

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
FEBRUARY 8, 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
Patricia Bradley, Assistant City Attorney
Rob Anderson, Chief Development Officer
Craig Harmon, Planner II
Paul Dordal, BRAC RTF Executive Director, Futures, Inc.
Jackie Tuckey, Public Information Officer
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 Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag.

Announcements and Recognition

Council Member Bates announced the groundbreaking for Veteran's Park would be on Thursday, February 11, 2010, at 11:00 a.m.

Council Member Applewhite announced the availability of the summer lunch program at Nutritionnc.com.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

NAME	ADDRESS	SUBJECT/CONCERN
Michael Davis	9127 Tokay Station Fayetteville, NC 28311	Military Support
Pat Stewart	623 Bessemer Circle Fayetteville, NC 28301	In favor of the Multi-Modal Center
LeReine Roark	450 Hay Street; #513 Fayetteville, NC 28301	Various topics
Gwen York	5703 Cypress Road Fayetteville, NC 28304	Domestic Violence
Imam Eronomy Mohammed	2700 Murchison Road Fayetteville, NC 28303	Public Officials

6.0 CONSENT

MOTION: Council Member Meredith moved to approve the consent agenda.

SECOND: Council Member Massey

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

6.1 PWC - Resolution confirming assessment roll and levying assessments - Arran Lakes East and West.

The preliminary assessment roll was made available at the City Clerk's office for review by property owners and the public hearing was held on January 25, 2010. As outlined in the public hearing and set forth in information previously provided property owners in the affected area, the sanitary sewer assessment rate for a typical single-family residential lot was applied on a per lot basis at \$5,000.00. This amount included both the main and lateral charge. For properties that required grinder pumps, the area average lateral charge of \$790.00 was recommended. This resolution confirms the assessment roll and levys the assessment.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2010-007.

7.0 PUBLIC HEARINGS

7.1 Development Services - Case No. P09-35F: The rezoning from C1P Commercial District to R5/CZ Residential Conditional Zoning District for an apartment complex on property located at 5951 Cliffdale Road. Containing 11.21 acres more or less and being the property of Tart and Tart, Inc.

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the Zoning Commission and Planning staff recommended approval. Council Member Crisp inquired on the location of the chain link fence. Mr. Harmon replied that the fencing would be along all the abutting properties.

Council Member Applewhite questioned whether a left turning lane would be necessary due to the volume of traffic and whether a traffic accident analysis was performed. Mr. Harmon stated NCDOT had not deemed it a necessity; however, there would be a separate right turning lane and a traffic accident analogy had not been performed.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:29 p.m.

Mr. C. L. Tart, P.O. Box 8, Dunn, NC 28335, appeared in favor.

Mr. Tommy McRae, P.O. Box 1027, Dunn, NC 28335, appeared in favor.

There being no one further to speak, the public hearing closed at 7:35 p.m.

Council Member Applewhite requested Mr. Iman, City Manager, to address the accident rate on Cliffdale Road. Mr. Iman explained that the City had no Transportation Planner in the Planning Division to conduct such a study.

Council Member Meredith questioned the applicant, Mr. Tart, regarding his support of a bus stop at the subject property and whether it was possible to include it as a condition. Mr. Anderson responded that without dialogue with NCDOT the condition could present an issue.

Council Member Crisp requested clarification of NCDOT not having an issue with the increase in traffic. Mr. Anderson answered in the affirmative and stated a comparison was done to prior traffic from the health club.

Council Member Crisp questioned the process required for NCDOT to agree to a bus stop. Mr. Anderson stated the Planning staff would work in conjunction with the Transit Department to determine the feasibility of the location. Mr. Iman further stated there was presently no bus route at that location.

MOTION: Council Member Meredith moved to approve the requested rezoning.

SECOND: Council Member Hurst

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

7.2 Development Services - Case No. P09-36F: The rezoning from R6 Residential District to R5/CZ Residential Conditional Zoning District for townhomes on properties located at 108, 110, 202, and 204 Pinecrest Drive. Thomas L. Bradford, dba Pear Tree Properties, LLC, and Island Time Pizza, LLC, owner.

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010

Land Use Plan. He stated the application was sent back to the Zoning Commission from Council to be reheard as a Conditional Zoning request and the new conditions of this request limited the number of units to eight and the application was conditioned to the site plans. This is the advertised public hearing set for this date and time. The public hearing opened at 7:48 p.m.

Mr. Thomas Bradford, applicant, stated he was available to answer any questions.

Mr. W. M. Ward, Jr., 2201 Morganton Road, Fayetteville, NC 28303, appeared in opposition and expressed concern regarding the lack of compatibility of the proposed structure with the surrounding structures.

Mr. Christopher Fletcher, 112 Pinecrest Drive, Fayetteville, NC 28303, appeared in opposition and expressed concern regarding the increase in traffic.

There being no one further to speak, the public hearing closed at 7:52 p.m.

MOTION: Council Member Hurst moved to deny the requested rezoning and to waive the one-year waiting period requirement to reapply.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.3 Development Services - Case No. P09-46F: The rezoning of the property located at 412 Gillespie Street from R5 Residential District to C1 Commercial District or to a more restrictive zoning classification. St. Joseph's Episcopal Church, owner.

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the Zoning Commission recommended approval based on (1) the properties between this one and Gillespie Street being zoned commercial, and (2) the zoning to commercial fostering new development and/or redevelopment in this area. He stated the Planning staff recommended denial based on (1) the property currently not having legal access, (2) the rezoning moving the commercial zoning district one lot deeper into the surrounding residential development, (3) the new commercial district being surrounded on three sides by residential, and (4) the subject property being landlocked.

MOTION: Council Member Davy moved to deny the requested rezoning.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 BRAC Regional Task Force (BRAC RTF) – Pipeline NC Presentation.

Mr. Paul Dordal, BRAC RTF Executive Director, Futures, Inc., provided an overview of PipelineNC.com, an education and workforce internet platform for job seekers and employers in the Fort Bragg region.

8.2 City Manager's Office - Fayetteville Forward Action Agenda Update.

Mr. Dale Iman, City Manager, reviewed the elements of the Fayetteville Forward Action Agenda and provided an overview of the progress made and anticipated actions for the following targets for action.

Goal 1: Growing City, Livable Neighborhoods – A Great Place to Live

- Annexation Policy
- Community Wellness Plan
- Residential Rental Property Program

Goal 2: Greater Tax Base Diversity – Strong Local Economy

- Base Realignment and Closure
- Murchison Road Redevelopment Plan
- Non-Stop Air Service
- Economic Development Incentives

Goal 3: More Attractive City – Clean and Beautiful

- Commercial and Multi-Family Recycling
- Fayetteville Area System of Transit

- Uniform Residential Street Lighting

Goal 4: More Effective City Government – Cost Effective Service Delivery

- Elected Officials Development
- Legislative Agenda and Federal Relations
- Public Transportation
- Public Safety Refinements
- City Financial Planning

Goal 5: Greater Community Unity – Pride in Fayetteville

- Ethics Commission
- Equal Access

Goal 6: Revitalized Downtown – A Community Focal Point

- North Carolina Veterans Park
- Downtown Parking
- Downtown Beautification

There being no further business, the meeting adjourned at 7:59 p.m.