

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES**

JUNE 18, 2008

4:00 P.M.

LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1)(arrived 4:08 p.m.); Charles E. Evans (District 2)(departed 5:18 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4)(departed 5:30 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6)(attended by telephone); Valencia A. Applewhite (District 7)(attended by telephone at 4:20 p.m.); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Kyle Sonnenberg, Assistant City Manager

Stanley Victrum, Assistant City Manager

Douglas Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Jimmy Teal, Planning Director

Karen Hilton, Assistant Planning Director

Kyle Garner, Planner II

Bradley Whitted, Airport Director

Patricia Campbell, Airport Secretary

Candice H. White, City Clerk

Press

CALL TO ORDER

1. APPROVAL OF THE AGENDA

Mayor Chavonne requested the addition of a closed session for litigation matters as Item

7.

MOTION: Council Member Hurst moved to approve the agenda with the addition of Item 7.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (8-0)

2. CONSIDER APPROVAL OF RESOLUTION ENDORSING THE INCORPORATION OF FORT BRAGG AND POPE AIR FORCE BASE

Dale E. Iman, City Manager, stated legislation was pending regarding the incorporation of Fort Bragg into the City of Fayetteville and Pope Air Force Base into the Town of Spring Lake. Mr. Iman further stated the City of Fayetteville and the Town of Spring Lake support the annexations into their respective corporate limits and Council's approval of the resolution would endorse the same.

MOTION: Council Member Massey moved to approve the resolution.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

3. CONSIDER APPROVAL OF SUPPLEMENT TO SALES TAX DISTRIBUTION AGREEMENT REGARDING INCORPORATION OF FORT BRAGG AND POPE AIR FORCE BASE

Karen M. McDonald, City Attorney, advised the City of Fayetteville and the Town of Spring Lake chose to enter into the supplement to mitigate the effects on the County for the reallocation of sales tax revenues that would occur as a result of their respective annexations of Fort Bragg and Pope Air Force Base. Mrs. McDonald further advised the supplement would maintain the per capital method of distribution of local option sales tax proceeds and allow the county to continue to receive the sales tax generated in perpetuity. Mrs. McDonald noted the Board of County Commissioners had approved the supplement to the interlocal agreement at their June 16, 2008 meeting.

Discussion ensued regarding sales tax revenue distribution and annual adjustments to reflect population increases and decreases at Fort Bragg and Pope Air Force Base.

Council Member Massey inquired whether the Town of Eastover would be included in the agreement. Mrs. McDonald advised the supplement was an amendment to a 2003 interlocal agreement and the Town of Eastover was not part of the agreement at that time.

MOTION: Council Member Meredith moved to approve the supplement to the interlocal agreement dated October 31, 2003.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Bates, Haire and Evans).

Mayor Chavonne stated the incorporation could potentially generate additional revenue from the State and Council would consider an interlocal agreement related to state shared revenues at their June 23, 2008 meeting.

4. CONSIDER APPROVAL OF BUDGET ORDINANCE AMENDMENT 2008-10 (AIRPORT FUND), FAA GRANT (AIRFIELD LIGHTING VAULT IMPROVEMENT) AND CAPITAL PROJECT ORDINANCE 2008-8

Bradley Whited, Airport Director, stated the Federal Aviation Administration (FAA,) through a federal grant, would provide entitlement funds for the construction of a new airfield lighting vault building and control equipment. Mr. Whited further stated the grant would fund 88% of the project cost and a local match would fund the remainder. Mr. Whited stated the budget ordinance amendment would appropriate airport reserve funds for the local share as required. Discussion ensued regarding the airport reserve fund. Mr. Whited explained as an enterprise fund, airport reserve funds have to be utilized for airport purposes. Mr. Iman stated the Governmental Finance Officers of America, which requires that a minimum of ninety-days operating expenses be held in reserve, created guidelines for the reserve funds. Mr. Iman stated the Fayetteville Airport reserve fund exceeds the required minimum amount. Discussion ensued regarding marketing efforts for the Fayetteville Airport and whether reserve funds could be utilized to attract more traffic to the airport.

MOTION: Council Member Bates moved to approve budget ordinance amendment, FAA grant and capital project ordinance.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

5. DISCUSSION OF ROADSIDE VENDORS AND MERCHANTS

Douglas Hewett, Assistant City Manager, stated staff developed a draft ordinance to address issues and concerns related to the proliferation of roadside vendors and merchants based on Council's interest in a cleaner more attractive city, and complaints and concerns that had been received from traditional business owners and citizens. Mr. Hewett highlighted areas of the draft ordinance.

Discussion ensued regarding exemptions for nonprofit organizations, exemptions for seasonal sales and agricultural products, enforcement of the ordinance, and a grace period.

Consensus was to revise the draft ordinance consistent with discussion and return to Council for further deliberation.

6. REVIEW OF AGENDA ITEMS SCHEDULED FOR THE JUNE 23, 2008 CITY COUNCIL MEETING

Kyle Garner, Planning II, provided an overview of the following items scheduled for the June 23, 2008 City Council meeting:

Approve the rezoning from R10 residential district to P2 professional district for property located at 827 South McPherson Church Drive. Containing .99 acres more or less and being the property of L & I Investments, LLC. Case Number P08-24F

Mr. Garner 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. Mr. Garner stated the applicant wishes to convert residentially zoned property to P2 professional. Mr. Garner stated while the Zoning Commission recommended P2 professional, planning staff recommended P4

professional.

Approve the rezoning from R5 residential district to C3 commercial district for property located along the west side of * Street. Containing .78 acres more or less and being the property of John Haigh. Case Number P08-25F**

Mr. Garner 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. Mr. Garner stated the applicant wishes to covert residentially zoned property to C3 commercial. Mr. Garner stated the Zoning Commission and planning staff concur with the applicant's request.

Approve the initial zoning to AR agricultural\residential district for property located on the east side of Clinton Road across from Bladen Circle Road. Containing 4.26 acres more or less and being the property of Floyd Properties & Development as evidenced by map and legal description furnished by the City of Fayetteville and annexed by the City on April 28, 2008. Case Number P08-26F

Mr. Garner 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. Mr. Garner stated the property was zoned RR rural residential in the county. Mr. Garner further stated initially zoning the property AR agricultural\residential follows the City Council policy to initially zone property the same or to the closest comparable city zoning classification once annexed.

Approve the initial zoning to C1P commercial district and AR agricultural\residential district for property located on the east side of Clinton Road across from Downing Road. Containing 43.65 acres more or less and being the property of Cumberland Christian Center as evidenced by map and legal description furnished by the City of Fayetteville and annexed by the City on April 28, 2008. Case Number P08-27F

Mr. Garner 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. Mr. Garner stated the property was split zoned C1P commercial district and RR rural residential district in the county. Mr. Garner further stated initially zoning the property C1P commercial and AR agricultural\residential follows the City Council policy to initially zone property the same or to the closest comparable city zoning classification once annexed.

Consider an application by Moorman, Kizer & Reitzel for American Flag Reilly Road, LLC for a Special Use Permit for an addition to a mini-storage facility in a C1P commercial district for developed property located at 362 North Reilly Road. Containing 3.3 acres more or less and being the property of American Flag Reilly Road, LLC. Case Number P08-28F

Mr. Garner 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. Mr. Garner stated this request is for an addition to an existing mini-storage facility. Mr. Garner further stated an approval of a special use permit by City Council is required for the expansion. Mr. Garner stated the Zoning Commission recommends approval with conditions. Council Member Bates requested the addition of lighting as a condition in the event adjacent properties were developed.

Consider the rezoning from R15, R10 and R5A residential districts to C1P commercial district for property located along the west side of Gillis Hill Road and south of Raeford Road. Containing 76.00 acres more or less and being the property of John M. Gillis Etal & Gillis Group Partnership. Case Number P08-29F

Mr. Garner 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. Mr. Garner stated the applicant wishes to rezone residentially zoned property for commercial use. Mr. Garner further stated an adjoining property owner appealed the decision of the Zoning Commission requiring a public hearing by City Council. Mr. Garner stated the Zoning Commission recommends approval. In response to a question from Mayor Chavonne, Mr. Garner stated transportation plans would have to be submitted and approved. Council Member Bates expressed concern for stormwater related issues. Council Member Mohn inquired whether the R15 areas could be removed from the area requested for C1P rezoning and remain R15.

Consider the rezoning from R10 residential district to C1 commercial district for property located at 3317 Rosehill Road. Containing .50 acres more or less and being the property of Agnes Hubbard. Case Number P08-31F

Mr. Garner 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. Mr. Garner stated the applicant wishes to use her property for commercial uses. Mr. Garner stated planning staff recommended P4 professional and the Zoning Commission did not have a recommendation due to none of their motions having a majority vote.

Consider extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation for Shah Property #1. (Located on south side of Owen Drive between Cope Street and Dyer Street)

Consider extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation for Shah Property #2. (Located on south side of Owen Drive between Cope Street and Dyer Street)

Mr. Teal stated the annexation petitions for the two Shah properties were submitted consistent with City Council policy #150.2. Mr. Teal further stated recommendation is to adopt the annexation ordinances with effective dates of June 23, 2008.

Consider the rezoning from R10 residential district to M1 industrial district for property located at 820 Reilly Road. Containing 4.986 acres more or less and being the property of Elwood S. Cain. Case Number P08-30F

Mr. Garner 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. Mr. Garner stated the applicant wishes to rezone the property to expand an existing mini-storage facility. Mr. Garner further stated the existing R10 mini-storage facility was approved by Cumberland County as part of an overlay district. Mr. Garner stated the Zoning Commission recommends C3 commercial district and the applicant did not appeal the decision.

7. CLOSED SESSION FOR LITIGATION IN THE MATTER OF LAMAR V. CITY OF FAYETTEVILLE

MOTION: Council Member Meredith moved to go into closed session for litigation in the matter of Lamar v. City of Fayetteville.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:22 p.m.

The regular session reconvened at 5:45 p.m.

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

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

8. ADJOURNMENT

There being no further business, the meeting adjourned at 5:46 p.m.