

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 24, 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); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8) (via telephone); James W. Arp, Jr. (District 9)

Absent: Darrell J. Haire (District 4)

Others Present:

Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brain Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Patricia Bradley, Police Attorney
John Kuhls, Human Resource Development Director
Scott Shuford, Development Services Director
Eloise Sahlstrom, Urban Designer/Senior Planner
David Nash, Planner II
Craig Harmon, Planner II
Lindsay Maurer, Planning Communities, LLC
Vincent Higgins, Fayetteville Sister Cities International
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 Police Officer Darwyn Hudson, Police Chaplain.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the Mayor and City Council.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

5.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda to include the amended Item 5.7, adopting an ordinance amendment pertaining to the holiday schedule.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

5.1 Application for State Loan Assistance

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO DIRECT THE FILING OF AN APPLICATION FOR STATE LOAN ASSISTANCE. RESOLUTION NO. R2012-038.

5.2 Bid recommendation to award contract for sewer main rehabilitation work to Insituform Technologies, Chesterfield, MO, lowest responsive, responsible bidder, in the total amount of \$1,766,810.00.

Bids were received as follows:

Insituform Technologies (Chesterfield, MO)..... \$1,766,810.00
SAK Construction, LLC (O'Fallon, MO)..... \$2,417,500.00
Am-Liner East (Berryville, VA)..... \$2,462,495.00
Layne Inliner, LLC (Charlotte, NC)..... \$2,723,400.00

5.3 Bid recommendation to award contract for underground primary power cable to Stuart C. Irby, Rocky Mount, NC, lowest responsible bidder, in the total amount of \$449,200.00.

Bids were received as follows:

	Total	Eval. Cost
	<u>Purchase Price</u>	<u>Per 1,000 Feet</u>
Stuart C. Irby (Rocky Mount, NC).....	\$449,200.00	\$3,699.00
CME Wire & Cable (Suwanee, GA).....	\$467,682.00.....	\$4,095.00
Shealy Electrical Wholesalers (Greenville, SC).....	\$510,540.00.....	\$3,728.00
WESCO (Raleigh, NC).....	\$590,600.00.....	\$3,786.00

5.4 Budget Ordinance Amendment 2013-5 (General Fund - Ann Street Bridge Repair).

The amendment appropriated \$32,500.00 to the Engineering and Infrastructure Department budget to fund emergency repairs of the Ann Street bridge. The source of funds for the amendment was an appropriation of \$32,500.00 from General Fund fund balance.

5.5 Case No. P12-44F. Initial zoning from C(P) Commercial and R6 Residential in Cumberland County to LC Limited Commercial in Fayetteville or a more restrictive district for property located at 122 West Mountain Drive. Containing 1 acre more or less and being the property of Charles Horne.

5.6 Case No. P12-45F. Rezoning initiated by the City of Fayetteville from HI Heavy Industrial to CC Community Commercial or a more restrictive district on property located at 1122 Person Street. Containing 5.95 acres more or less and being the property of Mary Bright Rose.

5.7 2013 Holiday Schedule

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 19-185, HOLIDAYS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2012-021.

6.0 PUBLIC HEARINGS

6.1 Adoption of the Bragg Boulevard Corridor Plan.

Ms.Eloise Sahlstrom, Urban Designer/Senior Planner, presented this item and stateda team of consultants led by Planning Communities, LLC (a woman-owned transportation and environmental planning firm), were hired to produce a corridor plan for Bragg Boulevard to enhance transportation and land use opportunities along the corridor. She stated the project was funded by both the City and the Fort Bragg Regional Alliance (FBRA). She stated Planning Communities, LLC, had involved the community in a multi-day visioning and design charrette, providing input that resulted in a draft corridor plan. She introduced Ms. Lindsay Maurer of Planning Communities, LLC.

Ms. Maurer provided a power point presentation of the Bragg Boulevard Corridor Plan and stated the project objectives were to provide a multi-modal transportation plan, mobility options, and urban development and redevelopment. She stated the area of study consisted of 9.2 miles with the area of analysis covering land use, transportation network, access management, development patterns, demographics, economics, physical and natural resources, and cultural and community resources. She provided an overview of the stakeholder/public input process and the variety of input methods. She stated the corridor goals were to improve the safety and visual character of Bragg Boulevard; use green space to enhance the look, feel, and function of Bragg Boulevard; implement well-designed and well-placed signage to transform Bragg Boulevard into an aesthetically pleasing corridor and to improve mobility while offering more efficient access to corridor destinations; promote multi-modal transportation choices including travel by bus, bike, and foot; improve the form and appearance of existing developed properties; create vibrant, mixed-use places where people want to live, work, and play; and develop collaborative partnerships to implement a shared vision for redevelopment.

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.

Council Member Fowler inquired if the plan provided for sufficient parking spaces and where those parking lots would be located. Ms. Maurer responded the majority of parking spaces/parking lots would be located behind buildings.

Mayor Pro Tem Arp inquired if the plan allowed for a bicycle lane from the downtown area to Fort Bragg. Ms. Maurer responded this was a vision for the future as incremental safety measures were put into place and would need further analysis.

MOTION: Mayor Pro Tem Arp moved to approve the adoption of the Bragg Boulevard Corridor Plan with an amendment to include the feasibility of bicycle lanes being a strategic goal.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

6.2 Case No. P12-42F. Request for a Special Use Permit for a mini-storage warehouse on property zoned Community Commercial located at 1303 Clinton Road. Containing 5.55 acres more or less and being the property of Pyramid Rehearsal Studio, 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 stated this item had been tabled from the August 27, 2012, City Council meeting and since that time the owner provided staff with additional information indicating that the structure in question was in compliance with the City's Flood Damage Prevention Ordinance. He explained that based on the presented Elevation Certificate and Map, the owner was no longer restricted to renovating to only 50 percent of the building's value.

He advised in light of the new information, staff was recommending approval of the proposed Special Use Permit (SUP) using the existing building and meeting all use specific standards for a mini-storage warehouse based on (1) the existing building meeting the current flood damage prevention rules, (2) the Land Use Plan calling for industrial use on a portion of the property, (3) the property being currently zoned for heavy commercial use, and (4) the SUP allowing for additional conditions to be placed on the property. He further advised staff recommended approval of the SUP for mini-storage warehouse, as presented by staff, based on the request being able to meet the following findings:

- 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;
 - 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.
- The public hearing was held on August 27, 2012, and was tabled to allow further research by staff before voting on the item.

MOTION: Council Member Davy moved to approve the request for a Special Use Permit with the conditions as outlined.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0)

6.3 Public hearing to consider a petition requesting annexation for a contiguous area known as the Horne Property (Located at 122 West Mountain Drive).

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and briefly reviewed the location of the property and surrounding area. He stated the property was currently vacant, but the owner was proposing to build a new facility for Orkin Pest Control and wanted to connect the new building to existing PWC water and sewer lines. He further stated the property was in the Fayetteville MIA and therefore the owner was required to submit an annexation petition. He advised staff recommended adoption of the ordinance with an effective date of September 24, 2012, and establishing the initial zoning consistent with the prior action on the zoning case.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Billy Horne, developer, P.O. Box 325, Steadman, NC, appeared in favor and requested the Council approve the request for annexation.

Mr. Charles Horne, property owner, 317 Parkview Avenue, Fayetteville, NC 28305, appeared in favor and requested the City Council approve the request for annexation. He stated he had never had any environmental concerns with Orkin.

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

MOTION: Council Member Davy moved to adopt the annexation ordinance with an effective date of September 24, 2012, with Limited Commercial (LC) zoning.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (9-0)

6.4 Case No. P12-43F. Initial zoning from R6A Residential (County) to LC Limited Commercial or a more restrictive district on property located at 1551 McArthur Road. Containing 0.92 acres more or less and being the property of Bryan Lee Mayville.

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 property was currently vacant and several years ago had been used as a mobile home park which was shut down sometime prior to 2008. He stated when this item went before the Zoning Commission they had recommended that the property be rezoned to OI Office and Institutional and explained personal services establishments, which included martial arts studios, were limited to a maximum of 2,500 square feet. He stated the Zoning Commission also recommended that staff initiate a text amendment to allow uses such as a karate studio to be located in a building larger than 2,500 square feet. He stated since that meeting, Council approved a text amendment and under the amended ordinance there was no size cap for such uses. He advised the Zoning Commission and staff recommended approval of a more restrictive OI district based on (1) the property having commercial districts on two sides, (2) the property's previous use being a mobile home park, and (3) although the Land Use Plan was calling for medium-density residential, OI was used as a transitional zone in the City's Development Code.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Bryan Mayville, property owner, 6603 Fleming Street, Fayetteville, NC 28311, appeared in favor and requested the Council approve the zoning request as he would like to open a martial arts studio.

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

Council Member Bates inquired of Mr. Mayville if he was in agreement with the OI zoning. Mr. Mayville responded in the affirmative.

MOTION: Council Member Bates moved to approve the Office and Institutional (OI) zoning.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

6.5 Public hearing to consider a petition requesting annexation for a noncontiguous area known as the Mayville Property (Located at 1551 McArthur Road).

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and briefly reviewed the location of the property and surrounding area. He stated there was a small storage building on the property and the owner was proposing to build a martial arts

training building on the property and wanted to connect the new building to existing PWC water and sewer lines. He further stated the property was in the Fayetteville MIA and therefore the owner was required to submit an annexation petition. He advised staff recommended adoption of the ordinance with an effective date of September 24, 2012, and establishing the initial zoning consistent with the prior action on the zoning case.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Bryan Mayville, property owner, 6603 Fleming Street, Fayetteville, NC 28311, appeared in favor and requested Council approve the annexation.

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

MOTION: Council Member Bates moved to adopt the annexation ordinance with an effective date of September 24, 2012, with OI zoning.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.0 OTHER ITEMS OF BUSINESS

7.1 Candidacy of Dimona City, Israel, as a potential Sister City.

Mr. Vincent Higgins, representing Fayetteville Sister Cities International, presented this item with the aid of a power point presentation and handout. He stated the sister cities program was originally spearheaded by President Dwight D. Eisenhower to promote peace through mutual respect, understanding, and cooperation which was established September 11, 1956, with an objective to create relationships based on cultural, educational, information and trade exchanges, creating lifelong friendships and providing prosperity and peace through person-to-person "citizen diplomacy". He stated the program provided a community service, for example, exchange programs benefitting both youth and adults through cultural, arts, and social projects. He stated the City of Dimona, Israel, was a southern city in Israel that had begun the process of transforming itself. He stated under the forward, creative thinking of its current mayor, Dimona was attracting businesses, university students, dynamic young families, and housing projects. He stated it was projected that by 2020, the city would double its size to 80,000 residents. He stated surrounded by the natural beauty of the desert and bolstered by the increasing level of excellence in its school system, the town was reaching beyond its humble beginnings to establish itself as a leading city in the south. He stated many of Dimona's residents work at the Dead Sea factories, the Rotem chemical plant, or in the tourist industry. He stated Dimona had won an award for being one of the ten most beautiful cities in the country.

Council Member Applewhite stated one of her constituents had contacted her to ask about the nuclear facility located in the Dimona City region, and asked if the nuclear site was part of the sister city consideration. Mr. Higgins responded the sister city organization would not endorse or condone any religious or political groups and the primary goal was to establish relationships between our country and other foreign countries and teach tolerance and understanding to our youth. He stated the nuclear site was about a 40-minute drive from Dimona and they would not take anyone there as a tour site. He stated these type of facilities were not open to civilians.

Council Member Applewhite inquired if it would be possible in the future to hold a public hearing after a sister city presentation during a Council meeting to afford for citizen input. Mayor Chavonne stated the sister city adoption process could be modified to include a public hearing. Mr. Higgins concurred with the suggestion and stated it was a great idea.

In addition, Ms. Karen McDonald, City Attorney, stated if the Council was so inclined they could still set a public hearing for this item.

Mayor Chavonne stated staff would work with the sister cities group to identify where in the adoption process would be the best place to interject the public hearing for future city's consideration and would bring the item back to Council.

MOTION: Council Member Applewhite moved to set a public hearing for October 8, 2012, to allow for public comment on the candidacy of Dimona, Israel, as a Sister City.

SECOND: Council Member Massey

VOTE: PASSED by a vote of 5 in favor to 4 in opposition (Council Members Fowler, Bates, Hurst, and Arp)

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for August 2012.

2012 Taxes.....	\$3,224,001.70
2012 Vehicle.....	298,378.96
2012 Taxes Revit.....	6,873.06
2012 Vehicle Revit.....	464.68
2012 FVT.....	34,014.79
2012 Transit.....	34,014.80
2012 Storm Water.....	163,153.02
2012 Fay Storm Water.....	326,368.84
2012 Fay Recycle Fee.....	139,755.38
2012 Annex.....	0.00
2011 Taxes.....	58,038.02
2011 Vehicle.....	104,329.16
2011 Taxes Revit.....	1.99
2011 Vehicle Revit.....	88.93
2011 FVT.....	14,239.01
2011 Transit.....	14,238.99
2011 Storm Water.....	1,893.98
2011 Fay Storm Water.....	3,787.95
2011 Fay Recycle Fee.....	4,599.99
2011 Annex.....	0.00
2010 Taxes.....	6,657.10
2010 Vehicle.....	2,673.29
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	0.00
2010 FVT.....	666.84
2010 Transit.....	666.83
2010 Storm Water.....	147.03
2010 Fay Storm Water.....	294.07
2010 Fay Recycle Fee.....	503.62
2010 Annex.....	0.00
2009 Taxes.....	1,762.91
2009 Vehicle.....	615.13
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	0.00
2009 FVT.....	241.56
2009 Transit.....	241.57
2009 Storm Water.....	72.00
2009 Fay Storm Water.....	144.00
2009 Fay Recycle.....	266.00
2009 Annex.....	0.00
2008 and Prior Taxes.....	4,746.05
2008 and Prior Vehicle.....	1,853.97
2008 and Prior Taxes Revit.....	0.00
2008 and Prior Vehicle Revit.....	0.00
2008 and Prior FVT.....	386.27
2008 and Prior Transit.....	107.98
2008 and Prior Storm Water.....	84.00
2008 and Prior Fay Storm Water.....	72.00
2008 and Prior Fay Recycle.....	126.00
2008 and Prior Annex.....	121.82

Interest..... 17,140.06
Revit Interest..... 5.34
Storm Water Interest..... 215.02
Fay Storm Water Interest..... 378.41
Annex Interest..... 39.39
Fay Recycle Interest..... 522.81
Fay Transit Interest..... 1,098.99
Total Tax and Interest..... \$4,470,093.31

8.2 Tax refunds of less than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Brar, Navpreet Singh	2010	Corrected Assessment	\$ 2.95
Meachem, Minnie	2010-11	Corrected Assessment	<u>84.10</u>
			<u>\$87.05</u>

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:20 p.m.