

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
DECEMBER 10, 2018  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5) (via telephone at 7:24 p.m.); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Telly Whitfield, Assistant City Manager  
Barbara Hill, Interim Assistant City Manager  
Kevin Arata, Corporate Communications Director  
Tracey Broyles, Budget and Evaluation Director  
Gerald Newton, Development Services Director  
Jay Toland, Interim Chief Financial Officer  
Elizabeth Somerindyke, Internal Audit Director  
Michael Martin, Development Services Deputy Director  
Gina Hawkins, Chief of Police  
Kimberly Toon, Purchasing Manager  
Taurus Freeman, Planning and Zoning Division Manager  
Craig Harmon, Senior Planner  
Alicia Young, Assistant City Attorney  
Giselle Rodriguez, City Engineer  
John Larch, Stormwater Manager  
Kecia Parker, Real Estate Manager  
Brittany McLaurin, Financial Analyst  
Brandon Christian, Police Attorney  
Mark Brown, PWC Customer Relations Director  
Jennifer Ayre, Deputy City Clerk  
Metoya Scott, Senior Administrative Assistant to the City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order at 7:06 p.m.

**2.0 INVOCATION**

The invocation was offered by Rabbi Eve Eichenholtz from the Beth Israel Congregation.

**3.0 PLEDGE OF ALLEGIANCE**

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

**4.0 ANNOUNCEMENTS AND RECOGNITION**

Council Member Jensen introduced Ms. Markasia Davis as the representative for the Fayetteville-Cumberland Youth Council (FCYC).

Mayor Colvin and Council Member D.J. Haire presented the Key to the City to Ms. Deborah Mintz, Arts Council Director, for her many years of service to the City of Fayetteville.

**5.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Wright moved to approve the agenda.  
**SECOND:** Council Member Haire

VOTE: UNANIMOUS (9-0)

## 6.0 CONSENT AGENDA

MOTION: Council Member Crisp moved to approve the consent agenda, with the exception of Item 6.06, Joint Fayetteville State University Wellness/Senior Center Memorandum of Understanding - Capital Project Ordinance 2019-22 for Senior Center East, for explanation and separate vote.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (9-0)

### 6.01 Approval of Meeting Minutes:

November 13, 2018 - Discussion of Agenda Items

November 13, 2018 - Regular

November 19, 2018 - Special

November 26, 2018 - Discussion of Agenda Items

November 26, 2018 - Regular

6.02 Rezone 9.09 acres of property from CD Conservation District to AR Agricultural Residential, located to the west of 3425 Amour Drive (Tax Map # 9485-61-0037) near the intersections of Amour Drive and Thomas Wood Drive, containing 38.06 +/- acres and being the property of Clyde T. Wood, Jr.

6.03 P18-33F. Rezoning of property from Mixed Residential (MR-5) to Office and Institutional Conditional Zoning (OI/CZ) (initial request to Community Commercial/Conditional Zoning), located at 1053 71st School Road (Tax Map # 9497-64-6544) near the intersection of 71st School Road and Media Drive, containing 1.01 acres and being the property of WARDLAW, VINCENT O. and MELISSA L. [The owners have agreed to a more restrictive Office and Institutional (OI) Conditional zoning district]

6.04 Authorization of Condemnation of Easements and Rights-of-Way on the Properties Needed for Mirror Lake Dam Restoration Project

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION FOR THE PRUCHASE OF EASEMENTS AND RIGHTS OF WAY ON PROPERTIES NEEDED FOR MIRROR LAKE DAM RESTORATION PROJECT. RESOLUTION NO. R2018-069

6.05 Adoption of Budget Ordinance Amendment 2019-9 to Provide Funding for the Community-Wide Collaborative Branding Project

Authorizing an appropriation of \$25,000.00 from available General Fund balance to fund the City's participation in the collaborative, community-wide branding project.

6.06 Pulled for discussion and separate vote.

6.07 Adoption of Budget Ordinance Amendment 2019-10 and Capital Project Ordinance Amendment 2019-23 for Stadium Construction

Appropriate \$1.25 million from General Fund fund balance to provide for the City's share of the additional project budget and appropriate a \$1.05 million contribution from the Woodpeckers along with the General Fund transfer to provide the needed \$2.3 million additional project appropriation for the stadium.

6.08 Resolution Authorizing the City Manager to Acquire Real Property in Catalyst Site for Future Development

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY FOR FUTURE DEVELOPMENT. RESOLUTION NO. R2018-070

## **6.09 Roxie Avenue Drainage Improvement Project Phase 1 - Bid Recommendation and Options**

Council did not award the contract and directed staff to conduct a value engineering analysis of this project to identify potential cost savings and/or the potential for project phasing, and then re-advertise the project for new bids.

## **6.06 Joint Fayetteville State University Wellness/Senior Center Memorandum of Understanding - Capital Project Ordinance 2019-22 for Senior Center East**

This item was pulled for discussion and a separate vote.

Mr. Kristoff Bauer, Deputy City Manager, stated this item is related to a memorandum of understanding for a partnership regarding property acquisition for the Fayetteville State University Student Wellness Center and City Senior Center.

**MOTION:** Council Member Culliton moved to approve the Joint Fayetteville State University Wellness/Senior Center Memorandum of Understanding - Capital Project Ordinance 2019-22 for Senior Center East.

**SECOND:** Council member Wright

**VOTE:** UNANIMOUS (10-0)

## **7.0 REPORTS FROM BOARDS AND COMMISSIONS**

### **7.01 Planning Commission Annual Report FY 17-18**

Pastor Christopher Davis, Planning Commission Chair, presented this item and stated the Planning Commission holds public meetings and hearings to make recommendations to City Council. This year the Commission held eight public hearings for 2018, five hearings being text amendments to Unified Development Ordinance (UDO), two hearings related to neighborhood compatibility permits and one hearing for an alternative plan for signage. Pastor Davis stated the Commission also routinely heard presentations regarding areas around the City such as the Haymont Study.

**MOTION:** Council Member Arp moved to approve the Planning Commission Annual Report FY 17-18.

**SECOND:** Council Member Waddell

**VOTE:** UNANIMOUS (10-0)

### **7.02 2017-2018 Annual Report for the Fayetteville Metropolitan Housing Authority**

Ms. Dawn Weeks, Executive Director of Fayetteville Metropolitan Housing Authority, presented this item and stated the Metropolitan Housing Authority is a governmental entity that provides affordable housing for the Fayetteville/Cumberland County area and is made up of eight board members appointed by the Mayor. The Metropolitan Housing Authority currently administers four programs: Public Housing; Section 8; Veterans Administration Supported Housing (VASH); and Rental Assistance Demonstration Program (RAD). Ms. Weeks stated in 2009 the Housing Authority was awarded a HOPE VI grant to demolish Campbell Terrance and Delona Gardens housing totaling 249 units and to build new updated units. To date 542 units have been rebuilt. Ms. Weeks stated the programs are going well, and occupancy is always high.

Discussion ensued.

**MOTION:** Council Member Mohn moved to approve the 2017-2018 Annual Report for the Fayetteville Metropolitan Housing Authority.

**SECOND:** Council Member Arp

**VOTE:** UNANIMOUS (10-0)

## **8.0 PUBLIC FORUM**

Ms. Anna Chott, 310 Green Street, Fayetteville, NC, provided an overview of the Habitat for Humanity Young Professionals and AmriCorps.

Ms. Harmony Sell, 3805 Raeford Road, Fayetteville, NC, expressed concerns with the taxi industry in the community and at the airport.

## **9.0 PUBLIC HEARINGS**

### **9.01 P18-37F. The issuance of a Special Use Permit to allow the construction of three commercial buildings in the Neighborhood Commercial (NC) Zoning District located at 8108 Cliffdale Road (Tax Map # 9487-67-2228) at the intersection of Cliffdale Road and Prestige Boulevard**

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the applicant is looking to construct three commercial use buildings over 7,500 square feet which is what prompted the special use permit requirement. Most of the area is zoned neighborhood/commercial however the land use plan calls for heavy commercial use. Mr. Harmon stated the property is located at 8108 Cliffdale Road and is just over 2 acres. The City's staff and Zoning Commission did recommend approval. A Special Use Permit shall be approved only upon a finding that all the following standards are met:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Special 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.

Discussion ensued regarding Type D buffering.

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

Mr. George Rose, 1206 Longleaf Drive, Fayetteville, NC 28305, appeared in favor and stated he is the engineer for the project.

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

Discussion ensued.

**MOTION:** Council Member Mohn moved to approve the Special Use Permit (SUP) in a NC Neighborhood Commercial district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with the applicable plan because (1) the development is located in a Neighborhood Commercial District, (2) the City's Future Land Use Plan calls for Heavy Commercial on this property, (3) this use complies with the eight findings of fact listed above, (4) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area, and (5) the City Council added the condition that the cut-through on the median off Prestige Boulevard not be allowed as recommended by the City's Traffic Engineers and TRC. This Special Use Permit shall become effective ten days after its approval by the City Council, which is December 20, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

**SECOND:** Council Member Wright

**VOTE:** UNANIMOUS (10-0)

#### **10.0 OTHER ITEMS OF BUSINESS**

##### **10.01 Report by RSM US LLP of the Audit and Financial Results for the Year Ended June 30, 2018**

Mr. Jay Toland, Interim Chief Financial Officer, introduced Mr. Robby Bittner, Senior Account Manager for the auditing firm RSM. Mr. Bittner presented this item with the aid of a PowerPoint presentation.

**MOTION:** Council Member Wright moved to approve the report by RSM US LLP of the Audit and Financial Results for the Year Ended June 20, 2018.

**SECOND:** Council Member Crisp

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

#### **11.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:35 p.m.