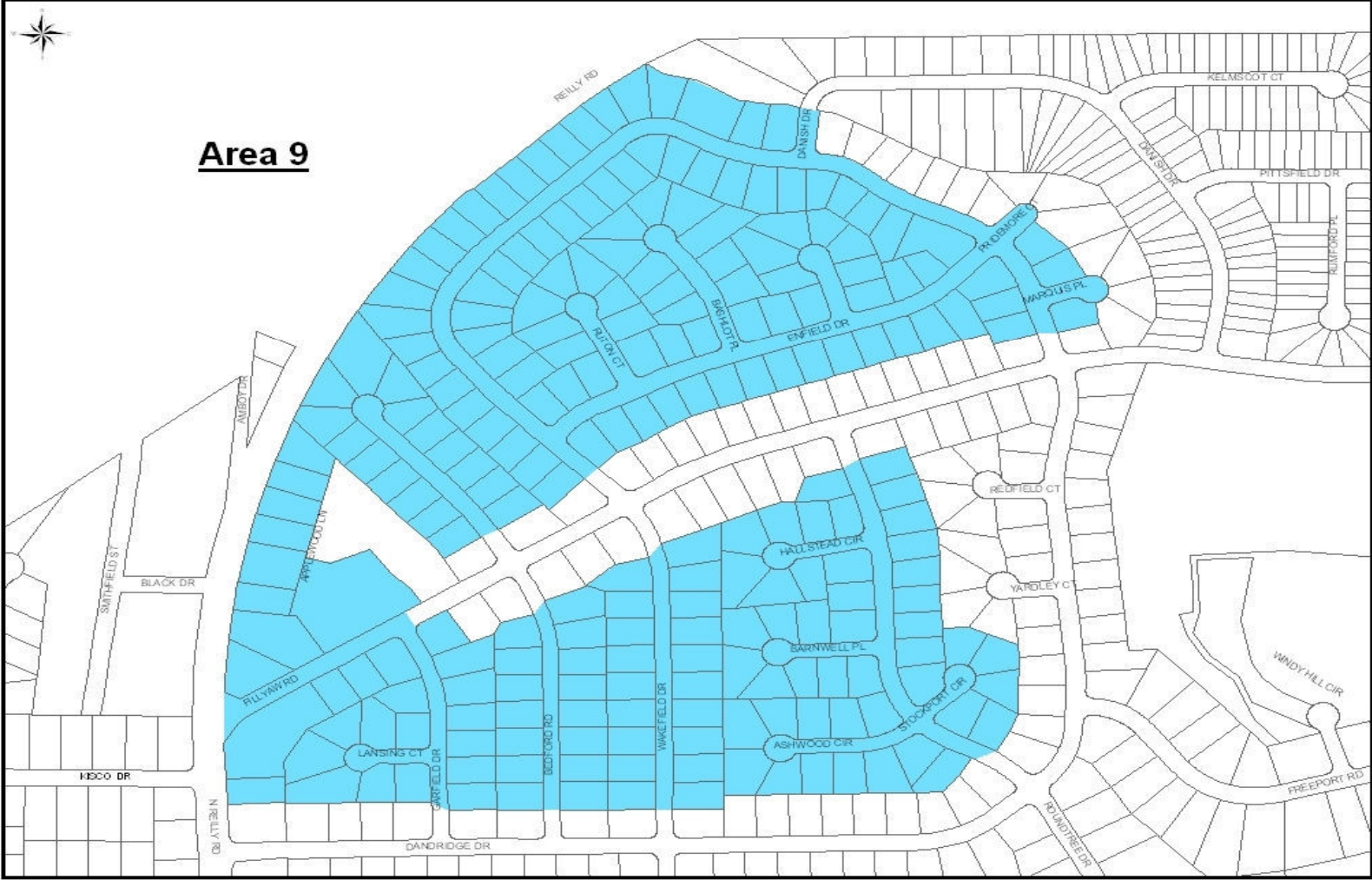
LaGrange and Summerhill Public Hearing  
April 10, 2012



# Construction Area 8



# Construction Area 9





# Sanitary Sewer Cost

- Total Project Cost: \$5,316,417
- Number of Parcels Served: 474
- Average Cost/Parcel Served: \$11,215





## Sanitary Sewer Cost (cont.)

- Cost of mains: \$4,820,092
- Linear Feet: 31,896
- Average per linear foot cost \$151



# Property Assessment

- Typical single family residential lot: \$5,000
- For non-single family residential properties, a per front foot rate of \$55.56 with a 90 foot minimum plus the area average lateral charge of \$1,036



# Payment Options

- In full (no interest if paid within 30 days from notice)
- Financing Terms
  - 10 year term
  - 8% interest rate
  - Annual or monthly installments



# Upcoming Dates

- April 23, 2012: Resolution Confirming Assessment Roll and Levying Assessments
- April 25, 2012: Assessment notice to property owners
- May 14, 2012: Publish newspaper notice



# Questions



**CERTIFICATE OF MAILING OF NOTICES OF PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND PUBLIC HEARING TO PROPERTY OWNERS**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE:

I, Cheryl Jones, do hereby certify that notices of the Preliminary Assessment Roll for the LaGrange and Summerhill areas of the Phase 5 Annexation extension to include utility improvements within all or a portion of the following streets: Amberly Way Drive, Ascot Avenue, Ashwood Circle, Barnwell Place, Bashlot Place, Bedford Road, Bridgeman Drive, Carrollburg Drive, Channing Drive, Crown Avenue, Dandridge Drive, Decatur Drive, Decatur Place, Deerwood Drive, Enfield Drive, Faraday Place, Fillyaw Road, Garfield Drive, Hallstead Circle, Kisco Drive, Lansing Court, Lemont Drive, Marquis Place, Overbrook Drive, Paxton Drive, Pridemore Court, Reilly Road North, Romain Court, Roundtree Drive, Ruton Court, Seaton Place, Stockport Circle, Telfair Drive, and Wakefield Drive and of the public hearing thereon were mailed by first-class mail on the 28<sup>th</sup> day of March, 2012 to all the owners of real property shown thereon indicating to each such owner of the assessment against his or her property.

IN WITNESS WHEREOF, I have hereunto signed and sealed this instrument,

Cheryl Jones  
Signature

March 28, 2012  
Date

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NORTH CAROLINA -- CUMBERLAND COUNTY

I, Robin M. Crayton, a Notary Public of said County and State, certify that Cheryl Jones came before me this day and acknowledged that she accomplished the mailing in compliance with North Carolina GS 160A-224.

Witness my hand and Notarial Seal, this the 28<sup>th</sup> day of March, 2012.

My Commission expires: May 6, 2014

Robin M. Crayton  
Notary Public

