

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
APRIL 20, 2011
4:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); William J. L. Crisp (District 6)

Absent: Council Members Keith Bates, Sr. (District 1); Darrell J. Haire (District 4); Valencia A. Applewhite (District 7);

Theodore W. Mohn (District 8), James W. Arp, Jr. (District 9)

Others Present:

Kristoff Bauer, Assistant City Manager

Karen M. McDonald, City Attorney

Jeffery Brown, Engineering and Infrastructure Director

Karen Hilton, Planning and Zoning Division Manager

Craig Harmon, Planner II

Marsha Bryant, Planner II

Members of the Press

Mayor Chavonne called the meeting to order.

City staff presented the following items scheduled for the Fayetteville City Council's April 26, 2011, agenda:

PUBLIC HEARINGS

Request for a waiver to make payment in lieu of installation of a sidewalk along 8736 King Road (Quasi-Judicial).

Ms. Marsha Bryant, Planner II, presented this item and provided background information. She stated the Planning Commission considered the waiver request at its meeting on March 22, 2011, and the Engineering and Planning staff noted the following:

- 1.The existing guardrail prevented locating the sidewalk along the roadway.
- 2.The narrow bridge prevented extension of the sidewalk across the bridge.
- 3.The property dropped steeply approaching the bridge and remained a low wetland area beyond that.
- 4.The Engineering and Infrastructure Department supported the request to allow payment in lieu of construction due to the continuation of the sidewalk not being beneficial to the citizens or the City based upon the existing location of the guardrail and the topography.
- 5.Due to the quasi-judicial nature of the request, all of the following findings of fact would have to be shown to approve the waiver request:
 - a. A waiver may be granted if the developer showed that the provision would cause unnecessary hardship if strictly adhered to.
 - b. A waiver may be granted due to topographical or other conditions peculiar to the site.
 - c. A waiver may be granted if the intent of the ordinance was not destroyed.

She stated the Planning Commission and staff recommended approval of the sidewalk waiver based on the findings and allowing the payment in lieu of construction of the sidewalk.

Case No. P11-03F. Rezoning of 0.7 acres at 150 Carvers Falls Road from R6 Residential District to C3 Commercial District. Nathan Elmon Page, Jr., and wife, Cindy L. Page, owners.

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 request would expand an existing C3 use. He stated the Zoning Commission and staff recommended approval of the rezoning to C3 based on (1) the property being adjacent to similar commercial zoning and use; (2) although the 2010 Land Use Plan called for residential use on the property, staff believed that the property would serve as a

natural end point to the commercial development on Carvers Falls Road; and (3) the property to the rear was currently undeveloped. He stated if the rezoning were approved, then the zoning for the property would be translated to the CC Community Commercial zone under the Unified Development Ordinance during the remapping process.

OTHER ITEMS OF BUSINESS

Uninhabitable structure recommended for demolition – 516 Link Street.

Mr. Kristoff Bauer, Assistant City Attorney, presented this item and provided background information. He stated the property was a problem in the community for some time and Code Enforcement issued 12 notices of violation to the owners dating back to January 2010. He stated the structure had been vacant since September 2009 and was constantly unsecure and littered with trash from the people hanging out on the property. He stated there had been 166 calls for 911 service in the past 24 months. He stated staff recommended adoption of the ordinance ordering demolition of the structure.

Mr. Bauer then provided an update on the church demolition at 1301 Hillsboro Street.

Consider adoption of resolution authorizing condemnation to acquire easements for storm drainage improvement projects.

Mr. Jeffery P. Brown, Engineering and Infrastructure Director, presented this item and provided background information. He stated the City had been unsuccessful in acquiring the needed drainage easements and fee simple property. He stated the projects were on the list of projects that the City was in the process of acquiring short-term financing in order to move forward with the construction of the improvements. He stated the preliminary schedule was to seek approval from the Local Government Commission (LGC) in July for the financing of the storm drainage improvement projects and the City needed all the easements and properties acquired necessary to make the improvements prior to the LGC approving the financing package. He stated without approval of condemnation, the projects would be delayed, which in turn would delay the approval from the LGC.

There being no further business, the meeting adjourned.