

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
FEBRUARY 22, 2012
4:00 P.M.**

Present: Mayor Anthony G. Chavonne (departed at 5:45 p.m.)
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:20 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4) (departed at 5:55 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (departed at 5:50 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Members of the Press

Mayor Chavonne called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's February 27, 2012, agenda:

PUBLIC HEARING ITEMS:

P11-52F. Rezoning from SF-15 Single Family District to MR-5/C Mixed Residential Conditional District, or a more restrictive district, on property located at 7015 Fillyaw Road. Containing 15.14 acres more or less and being the property of James McKethan, Robert McKethan, and Kenneth McKethan, Jr. (Appeal of a Zoning Commission Denial)

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 protest petition filed would require a supermajority. He stated the applicant was requesting that the City Council remand the case back to the Zoning Commission.

Council Members inquired as to the votes that would be necessary for the remand.

Discussion ensued on the current zoning and the permissible density.

Quasi-Judicial Public Hearing - Appeal of a required street connection from a new 32-lot subdivision to an existing neighborhood (Arrans Lake West) via Lakewell Circle.

Mr. Scott Shuford, Development Services Director, presented this item. He reviewed the neighborhood street connection on Lakewall Circle. He advised the hearing would be quasi judicial and Council would have to make findings of fact.

Council members noted this was the first hearing on connectivity.

MOTION: Council Member Bates moved to go into closed session for discussion of litigation in the matter of *Rauff v. City of Fayetteville*.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

The regular session recessed at 4:45 p.m. The regular session reconvened at 5:28 p.m.

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Applewhite, in light of the opinion from the Attorney General's office and the pending lawsuit, moved to rescind the moratorium approved by Council on January 23, 2012, and continue with the implementation of the other items.

SECOND: Council Member Bates

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

MOTION: Mayor Chavonne moved to go into closed session for a personnel matter.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:35 p.m. The regular session reconvened at 5:55 p.m.

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

SECOND: Council Member Massey

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 5:55 p.m.