

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
MARCH 21, 2012
4:00 P.M.**

Present: Mayor Anthony G. Chavonne (arrived at 4:20 p.m.)
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (via telephone); 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:

Karen M. McDonald, City Attorney
Scott Shuford, Development Services Director
Craig Harmon, Planner II
Bart Swanson, Housing and Code Enforcement Division Manager
Frank Lewis, Senior Code Enforcement Administrator
Robin Davis, Jackson Lewis, LLP
Members of the Press

Mayor Pro Tem Arp called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's March 26, 2012, agenda:

The proposed street name change from Sherrerd Avenue to Myrtle Hill Lane.

Mr. Scott Shuford, Development Services Director, presented this item and provided background information on the street name change request. He stated there were only seven properties affected by the change and the County had received 100 percent approval for the name change by the owners. He stated staff recommended approval of the change.

Quasi-Judicial Public Hearing - Subdivision waiver to allow a building permit to be issued on a parcel that does not abut a public or private street but is accessed via a recorded easement.

Mr. Scott Shuford, Development Services Director, presented this item and provided background information on the parcel in question. He stated the parcel was accessed by a legal easement and informed Council that the code required that every lot abut a public or private street. He also informed Council that City policy had been not to accept easements as a means of access to serve a parcel. He stated the owners were requesting a waiver from the City Code in order to obtain a building permit to construct a single-family residence. He briefly reviewed the options available for Council's consideration. He stated staff recommended making finding of fact number 3 in the negative and deny the waiver based thereon not allowing a permit to be issued for a parcel that was not abutting a public or private street and not accepting access via an easement. He further stated the Planning Commission recommended making all three findings of fact in the affirmative with conditions and providing conditional approval of the waiver request.

Uninhabitable structures demolition recommendation:

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

906 Branson Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2005. He further noted within the past 24 months there had been 20 calls for 911 service and nine code violations with pending assessments of \$535.80 for lot cleanings. He advised the low bid for demolition of the structure was \$1,500.00.

211 Davis Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 1999. He further noted within the past 24 months there had been no calls for 911 service and two code violations with no pending assessments. He advised the low bid for demolition of the structure was \$2,300.00.

407 Quality Road

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2007. He further noted within the past 24 months there had been two calls for 911 service and six code violations with pending assessments of \$758.40 for lot cleanings. He advised the low bid for demolition of the structure was \$1,500.00.

505 Quality Road

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2004. He further noted within the past 24 months there had been three calls for 911 service and five code violations with pending assessments of \$1,109.55 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

608 School Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner attended the hearing and an order to repair or demolish within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2007. He further noted within the past 24 months there had been 25 calls for 911 service and 11 code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,300.00.

Mr. Shuford inquired if there were questions regarding the consent agenda.

Amendments to certain requirements for educational facilities and child care centers in the downtown (DT) zoning district, including separation requirements from certain uses.

Mr. Scott Shuford, Development Services Director, presented this item and explained this was a staff-initiated code amendment to facilitate the establishment of educational facilities and child care centers in the Downtown (DT) zoning district. He stated the current separation requirements eliminated consideration of these uses in much of the downtown due to the proximity of an existing bar. He further stated that educational facilities and child care centers were desirable uses in the downtown area as businesses may need to provide child care centers for their workers. He noted the amendment would also establish traffic and access standards for these uses in the Downtown District. He stated the Planning Commission and staff recommended approval of the text amendment.

Council Member Bates provided an update on League issues to include extraterritorial jurisdiction, billboard clear cutting, and gas tax. He announced the NCLM conference would be condensed to two days to save cost. He also announced a NCLM Regional Legislative Update session would be held in Hope Mills on April 25, 2012.

MOTION: Council Member Bates moved to go into closed session for consultation with the City Attorney regarding litigation in the matter of the *State of North Carolina v. Bill and Sophia Agapion* and a personnel matter.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:10 p.m. The regular session reconvened at 6:20 p.m.

MOTION: Council Member Fowler moved to go into open session.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

Discussion ensued regarding the selection of a consulting firm to assist with the recruitment and selection of a City Manager.

The consensus was Colin Baenziger & Associates for \$21,500.00.

There being no further business, the meeting adjourned at 6:30 p.m.