

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
DECEMBER 13, 2010
7:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present:

Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Benjamin Nichols, Chief Officer of Fire/Emergency Management
Rob Anderson, Chief Development Officer
Lisa Smith, Chief Financial Officer
Jeffery Brown, Engineering & Infrastructure Director
Rusty Thompson, City Traffic Engineer
Karen Hilton, Planning and Zoning Division Manager
David Nash, Planner II
Craig Harmon, Planner II
Marsha Bryant, Planner II
Glenn Harbeck, Consultant, Harbeck & Associates
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

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

2.0 INVOCATION

The invocation was offered by Reverend Dave Michalski of Manna Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 787.

Mayor Chavonne at this time proceeded to Item 5.0, announcements and recognitions, prior to approval of the agenda.

5.0 Announcements and Recognitions

Mr. Benjamin Nichols, Chief Officer of Fire/Emergency Management, recognized Mr. Derek Esterly of Boy Scout Troop 787 and presented him with a Certificate of Thanks and Chief's Coin for building a picnic table for Fire Station 5 and assembling his Troop to clean around the fire station.

Council Members Chavonne and Haire, on behalf of the City Council and City of Fayetteville, recognized Mr. Cedric Pearson, founder of the Dynamic Youth Production Center, and presented a Certificate of Excellence in recognition of his dedicated, enthusiastic, and untiring commitment to the youth of the City and in honor of him being awarded the Governor's Medallion Award for Volunteer Service. Mr. Pearson followed with comments regarding the program and thanked the Council and community for their support.

Mayor Chavonne at this time proceeded to Item 4.0, approval of agenda.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5.1 Recognition of Wesley Meredith

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, recognized Council Member Wesley Meredith and presented a City Key for his devoted interest and untiring commitment to the citizens of Fayetteville while serving as Council member for District 9 from 2005 through 2010. Council Member Meredith expressed gratitude for serving on the Council and thanked his family and the voters for their support.

5.2 City Council District 9 Replacement

A. District 9 Candidates to Address City Council

Mayor Chavonne presented this item and explained it was Council's responsibility to appoint a representative for District 9 and had received tremendous responses from qualified applicants. He then proceeded to introduce the following candidates alphabetically who in turn provided their qualifications and visions for the community and the district.

- Mr. James W. Arp, Jr.
- Ms. Belva DeMendoza
- Ms. Juanita Gonzalez
- Mr. John W. Hurley (withdrew his application)
- Mr. Tony D. McKinnon, Sr.
- Mr. Ralph Reagan

Mayor Chavonne, on behalf of the City Council, thanked the applicants for sharing their visions of the community.

B. City Council Vote on District 9 Replacement

Mayor Chavonne explained the voting would be in alphabetical order by last names, each Council member would have one vote, the City Clerk would record the votes, and the candidate receiving the most votes would be the District 9 Designate. A vote was held on the candidates with the following result:

Candidate	Vote	Votes Made By
James W. Arp, Jr.	5	Chavonne, Davy, Meredith, Hurst, and Bates
Belva H. DeMendoza	0	
Juanita Gonzalez	0	
John W. Hurley	0	
Tony D. McKinnon, Sr.	5	Massey, Mohn, Haire, Applewhite, and Crisp
Ralph Reagan	0	

MOTION: Mayor Pro Tem Haire moved to hold a vote between Candidates Arp and McKinnon.

SECOND: Council Member Bates

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

A vote was held on the tied candidates with the following result:

Candidate	Vote	Votes Made By
James W. Arp, Jr.	6	Chavonne, Davy, Meredith, Haire, Hurst, and Bates
Tony D. McKinnon, Sr.	4	Massey, Mohn, Applewhite, and Crisp

Mr. James W. Arp was voted the District 9 replacement.

5.3 Recognition of Doug Hewett, Assistant City Manager, ICMA.

Mr. Dale Iman, City Manager, presented this item and stated an award was announced at the 96th meeting of the International City/County Management Association (ICMA). Mr. Iman recognized Mr. Doug Hewett, Assistant City Manager, for his outstanding accomplishments and presented the Assistant Excellence in Leadership Award from the ICMA. Mr. Hewett expressed gratitude for the recognition.

6.0 Public Forum

Ms. Melinda Harrington, 10001 Brook Street, Fayetteville, NC 28305, on behalf of Fayetteville Beautiful and Sustainable Sandhills, provided information on the environmental and economic impact of plastic bags.

7.0 Consent

MOTION: Council Member Mohn moved to approve the consent agenda with the exception of Item 7.4.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.1 Approve minutes:

- August 18, 2010 – Agenda Briefing Meeting
- September 13, 2010 – Regular Meeting
- September 22, 2010 – Agenda Briefing Meeting
- September 27, 2010 – Regular Meeting
- October 4, 2010 – Regular Meeting

7.2 Resolution adopting the 2011 City Council meeting dates calendar.

RESOLUTION OF THE FAYETTEVILLE, NORTH CAROLINA, CITY COUNCIL TO ADOPT THE 2011 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF CITY COUNCIL REGULAR MEETINGS FOR 2011. RESOLUTION NO. R2010-086.

7.3 Request to surplus used airfield regulators.

7.4 Pulled for discussion by Council Member Mohn.

7.5 Authorize the Mayor to execute a contract with Cherry, Bekaert and Holland to audit accounts for Fiscal Year 2010-2011.

7.6 Capital Project Ordinance Closeouts 2011-7 through 2011-12 (Transit capital projects and street resurfacing), Capital Project Ordinance Partial Closeout 2011-13 (FY 2008 and FY 2009 street paving projects), and Special Revenue Fund Project Ordinance Closeouts 2011-3 through 2011-5 (Homeland Security, COPS Technology, and Gangs Across the Carolinas Grants).

7.7 Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City</u>
Cape Fear Supply Co., Inc., T/A Comtech	2005-2009	Corrected Assessment	<u>\$1,082.23</u>
Total			<u>\$1,082.23</u>

7.8 Approval of FY 2012 Federal Legislative Agenda.

7.4 Approval of a site for the proposed Hope VI Business Park.

This item was pulled for discussion by Council Member Mohn.

Mr. Victor Sharpe, Community Development Director, presented this item and stated the redevelopment of the Old Wilmington Road neighborhood would revitalize the community by (1) replacing existing distressed public housing units and obsolete infrastructures with new mixed-income rental and owner occupied dwelling units, (2) providing new housing opportunities for disadvantaged persons, (3) providing community and support services to former residents of the Delona Gardens and Campbell Terrace communities, (4) locating owner occupied and rental units throughout the Old Wilmington Road neighborhood as well as off-site units, and (5) creating a market demand for further development and revitalization in the neighborhood. He explained the City had allocated \$1 million to acquire land for development of the Business Park as one of its commitments for the Hope VI Revitalization Project. He stated the recommended site was on Gillespie Street due to its proximity to downtown and provided information on the site.

Council Member Mohn inquired whether interested developers had contacted the City and the basis for the selection of the site. Mr. Sharpe responded the first step in the process was to

assemble the land and then develop a request for proposal to attract developers. He stated the site was recommended by staff because of the proximity to downtown, the land being vacant which would be less costly to acquire, the available utilities, and the City currently owning property within the site.

Council Member Meredith inquired whether there was a five-year completion requirement and the possibility of the County waiving the \$8,000.00 foreclosure tax. Mr. Sharpe responded in the negative regarding the completion requirement and stated the County was not receptive to waiving the foreclosure taxes.

Mayor Chavonne inquired if there was County support. Mr. Dale Iman, City Manager, responded the County committed a substantial amount of funds to the project. Ms. Karen McDonald, City Attorney, clarified the County's position was that under state law they could not waive the taxes.

Council Member Bates inquired of the necessity for condemnation. Mr. Sharpe explained that condemnation was the alternative should the owners not be willing to sale. Ms. McDonald explained that should condemnation be initiated, a resolution would be presented to Council for action. Mr. Iman clarified this was a request for approval of the area for the Business Park and not condemnation of property and added that other sites could be considered.

Council Member Meredith requested a motion to be recused.

MOTION: Council Member Massey moved to recuse Council Member Meredith.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

Council Member Bates inquired if the grant was a binding agreement. Ms. McDonald responded that the City would have potential exposure if they were to back out of the commitment as the grant was awarded based on the commitments from all participants.

Council Member Crisp inquired on the options should developers not be interested in the project. Mr. Iman responded proposals had been pursued and staff would continue efforts to formulate a successful project.

Council Member Davy inquired if other Hope VI packages from other cities had similar binding agreements. Mr. Sharpe responded the City's goal was to have a competitive application. He stated the projects were different in other cities and counties. He stated based on the commitments of the City, County, and PWC, they felt it definitely strengthened the application to a point where it was approved.

Council Member Crisp inquired if they approve and acquire the properties and move forward with requests for proposal and got nothing significant from developers, what would be the course of action. Mr. Iman responded they would keep revising the proposal until the project was successful. He explained the Hope VI project was not all about providing affordable quality housing, it was also about reversing the trend of poverty by putting a component in the project that would create jobs and provide jobs for the people that were going to be living in the Hope VI area. He stated it was a viable and very important component and something that HUD looked upon very favorably.

MOTION: Council Member Bates moved to follow staff's recommendation to approve acquisition of property for the

Hope VI Business Park located on Gillespie, Blount, and Chase Streets as indicated on the site map.

SECOND: Mayor Pro Tem Haire

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Crisp and Mohn) (Council Member Meredith abstaining)

MOTION: Council Member Massey moved to unrecuse Council Member Meredith.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARING

Mr. David Nash, Planner II, presented this item and reviewed the mailing process, history, and objective of Items 8.1 and 8.2 and introduced Mr. Glen Harbeck, Consultant for Harbeck & Associates.

8.1 Consideration of the Hospital Area Plan for the Owen Drive/Village Drive area.

Mr. Glen Harbeck, Consultant for Harbeck & Associates, presented this item and provided an overview of the key public meetings held, the eleven principles of the plan, the existing conditions, and the site map. He stated there were three issues remaining and provided the following options on each issue for consideration:

Issue 1: How far down Village Drive do they go with the office zoning which is Area 2, Village Drive, west of Conover.

Option A: Planning staff recommended taking the future land use leading to rezoning as far as Roxie Avenue.

Option B: Planning Commission recommended continuing down Village Drive to complete the entire stretch of the road.

Issue 2: How far down Boone Trail do they go with the office zoning which is Area 3, Boone Trail, west of Owen. Analysis suggested no change.

Option A: Adopt the plan as recommended and revisit the issue in five years or whenever Boone Trail was widened.

Option B: Adopt the plan as recommended and revisit the issue sooner than recommended.

Issue 3: What type of zoning might be best along the west side of Owen Drive immediately north of the hospital which is Area 6, area north of the main hospital campus.

Option A: Planning staff recommended changing the future land use for the first three lots on the west side of Owen Drive south of Sandhurst to the blue area indicated on the site map and consider future P2 zoning for all three lots if requested.

Option B: Planning staff recommended not changing the future land use for the first lot on the west side of Owen Drive south of Sandhurst to the red area on the site map and consider future commercial zoning if requested.

Mr. Harbeck presented the following summary of the options for action:

Option 1: Approve the plan as drafted with Option A boundary (to Roxie Avenue as recommended by staff).

Option 2: Approve the plan with Option B boundary (to Wayne Lane as recommended by the Planning Commission).

Option 3: Approve the plan with a boundary other than that recommended by the Planning Commission or staff.

Option 4: Approve the plan with modifications to aspects of the plan.

Option 5: Table action with specific direction to staff regarding additional research or issues to address for further consideration.

Option 6: Deny the plan, leaving in place the existing 2010 Land Use Plan which calls for residential development along the south side of Village Drive and behind the properties fronting Owen Drive.

Council Member Hurst inquired why they could not extend to Fargo Drive as the surrounding property owners had expressed support in the extension. Mr. Harbeck responded the extension would result in offices across the street from residences on Fargo Drive which was something they would like to avoid if possible.

A question and answer period ensued regarding buffering requirements and notification to property owners on the other streets with Mr. Harbeck explaining the new buffering standards would require a 20-foot high buffered hedge which would be opaque in color and a condition could be placed on a special use permit to place a buffer against the road. He also explained that the property owners immediately behind those lots had not had the same opportunity to be made aware through the plan that they could have a nonresidential property behind them as a part of the plan. He suggested maybe having the property owners bring it back as a separate action following adoption of the plan so that they were provided the opportunity to provide adequate notice to the property owners immediately adjoining the extension.

Council Member Crisp inquired if they had gone all the way down to Wayne Lane with notification to the citizens under Option 2. Mr. Harbeck responded in the affirmative. This is the advertised public hearing set for this date and time. The public hearing opened at 9:00 p.m.

Mr. Al Hartness, MD, 514 Owen Drive, Fayetteville, NC 28303, appeared in opposition and requested his property be contiguous with the proposed zoning of the adjacent properties. Ms. Nancy Clark-Shakir, 1105 Martindale Drive, Fayetteville, NC 28304, appeared in opposition and stated she was in favor of Option B for Village Drive. She expressed concern that the proposed land use would encroach into the neighborhoods.

Mr. George Roy Duke, 3614 Village Drive, Fayetteville, NC 28304, appeared in opposition and stated eight residential properties had been omitted from the plan and later added and those property owners were in support of Option B.

Mr. Harold Smelcer, 3209 Boone Trail, Fayetteville, NC 28306, appeared in opposition and requested there be an option to extend on Boone Trail to Fargo Drive.

Mr. Randy LaBarge, 3205 Boone Trail, Fayetteville, NC 28306, appeared in opposition and requested that the buffer zone be extended.

There being no one further to speak, the public hearing closed at 9:13 p.m.

Council Member Meredith inquired if the properties would be considered nonconforming once rezoned. Ms. Karen Hilton, Planning and Zoning Division Manager, clarified the plan was not a request to rezone at this time but to provide guidance to Council in preparation for future rezoning requests.

MOTION: Council Member Hurst moved to approve the Hospital Area Plan with Option B and extend the boundaries of Area 3 to Fargo Drive.

SECOND: Council Member Bates

Mayor Chavonne clarified that Council Member Hurst's motion was to extend Village Drive to Wayne Lane on the first question.

Mayor Chavonne requested clarification on the Boone Trail part in Council Member Hurst's motion. Council Member Hurst clarified Area 3 would be extended to include the seven properties down to the thoroughfare of Fargo Drive.

Mayor Chavonne inquired if Council Member Hurst's motion included anything on the third question. Council Member Hurst responded in the negative.

Mr. Harbeck clarified there was one lot in the southwest corner of Village Drive, which was Wayne Lane, that would also be part of the motion. He stated his understanding was they wanted to take it all the way down to the library.

A question and answer period ensued regarding who was notified with Ms. Hilton responding notification had been a minimum of 500 feet from what was shown on the study area. She stated the 500 feet would barely take the notifications to the intersection at Fargo Drive and if the boundary were changed, there would be properties 500 feet beyond that that would not have been noticed.

Council Member Davy inquired of Ms. Nancy Clark-Shakir if she was in favor of Option B, Area 4. Ms. Shakir stated her concern with the plan being approved was that years down the road Roxie Avenue could be rezoned. Mr. Harbeck explained they were not suggesting any change in zoning for the side streets unless there came a time when an entire side street could be rezoned.

Council Member Davy requested clarification on voting for Option B as to whether Roxie Avenue and the other side streets would come back if rezoned. Mr. Harbeck clarified there was no intent as part of the plan to change the future land use or to change the zoning of the side streets along Roxie Avenue.

Mayor Chavonne requested clarification on the recommendation for the third component dealing with the Owen Drive area. Mr. Harbeck clarified the third choice on Owen Drive was to make the three lots future office use or commercial.

Mayor Chavonne inquired of Council Member Hurst if his motion spoke to that issue. Council Member Hurst responded in the negative.

Mayor Chavonne inquired what would happen if the third area was not included in the motion. Due to confusion it was decided to take one item at a time and Council Member Hurst concurred.

RESTATED MOTION:

Council Member Hurst moved to approve the Hospital Area Plan with Option B boundary.

SECOND: Council Member Bates

Mayor Chavonne clarified the boundary would be one lot beyond Wayne Lane to the library.

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Hurst moved to approve the Hospital Area Plan with extending the boundary on Boone Trail to Fargo Drive.

SECOND: Mayor Pro Tem Haire

Council Member Crisp inquired if they were on safe ground regarding notification if they went beyond the boundary that was stated in the letter. Ms. McDonald responded it was her understanding that all of the property owners were here and were united in their interest for the change.

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

MOTION: Council Member Hurst moved to approve staff's recommendation that the three lots starting with

Dr. Hartness's lot at the southwest corner of Sandhurst and Owen Drives and going south would all

be blue and as a correction they would make the other lot that contains the CVS parking lot red.

SECOND: Council Member Mohn

Mr. Harbeck explained the plan would be revised based on Council's actions.

Council Member Applewhite inquired whether the notification process would be affected relating to the revision. Ms. McDonald responded it was her understanding that property owners were notified and Ms. Hilton clarified all property owners in the study area and 500 feet beyond the edges received notification of the plan.

VOTE: UNANIMOUS (10-0)

8.2 Consideration of the Hospital Area Overlay Ordinance for the Owen Drive/Village Drive area.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and reviewed the recent steps in the process; the relationship between the plan and the standards of the Overlay Ordinance; the purposes of the Hospital Area Overlay; what an overlay district was; applicability and process; land uses and development standards; site maps; building heights and roof forms; and the landscaping, buffering, and sidewalk requirements. She presented the following options:

1. Approve Overlay ordinance as drafted with Option A boundary (Village Drive to Roxie Avenue) (staff recommendation)
2. Approve Overlay Ordinance as drafted with Option B boundary (Village Drive to Wayne Lane) (Commission recommendation)
3. Approve Overlay Ordinance with a boundary other than that recommended by staff or Commission
4. Approval Overlay Ordinance with modifications to the proposed standards
5. Table action with specific direction regarding additional research or issues for further consideration
6. Deny the proposed Overlay Ordinance leaving existing zoning and standards in place

She stated staff and the Planning Commission recommended approval of the Overlay Ordinance standards. She stated staff recommended boundaries with Option A on Village Drive and the Planning Commission recommended boundaries with Option B on Village Drive. This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 9:51 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW SECTION TO CHAPTER 30, ZONING, ORDINANCE OF THE CITY OF FAYETTEVILLE TO CREATE A HOSPITAL AREA OVERLAY DISTRICT. ORDINANCE NO. S2010-011A.

MOTION: Council Member Hurst moved to approve the Hospital Area Overlay Ordinance standards and also the

boundaries of Option B and Boone Trail to Fargo Drive and Area 4 recommended by staff off Owen Drive.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

8.4 Public hearing to consider a voluntary annexation petition –Fullblock, Inc. – 135 Airport Road.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated plans were submitted to the County and the applicant was requesting PWC water. She stated the property was in the Municipal Influence Area (MIA), and when a property owner requests water or sewer service from PWC, they must request annexation from the City within that MIA.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 9:54 p.m.

MOTION: Council Member Bates moved to adopt with an effective date of December 13, 2010.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

8.3 Public hearing to consider a voluntary annexation petition requested by Cape Fear Multifamily, LLC, formerly Atlantic Multifamily, LLC, for 17.56+ acres on Black and Decker Road.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated this was in the Municipal Influence Area (MIA) and they were requesting sewer and water service. Ms. Hilton stated the plan was for a 272-unit apartment complex which the County had already approved.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 9:57 p.m.

MOTION: Council Member Meredith moved to adopt with an effective date of December 13, 2010.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 Consideration of the Unified Development Ordinance November 2010 Council Draft, which would amend the City Code by replacing Chapter 25, Subdivision, and Chapter 30, Zoning, with a new Chapter 30, UnifiedDevelopment Ordinance (UDO).

Mr. Rob Anderson, Chief Development Officer, presented this item and stated staff recommended adoption of the ordinance deleting Chapters 30 and 25 and replacing with the November Draft UDO including Amendments A through H. He stated any amendments could be dealt with individually upon adoption of the ordinance. He provided an overview of Amendments A through H.

Council Member Haire stated street connections could be subject to an appeal if at least five citizens brought it to the City's attention. Mr. Anderson concurred and stated the appeal process

would add a considerable amount of time to the development process. He stated they were trying to balance the interest of the citizen's need to know and ability to interact with the developer's need to move forward at a reasonable pace.

Council Member Crisp stated under the proposed motion for Amendment H it states "Upon completion of the edits, staff will report to the Council all edits to the UDO to establish this policy. Council will then have the opportunity . . .". He stated he would like the wording to be "Council may then modify, correct, or amend the UDO including errors or omissions."

Mr. Anderson suggested that the same change be made to the proposed motion for Amendment A.

A question and answer period ensued regarding the affect the ordinance would have signage with Mr. Anderson responding they added language in the UDO which would allow greater flexibility in the location of signs but off-site signage would not be allowed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW UNIFIED DEVELOPMENT ORDINANCE BY RESCINDING CHAPTER 25, SUBDIVISIONS, AND AMENDING CHAPTER 30, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-012.

MOTION: Council Member Crisp moved to adopt the ordinance with Amendments A through H as modified, repealing

existing development regulations and replacing them with the Unified Development Ordinance of November

2010 Draft fully effective as of July 1, 2011, or upon conclusion of remapping, whichever is later.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

9.2 Uninhabitable structures recommended for demolition:

- 1031 Bunce Road
- 725 Bunce Road
- 6768 Bailey Lake Road

Mr. Rob Anderson, Chief Development Officer, presented this item and informed Council that no action would be required for 725 Bunce Road as the structure at the location was no longer there. He then presented site maps of the properties and photos showing the damage to the structures at 1031 Bunce Road and 6768 Bailey Lake Road.

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 (6768 BAILEY LAKE ROAD). ORDINANCE NO. NS2010-014.

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 (1031 BUNCE ROAD). ORDINANCE NO. NS2010-015.

MOTION: Council Member Crisp moved to adopt the ordinances and demolish the structures as recommended for

demolition at 1031 Bunce Road and 6768 Bailey Lake Road.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

9.3 Approval of construction contract for Franklin Street Parking Deck to LeChase Construction Services, LLC, lowest responsible, responsive bidder, in the amount of \$6,132,000.00.

Mr. Rusty Thompson, City Traffic Engineer, presented this item and provided background on the project. He stated 13 contractors provided submittals and 7 were selected. He presented a parking deck site plan and exterior and interior design plans. He stated due to ARRA funding,

the contract must be awarded prior to December 31, 2010. The following bids were received:

LeChase (Durham, NC)..... \$6,132,000.00
Rodgers Builders (Charlotte, NC)..... \$6,248,500.00
JeDunn Construction (Charlotte, NC)..... \$6,411,700.00
JM Thompson (Raleigh, NC)..... \$6,568,300.00
Barnhill Contracting (Raleigh, NC)..... \$6,688,200.00
Donley's (Richmond, VA)..... \$6,873,700.00

**MOTION: Council Member Bates moved to award the construction contract to LeChase Construction Services, LLC,
in the amount of \$6,132,000.00 which was the lowest responsive bid received by the City.**

SECOND: Council Member Hurst

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

9.4 Adoption of Municipal Speed Ordinances.

Mr. Rusty Thompson, City Traffic Engineer, presented this item and stated the ordinances had been provided to NCDOT and investigations conducted.

Council Member Crisp expressed concerns with the changes in the speed limits. Mr. Thompson responded he would contact NCDOT to set up a meeting to discuss his concerns.

Council Member Bates inquired if mail boxes could be moved to the side of the street that the owner lives on. Mr. Thompson responded this request could be made on other streets.

MUNICIPAL SPEED ORDINANCES. ORDINANCE NO. NS2010-016.

MOTION: Council Member Crisp moved to adopt the Municipal Speed Ordinances for concurrence with NCDOT.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

9.5 Consider adoption of resolution authorizing condemnation to acquire easements for the Hoke Loop Road Sidewalk Project.

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided background information. He presented a site map and showed photos of the properties that would require condemnation to acquire easements. He stated the next step would be for Council to adopt the resolution authorizing condemnation. He stated after this step, the City would notify the property owners that the City plans to file condemnation within 30 days.

A question and answer period ensued regarding if the properties were occupied, the footage of the easement, and the deposit with the court. Mr. Brown responded the properties were occupied, and footage of the easement would be no more than 6 feet, and monies deposited with the Clerk of Court would eventually be distributed to the property owners.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY. RESOLUTION NO. R2010-087.

**MOTION: Council Member Mohn moved to adopt the resolution authorizing the necessary easements for the project
through condemnation in order to keep the project moving forward.**

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

9.6 Presentation of the Appointment Committee recommendation to the Board of Appeals on Dwellings and Buildings.

Council Member Hurst presented this item and stated the Appointment Committee met on December 6, 2010, to fill a vacancy on the Board of Appeals on Dwellings and Buildings. He stated the Committee selected Mr. Jon H. Hunt to fill the vacancy.

**MOTION: Council Member Hurst moved for Council to accept the recommendation for appointment and to also
maintain regularity of the Board of Appeals on Dwellings and Buildings to a specific meeting date and time**

which would be established by polling the members for their availability and with that provide the

members with a designated meeting schedule when cases occur.

SECOND: Council Member Crisp

Council Member Bates inquired why this had come about. Council Member Hurst responded there was a death of a member that they were not aware of and there had been two cases without a quorum, specifically the Prince Charles Hotel.

VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.1 Revenue and expenditure reports for annually budgeted funds for the three-month period ended September 30, 2010 and 2009.

Ms. Lisa Smith, Chief Financial Officer, presented this item and pointed out key points from the reports regarding increase in revenues, loan proceeds not budgeted for new year, increase in interfund transfers, increase in property tax collections, sales tax revenues not changing, Powell Bell revenues exceeding budget, and increase in permits and fees.

Mayor Chavonne inquired what the projection was for sales tax in the budget that was approved for this year compared to what was received last year. Ms. Smith responded that the amount they budgeted for sales tax last year was lower than what was budgeted for the current year and could provide specifics on the weekly report.

Mayor Chavonne inquired if the permits and fees increase was due to the rise in the fees or more activity. Mr. Iman responded the activity was up.

Council Member Meredith inquired if the Powell Bill funds included portions they would receive from Fort Bragg due to population. Ms. Smith responded in the affirmative and explained there was an agreement with Spring Lake for a portion of those funds and the reimbursements have not been made yet.

Council Member Bates stated it had been two years since the storm water fee had been raised and so far they were at less than 10 percent. He inquired why they were not up to speed on storm water repairs. Ms. Smith responded there was progress being made. She stated they had completed a lot of design and were now moving to prepare the items for bid. She stated it was a challenge because of the role of the Local Government Commission (LGC). She stated the LGC's goal was to make sure that when the City borrowed money they were ready to commence the project.

10.2 Tax refunds of less than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
BB&T Equipment			
Finance	2009	Taxes Paid in Wrong County	\$93.43
TOTAL			<u>\$93.43</u>

10.3 Monthly statement of taxes for November 2010.

2010 Taxes.....	\$21,995,871.08
2010 Vehicle Taxes.....	363,989.62
2010 Revit.....	13,750.28
2010 Vehicle Revit.....	358.69
2010 FVT.....	46,036.64
2010 Transit Tax.....	46,036.67
2010 Storm Water.....	462,825.31
2010 Fay Storm Water.....	925,650.65
2010 Recycle Fee.....	1,238,583.23
2010 Annex.....	10.95
2009 Taxes.....	\$16,564.47
2009 Vehicle Taxes.....	48,587.43
2009 Revit.....	48.87
2009 Vehicle Revit.....	10.95
2009 FVT.....	7,683.06

2009 Transit Tax.....	7,678.09
2009 Storm Water.....	417.79
2009 Fay Storm Water.....	835.58
2009 Recycle Fee.....	862.95
2009 Annex.....	17.92
2008 Taxes.....	1,857.75
2008 Vehicle	3,284.72
2008 Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	616.28
2008 Transit Tax.....	435.58
2008 Storm Water.....	130.33
2008 Fay Storm Water.....	48.00
2008 Recycle.....	84.00
2008 Annex.....	0.00
2007 Taxes.....	534.90
2007 Vehicle	1,448.24
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00
2007 FVT.....	248.68
2007 Storm Water.....	60.00
2007 Fay Storm Water.....	0.00
2007 Annex.....	0.00

2006 and Prior Taxes.....	1,535.92
2006 and Prior Vehicle.....	2,382.94
2006 and Prior Revit.....	0.00
2006 and Prior Vehicle Revit.....	0.00
2006 and Prior FVT.....	504.95
2006 and Prior Storm Water.....	33.63
2006 Annex.....	0.00
Interest.....	13,540.28
Revit Interest.....	6.05
Storm Water Interest.....	102.12
Fay Storm Water Interest.....	70.24
Annex Interest.....	1.56
Fay Recycle Interest.....	102.12
Total Tax and Interest.....	\$25,202,848.52

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 11:05 p.m.