

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
JULY 23, 2012  
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); 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) (via telephone)

Absent: Council Member Kady-Ann Davy (District 2)

Others Present:

Kristoff Bauer, Interim City Manager  
Karen McDonald, City Attorney  
Dana Clemons, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Ben Major, Fire Chief  
Scott Shuford, Development Services Director  
Craig Harmon, Planner II  
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 Council Member Haire.

**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 Fowler**

**VOTE: UNANIMOUS (9-0)**

**5.0 CONSENT**

**MOTION: Council Member Hurst moved to approve the consent agenda.**

**SECOND: Council Member Massey**

**VOTE: UNANIMOUS (9-0)**

**5.1 Addition of certain streets to the City of Fayetteville system of streets.**

Council was asked to officially accept the dedication of streets for maintenance and addition to the City of Fayetteville system of streets. The list included eight paved streets adding up to a total of 1.1 miles.

**5.2 Capital Project Ordinance Amendment 2013-13 (FY 2012 Street Resurfacing Project).**

The amendment appropriated an additional \$120,038.00 for the FY 2012 Street Resurfacing Project.

**5.3 Case No. P12-29F. Rezoning from AR Agricultural Residential to OI Office and Institutional District, for property located at US 401 South – South Raeford Road.**

**Containing 34.8 acres more or less and being the property of William J. Gillis.**

**5.4 Case No. P12-30F. Rezoning from SF-10 Single Family District to OI Office and Institutional District, on property located at 1804 Fargo Drive. Containing .46 acres more or less and being the property of Tochari Investments, LLC.**

**5.5 Case No. P12-32F. Rezoning from R6 Residential District to HI/CZ Heavy Industrial Conditional Zoning District located at 714 Dunn Road. Containing 30 acres more or less and being the property of Bishop Leasing Inc.**

**5.6 Case No. P12-35F. Rezoning from MR-5 Mixed Residential District to CC Community Commercial District located at 4938 Bragg Boulevard. Containing 1.3 acres more or less and being the property of Katty Moore Jones.**

**5.7 Case No. P12-36F. Rezoning from MR-5 Mixed Residential District to OI Office and Institutional District located at Fisher Street and Holt Williamson Street. Containing 2.10 acres more or less and being the property of Fayetteville Metropolitan Housing Authority – Early Childhood Education Center.**

**5.8 Bid recommendation for galvanized steel poles to award bid to TransAmerican Power Products, Inc., Houston, TX, lowest bidder, in the total amount of \$174,395.00.**

Bids were received as follows:

TransAmerican Power Products, Inc. (Houston, TX).....	\$174,395.00
CHM Industries dba Keystone Poles (Saginaw, TX).....	\$181,591.00
Power-Lite Industries, Inc. (Montreal, Quebec, Canada).....	\$189,450.00
Dis-Tran Steel (Pineville, LA).....	\$221,360.00
Valmont Newmark (Tulsa, OK).....	\$224,735.00
M.D. Henry (Pelham, AL).....	\$231,780.00
Thomas & Betts (Memphis, TN).....	\$291,005.00
Sabre Tubular Structures (Alvarado, TX).....	\$409,180.00

**5.9 Bid Recommendation for tubular steel structures to award bid to TransAmerican Power Products, Inc., Houston, TX, lowest bidder, in the total amount of \$366,823.00.**

Bids were received as follows:

TransAmerican Power Products, Inc. (Houston, TX).....	\$366,823.00
Dis-Tran Steel, LLC (Pineville, LA).....	\$445,136.00
Sabre Tubular Structures (Alvarado, TX).....	\$480,734.00
M. D. Henry (Pelham, AL).....	\$421,656.00
Bridgewell Resources, LLC (Tigard, OR).....	\$555,380.00

**5.10 PWC Capital Project Fund resolutions and budgets.**

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ESTABLISH A 2012 EDGEWATER/NORTHVIEW STATE REVOLVING LOAN CAPITAL FUND.**

**RESOLUTION NO. R2012-028.**

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ESTABLISH A 2012 WTF CLEARWELL AND CHEMICAL FEED IMPROVEMENTS STATE REVOLVING LOAN CAPITAL PROJECT FUND. RESOLUTION NO. R2012-029.**

## **6.0 PUBLIC HEARINGS**

**6.1 Case No. P12-31F. Request for a Special Use Permit for office use within 100 feet of residential development in the Hospital Overlay, on property located at 1804 Fargo Drive. Containing 0.46 acres more or less and being the property of Tochari Investments, LLC; contingent on rezoning to OI.**

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 owner of the property had requested a Special Use Permit to allow for office use within 100 feet of residential development in the Hospital Area Overlay. He noted in 2009 the owner had his property at 1800 Fargo Drive rezoned to P2/CZ and constructed a 14,000 square foot medical facility and recently purchased 1804 Fargo Drive in order to use the property for additional parking. He also noted the owner applied for a Special Use Permit (SUP) to allow for office use within 100 feet of residential development. He advised the Zoning Commission and staff recommended issuance of the SUP based on (1) OI fitting with the Hospital Area Plan and (2) conditions being added to the SUP approval if needed. He further advised the Zoning Commission and staff recommended approval of the SUP as presented by staff, based on the submitted site plan, and upon a finding that all of the following standards were met:

- 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.
- This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Scott Brown, 409 Chicago Drive, Suite 112, Fayetteville, NC, appeared in favor and stated he was the civil engineer representing the owner and requested approval of the special use permit.

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

**MOTION: Council Member Hurst moved to approve the Special Use Permit as presented by staff, based on the submitted site plan, and upon a finding that all the standards were met.**

**SECOND: Council Member Crisp**

**VOTE: UNANIMOUS(9-0)**

**6.2 Case No. P12-33F. Request for a Special Use Permit for a utility substation in a SF-10 district located at 5311 Redwood Drive, property of City of Fayetteville.**

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 Public Works Commission (PWC) wished to expand an existing power substation on Redwood Drive. He stated the expansion would occur completely within the boundaries of the existing facility. He stated since the substation was at the back of a neighborhood, staff would not recommend additional conditions such as a paved entrance, like was required on the last Special Use Permit case heard for a substation. He advised the Zoning Commission and staff recommended approval of the SUP based on (1) it not expanding the physical size of the project, only increase the internal components; and (2) conditions being added to the SUP approval if needed. He further advised that a Special Use Permit would only be approved upon a finding that all of the following standards were met:

- 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.
- This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Scott Brown, 409 Chicago Drive, Suite 112, Fayetteville, NC, appeared in favor and stated he was the civil engineer representing the owner and requested approval of the special use permit.

Mr. John Sidebotham, 955 Old Wilmington Road, Fayetteville, NC, appeared in favor and stated he was the electrical engineer representing PWC.

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

**MOTION: Council Member Hurst moved to approve the special use permit as presented by staff, based on the submitted site plan, and upon a finding that all the standards were met.**

**SECOND: Council Member Crisp**

**VOTE: UNANIMOUS (9-0)**

**6.3 Case No. P12-34F. Rezoning from LC Limited Commercial District and OI Office and Institutional District to all LC Limited Commercial District located at 1907 Murchison Road. Containing 1.14 acres more or less and being the property of Spurgeon D. Watson.**

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 property was split zoned and the owner was requesting all of the property be zoned to LC. He advised the Zoning Commission recommended approval of the rezoning to LC based on (1) the size of the area currently zoned LC would limit commercial development and (2) redevelopment of an existing commercial property. He further advised that staff recommended denial of the rezoning to LC based on (1) the Land Use Plan calling for Medium-Density Residential on the portion to be rezoned, (2) Murchison Road Corridor Plan calling for Single-Family Residential, and (3) rezoning to LC would extend commercial zoning to the adjacent residential neighborhood. He stated additional considerations included the extension toward the neighborhood would encourage similar change from OI to commercial for the other properties along the back of the block fronting Murchison; there was limited development (parking) currently on the property and only smaller scale, scattered residential and non-residential uses beside and across Murchison from the property; and there was a significant amount of undeveloped or underdeveloped commercial property along Murchison Road, which led to the emphasis in the Corridor Plan on not expanding strip commercial but rather concentrating on strengthening and redeveloping the nodes (the area a little north of this site and especially across the street, around Jasper, is recommended as one such neighborhood scale commercial node).

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. David Gladney, 7030 Darnell Street, Fayetteville, NC 28314, appeared in favor and stated he had requested rezoning for lots adjacent to the ones displayed and documented by staff. He provided a map that indicated the lots he was seeking to be rezoned.

Ms. Sandra Mitchell, 1634 Rudolf Street, Fayetteville, NC 28301, appeared in opposition and stated as they considered the Murchison Road revitalization, to please keep in mind that the Murchison Road Corridor Plan had already been implemented; this potential rezoning for the property was not in the best interests of the community and respectfully requested that Council deny the rezoning.

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

A discussion period ensued regarding the parcels of land Mr. Gladney was requesting to be rezoned.

Mayor Chavonne inquired of Mr. Gladney if he had initiated the request for the rezoning. Mr. Gladney responded in the affirmative.

Mr. Harmon clarified that staff had acted on the information provided on the initial application.

**MOTION: Council Member Haire moved to table the item and bring it back for further discussion and possible action at the August 13, 2012, City Council meeting.**

**SECOND: Council Member Bates**

**VOTE: FAILED by a vote of 4 in favor to 5 in opposition (Council Members Chavonne, Applewhite, Hurst, Haire, and Crisp)**

**MOTION: Council Member Haire moved to deny the rezoning request.**

**SECOND: Council Member Hurst**

**VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Massey**

and Arp)

**7.0 ADMINISTRATIVE REPORTS**

**7.1 Monthly statement of taxes for June 2012.**

2011 Taxes.....	\$254,401.50
2011 Vehicle.....	370,842.53
2011 Taxes Revit.....	361.82
2011 Vehicle Revit.....	492.18
2011 FVT.....	42,978.06
2011 Transit.....	42,978.03
2011 Storm Water.....	5,840.73
2011 Fay Storm Water.....	11,681.55
2011 Fay Recycle Fee.....	12,184.64
2011 Annex.....	0.00
2010 Taxes.....	6,373.02
2010 Vehicle.....	5,174.03
2010 Taxes Revit.....	3.13
2010 Vehicle Revit.....	1.36
2010 FVT.....	1,126.39
2010 Transit.....	1,126.41
2010 Storm Water.....	135.32
2010 Fay Storm Water.....	270.65
2010 Fay Recycle Fee.....	390.53
2010 Annex.....	0.00
2009 Taxes.....	1,043.57
2009 Vehicle .....	1,032.46
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	0.00
2009 FVT.....	302.45
2009 Transit.....	302.43
2009 Storm Water.....	60.00
2009 Fay Storm Water.....	120.00
2009 Fay Recycle Fee.....	152.00
2009 Annex.....	0.00
2008 Taxes.....	573.12
2008 Vehicle .....	930.75
2008 Taxes Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	161.66
2008 Transit.....	126.64
2008 Storm Water.....	24.00
2008 Fay Storm Water.....	24.00
2008 Fay Recycle.....	0.00
2008 Annex.....	0.00
2007 and Prior Taxes.....	470.48
2007 and Prior Vehicle.....	2,170.85
2007 and Prior Taxes Revit.....	0.00
2007 and Prior Vehicle Revit.....	0.00
2007 and Prior FVT.....	382.63
2007 and Prior Storm Water.....	24.00
2007 and Prior Fay Storm Water.....	0.00
2007 and Prior Annex.....	14.15
Interest.....	23,591.24
Revit Interest.....	28.76

Storm Water Interest.....	376.70
Fay Storm Water Interest.....	721.64
Annex Interest.....	1.61
Fay Recycle Interest.....	765.00
Fay Transit Interest.....	1,165.49
Total Tax and Interest.....	\$790,927.51

**8.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 7:54 p.m.