

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
APRIL 23, 2019
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5) (via telephone); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8)

Absent: Daniel Culliton (District 2); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Gerald Newton, Development Services Director
Kevin Arata, Corporate Communications Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Sheila Thomas-Ambat, Public Services Director
Craig Harmon, Senior Planner
Taurus Freeman, Planning and Zoning Manager
Marsha Bryant, Development Services Advocate
Mark Brown, PWC Customer Relations Director
Pamela Megill, City Clerk
Metoya Scott, Senior Administrative Assistant
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Christopher G. Davis, Force of Life, Fayetteville

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. Dede Effen, sophomore, Massey Hill Classical High School, Fayetteville-Cumberland Youth Council representative.

Senator Kirk deViere presented Mayor Colvin with a 2019 Senatorial Statement honoring the Fayetteville Woodpeckers inaugural season. Senator DeViere stated the statement was read in the Senate and placed upon the Journal on April 18, 2019.

Mayor Colvin presented a proclamation to Mr. Michael Johnson and Mrs. Brenda Johnson proclaiming April 19, 2019, in honor of Congenital Diaphragmatic Hernia Awareness Day.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Mayor Pro Tem Mohn

VOTE: UNANIMOUS (8-0)

6.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda with the exception of Item 6.07 for explanation and separate vote.
SECOND: Council Member Waddell
VOTE: UNANIMOUS (8-0)

6.01 Approval of Meeting Minutes:

April 8, 2019 - Discussion of Agenda Items
April 8, 2019 - Regular

6.02 P19-10F. Initial zoning of property from Residential 5A in Cumberland County (R5A) to Mixed Residential (MR-5) in Fayetteville, located near the intersection of McArthur Road and Idlewild Drive (Tax Map # 0530-40-6824) containing 6 +/- acres of 31 total acres and being the property located at McArthur Park II-Northern Part. Related to Item AX19-002 - Annexation Request.

6.03 P19-07F. Initial zoning of property from Planned Service and Retail [C2(P)] and Planned Commercial [C(P)] county zoning districts to Community Commercial (CC), located at Ramsey Street and Farmers Road, containing approximately 9.79 ± acres and being the property of GCMMB, LLC, represented by Carolyn Armstrong and Lori Epler. Related to Item AX19-001 - Annexation Request.

6.04 P19-08F. Rezoning of property in the Military Business Park to Conditional Business Park (BP/CZ), located near the intersections of Coalition Boulevard, Bragg Boulevard, and Santa Fe Drive, containing 230 +/- acres, to add emergency veterinary hospital to the description of Animal Care Uses and being the property of Military Business Park Inc.

6.05 P19-09F. Rezoning a portion of property from Mixed Use/Conditional Zoning (MU/CZ) to Limited Commercial (LC), located at 4058 Legend Avenue (Tax Map # 0418-54-2435) near the intersection of Bragg Boulevard and Sycamore Dairy Road, containing 7.28 ± acres and being the property of Phillip Taylor.

6.06 Approval of a resolution to execute a Municipal Agreement with NCDOT for closure of an at-grade railroad crossing on Hillsboro Street as a part of the Rowan Street Roadway Project.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR AN AT-GRADE RR CROSSING CLOSURE ON HILLSBORO STREET AS A PART OF THE NCDOT ROWAN STREET ROADWAY PROJECT. RESOLUTION NO. R2019-018

6.07 PULLED FOR EXPLANATION AND A SEPARATE VOTE.

6.08 Adoption of Capital Project Ordinance 2019-31 to Provide Funding for Installation of Water Taps for Landscape Irrigation on the NCDOT Raeford Road Project, U-4405

Capital Project Ordinance 2019-31 will appropriate \$17,290.00 for the installation of water taps for future landscape irrigation to be installed at the conclusion of the North Carolina Department of Transportation Raeford Road project, U-4405. It is proposed that the water taps be installed during the early stages of this project while the utilities are being relocated. Contracting with the Public Works Commission (PWC) for the early installation of the water taps will also avoid a proposed PWC fee increase scheduled for July 1, 2019.

6.09 Independent Auditor Contract for Fiscal Year Ending June 30, 2019

The City and PWC are required by North Carolina state statutes and granting agencies to have an annual audit. The Audit Committee Charter states that the Audit Committee will recommend to the City

Council the selection of the independent auditors and to continually evaluate the independence of the independent auditors.

6.010 Ordinance revising definition of "owner" in Chapter 14, Section 14-131 (Nuisance Properties)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 14-131, DEFINITIONS OF ARTICLE VII, NUISANCE PROPERTIES, UNDER CHAPTER 14, HOUSINGS, DWELLINGS AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-003

6.011 Uninhabitable Structure Demolition Recommendation - 205 University Avenue - District 4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 205 University Avenue, PIN# 0428-75-8397. ORDINANCE NO. NS2019-008

6.012 Adoption of Capital Project Ordinance Amendment 2019-34 and Authorization for the City Manager to Execute a Professional Services Contract for the Program Management and Early Watershed Study Activities for the City-Wide Stormwater Master Plan

Capital Project Ordinance Amendment 2019-34 authorizing the City Manager to execute the Watershed Program Management contract for \$920,659.00 with Freese & Nichols.

6.013 Request for Legal Representation of Former City Employee

Authorizing the City to provide legal representation for Mr. Doug Maples in the matter of *Reginald Cromartie v. City of Fayetteville and Doug Maples*.

6.014 Prefabricated Relay Control Houses for College Lakes and Hogan Street Substations award to PEMCO dba AMR Pemco, Bluefield, VA, the lowest responsive, responsible bidder in the total amount of \$220,916.00

Bids were received on March 19, 2019, as follows:

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|--|--------------|
| PEMCO Corporation dba AMR Pemco, Bluefield, VA | \$220,916.00 |
| VFP, Inc., Roanoke, VA | \$337,844.00 |
| Modular Connections, LLC, Bessemer, AL | \$342,898.00 |

6.07 Approval of Municipal Certificate with NCDOT for speed limit reduction to 35 mph on Bonanza Drive from Morganton Road to Yadkin Road

This item was pulled for explanation and a separate vote.

Council Member Haire stated NCDOT conducted a review of the speed limit along Bonanza Drive (State Road 1408) at his request. After review, NCDOT is recommending the speed limit be reduced from 45 mph to 35 mph along the entire length of Bonanza Drive, from Yadkin Road to Morganton Road. Based on this, NCDOT is requesting City Council concur with repeal of the existing 45 mph speed limit ordinance, thus reverting the speed limit to the statutory 35 mph municipal speed limit.

APPROVAL OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST CONCURRENCE - SR 1408 FROM SR 1404, NORTHWARD TO SR 1415. ORDINANCE NO. NS2019-007

MOTION: Council Member Haire moved to approve the Municipal Certificate with NCDOT for a speed limit reduction to 35 mph on Bonanza Drive from Morganton Road to Yadkin Road.
SECOND: Council Member Waddell
VOTE: UNANIMOUS (8-0)

7.0 STAFF REPORTS

7.01 Presentation on PWC Time-of-Use Rates Initiative

Mr. David Trego, CEO/General Manager, PWC presented this item with the aid of a PowerPoint presentation and stated PWC will implement Time-of-Use Rates for residential and small commercial electric customers beginning in May 2019. These rates will be more in line with how the utility purchases power from Duke Energy--at higher rates during peak hours, when consumers typically use more power. Mr. Trego provided an overview of the PWC's efforts as well as use tips to inform residents/customers about how to take advantage of Time-of-Use Rates to lower electric bills by conserving and shifting consumption from peak to off-peak hours. Rates for electricity used during off-peak hours will be 30 percent lower than during peak times.

This item was for information only; no action was taken.

8.0 PUBLIC HEARINGS

8.01 TA19-002 - TA19-018: Proposed Text Amendments to the Unified Development Ordinance (UDO)

Ms. Marsha Bryant, Development Advocate, presented this item with the aid of a PowerPoint presentation and stated Development Services staff is to bring proposed text amendments to Council twice a year. Staff brings forth 16 amendments for City Council's consideration and approval. She stated the proposed 16 amendments include the following:

Proposed Amendment 2: 30-5.D.3.g. - Fences around Swimming Pools. The amendment aligns the City Code with the North Carolina Building Code regarding pool fence requirements.

Proposed Amendment 3: 30-4.D.3.m.6. - Outdoor Storage of Flammable Liquids or Gases. The amendment aligns the City Code with the North Carolina Building and Fire Code regarding storage and location of these items.

Proposed Amendment 4: 30-5.B.7.2.a. - Specimen Tree Exemption - Southern Yellow Pines. The amendment clarifies that Southern Yellow Pines, to exclude the Long Leaf Pines, are exempt from the Specimen Tree Code.

Proposed Amendment 5: Table 30-3.E.8. - LI Light Industrial District - Setbacks. The amendment aligns the side yard setbacks and the accessory structure placement and setbacks in the LI District with the same requirements in the HI Heavy Industrial District.

Proposed Amendment 6: Table 30-4.A.2. and 30-9.D. - Senior Center - Use Table. The amendment removes senior center from the use table allowing senior centers to be included in the community center use category. Therefore senior centers shall be categorized as a community center. The amendment also removes the definition of senior center and per the Planning Commission's recommendation renames Community Center in the use table and definitions to Community Center/Senior Center.

Proposed Amendment 7: 30-5.L.10.e.1. and 2. - Community Banner. The amendment aligns the Code with the Code Amendment and Policy approved in 2017 regarding special event banners, by removing the

reference to the municipal service district and the review by the Joint Appearance Commission.

Proposed Amendment 8: 30-2.C.9.b.2.b. - Clear Cutting Permit. The amendment aligns the City Code with the North Carolina General Statute indicating that restrictions cannot be placed on agricultural, horticultural, or forestry lands.

Proposed Amendment 9: 30-4.D.3.n. - Privilege License - Produce Stands. The amendment removes the reference to a Privilege License as privilege licenses are no longer required by the City.

Proposed Amendment 10: 30-5.B.5.n.1. and 2. - Privilege License - Public Tree Protection Standards. The amendment removes the reference to a Privilege License as privilege licenses are no longer required by the City.

Proposed Amendment 11: 30-2.C.20.g.1. and 2. - Development Agreement. The amendment aligns the City Code with the North Carolina General Statute by removing the acreage requirement and the time line requirement.

Proposed Amendment 12: 30-5.L.7.a.1.c. - Sign Code. The amendment requires a sign permit to change an existing sign's copy area (advertising panels).

Proposed Amendment 13: 30-7.E.3.d.3. - Sign Code. The amendment allows a nonconforming sign's copy area (advertising panels) to be changed when a change of business type is involved.

Proposed Amendment 14: 30-9.D. - Definitions. The amendments revise the definitions of Frontage, Frontage Lot, and Frontage Building to include private street.

Proposed Amendment 15: Table 30-5.L.8.A.note 1. - Sign Code. The amendment revises the Note in the Permitted Sign table to include private street, thereby allowing signage on private streets in the same manner as public streets.

Proposed Amendment 16: Table 30-3.D.5. - MR5 Mixed Residential District - Setback. The amendment aligns the front yard setback with the setbacks in the SF15, SF10, and SF6 Residential Districts.

Proposed Amendment 17: Table 30-5.D.4.note 8. - Fence Height. The amendment increases the allowed height of an ornamental fence in a nonresidential district from 3 feet to 5 feet to align with the allowed height of ornamental fences in residential districts.

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.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - FENCES AROUND SWIMMING POOLS. ORDINANCE NO. S2019-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - OUTDOOR STORAGE. ORDINANCE NO. S2019-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, USE STANDARDS, OF CHAPTER 30, THE UNIFIED

DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - EXEMPTED TREES. ORDINANCE NO. S2019-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - DIMENSIONAL STANDARDS. ORDINANCE NO. S2019-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, AND ARTICLE 30-9, DEFINITIONS OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - SENIOR CENTER. ORDINANCE NO. S2019-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, AND ARTICLE 30-9, DEFINITIONS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - COMMUNITY CENTER. ORDINANCE NO. S2019-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - COMMUNITY BANNERS. ORDINANCE NO. S2019-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - CLEAR CUTTING PERMIT. ORDINANCE NO. S2019-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - PRODUCE STANDS. ORDINANCE NO. S2019-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - PUBLIC TREE PROTECTION. ORDINANCE NO. S2019-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2, ADMINISTRATION, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - PLANNED DEVELOPMENT. ORDINANCE NO. S2019-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLES 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - SIGNS PERMITTED WITH A SIGN PERMIT. ORDINANCE NO. S2019-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, CODE OF ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - SIGNS PERMITTED IN NON-RESIDENTIAL. ORDINANCE NO. S2019-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - MIXED RESIDENTIAL. ORDINANCE NO S2019-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - HEIGHT REQUIREMENTS FOR WALLS AND FENCES. ORDINANCE NO. S2019-019

MOTION: Mayor Pro Tem Mohn moved to approve the proposed text amendments with the exception of number 13; to be voted on separately.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-9, DEFINITIONS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - FRONTAGE. ORDINANCE NO. S2019-016

MOTION: Mayor Pro Tem Mohn moved to approve text amendment number 13.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 5 in favor to 3 in opposition (Council Members Waddell, Crisp, and Wright)

8.02 TA19-018 - TA19-035: Proposed Text Amendments to the Unified Development Ordinance as recommended by the UDO Task Force

Mr. Taurus Freeman, Planning and Zoning Divisional Manager, presented this item with the aid of a PowerPoint presentation and stated the following amendments to the Unified Development Ordinance (UDO) are recommendations as provided by the UDO Task Force, an ad-hoc citizen committee appointed by Mayor Colvin. The advisory group was established to review and recommend process decision adjustments, City-initiated zoning map amendments, and related board compositions connected to the City of Fayetteville's Code of Ordinances, Chapter 30 - Unified Development Ordinance. The proposed amendments are the result of Task Force meetings held from September 2018 through February 2019, a total of eight meeting dates. Sections covered were from Article 30-5, Development Standards, which included Off-Street Parking (30-5.A), Loading, and Circulation; Landscaping and Tree Protection Standards (30-5.B); and Design Standards for Exterior Lighting (30-5.E). A public hearing before the Planning Commission, in accordance with the standards of the Code, shall be held for the Planning Commission's review and recommendation. A public hearing before the City Council, in accordance with the standards of the Code, shall be held for Council to review the Planning Commission's recommendation and other relevant factors prior to rendering a final determination. He stated the proposed 18 amendments include the following:

Proposed Amendment 18: 30-5.A.3.k. - Maintained in Good Repair. Include curbs and/or motor vehicle stops in the subheading J to be included in subparagraphs K (1 and 2) to be maintained at all times.

Proposed Amendment 19: 30-5.A.4.f. - Maximum Number of Spaces Permitted. Eliminate the maximum percentage of allowable parking spaces as well as the entire section "f. Maximum Number of Spaces Permitted."

Proposed Amendment 20: Table 30-5.A.7 - Dimensional Standards for Parking Spaces and Aisles. Change the aisle width for one-way traffic with a 90 degree from 24 feet to 20 feet.

Proposed Amendment 21: 30-5.A.8.c.3. - Site Zoning. Delete 30-5.A.8.c.3 as it is unnecessary.

Proposed Amendment 22: 30-A.8.c.4. - Maximum Shared Spaces. Delete section.

Proposed Amendment 23: 30-5.A.8.c.6. - Shared Parking Plan. Relocate 30-5.A.8.c.6 to subparagraph 1 (30-5.A.8.c.1), renumber the remaining paragraphs in sequential order and to eliminate subparagraph 6.c.

Proposed Amendment 24: Table 30-5.A.10 - Required Off-Street Loading Spaces. Have Visitor Accommodations to not require a loading space if there is not a full service restaurant in the hotel in accordance with the Cumberland County Health Department standards and regulations.

Proposed Amendment 25: 30-5.A.11.d.2. - Medians in Driveway Entrances. Change #2 to read "Signage may be included within the median if it meets the requirements of the Fire Code, the Sign Ordinance and Traffic Services."

Proposed Amendment 26: 30-5.A.11.c. - Stacking Lanes for Parking Lot Entrances. Include possible exceptions (Section 30-5.A.11.C) to stacking lane requirements for sites with two or more driveways.

Proposed Amendment 27: 30-5.B.3.e.2. - New Plantings. Change "Plant material not on the list may be approved by the City or the utility provider on a case-by-case basis" to "Plant material not on the list may be approved by the City AND the utility provider on a case-by-case basis."

Proposed Amendment 28: Table 30-5.B.3.e.2.h. - Species Variety. Delete the last row of Table 30-5.B.3.e.2.h and modify the new final row to read 31+ versus 31-40.

Proposed Amendment 29: 30-5.B.4.b.2. - Location. The linear perimeter footage is exclusive of docks, bays and pedestrian entrances up to 50 percent of the total perimeter linear footage.

Proposed Amendment 30: 30-5.B.4.c.3.b. - Interior Vehicular Use Area Landscaping Standards. All rows of interior parking shall be terminated by a tree planted within a landscape island. Perimeter parking detailed in paragraph c. does not require a landscape tree.

Proposed Amendment 31: Figure 30-5.B.4.c - Vehicular Use Area Landscaping. Amend Figure 30-5.B.4.c. to match subparagraph B as outlined, "When trees are being provided in a perimeter buffer, islands are not required in parking rows abutting those buffers."

Proposed Amendment 32: 30-5.B.4.c.3.d. - Interior Vehicular Use Landscaping Standards. At least 50 percent of all trees required in subparagraph d shall be canopy trees.

Proposed Amendment 33: 30-5.B.4.e.3.b. - Screening Methods. Change the wording in to read "An earthen berm that is at least two feet in height or planted with ground cover landscaping materials consistent with the function of and requirements for a Type D buffer (see Table 30-5.B.4.d.4, Property Perimeter Buffer Types) - provided, however that a berm shall not be used in the DT district or if it will replace existing trees of six inches in caliper or more.

Proposed Amendment 34: 30-5.B.4.d.7. - Location of Buffers. Change the wording to state "No trees are to be planted within a drainage or utility easement except as allowed on a case by case basis by the appropriate authority."

Proposed Amendment 35: 30-5.E.5.d. - Coordination with Tree Locations. Read as follows: Site lighting must be located no closer than 15 feet from the trunk of a canopy tree and five feet from the trunk of an understory tree.

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.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - MOTOR VEHICLE STOPS. ORDINANCE NO. S2109-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLES 30-5.A.4, OFF-STREET PARKING STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - MAXIMUM NUMBER OF SPACES PERMITTED. ORDINANCE NO. S2019-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - PARKING SPACES. ORDINANCE NO. S2019-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5.A.8, ALTERNATIVE PARKING PLAN, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - SHARED PARKING. ORDINANCE NO. S2019-023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLES 30-5.A.8, ALTERNATIVE PARKING PLAN, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, NORTH CAROLINA - MAXIMUM SHARED SPACES. ORDINANCE NO. S2019-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLES 30-5.A.4, OFF-STREET PARKING STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - DURATION SHARED PARKING. ORDINANCE NO. S2019-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - LOADING SPACE. ORDINANCE NO. S2019-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - MEDIANS IN DRIVEWAY. ORDINANCE NO. S2019-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - PLANTING STANDARDS. ORDINANCE NO. S2019-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - LANDSCAPING REQUIREMENTS. ORDINANCE NO. S2019-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF

FAYETTEVILLE, NORTH CAROLINA - SCREENING METHODS. ORDINANCE NO. S2019-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - STACKING LANES. ORDINANCE NO. S2019-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - NEW PLANTINGS. ORDINANCE NO. S2019-032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - SITE AND BUILDING LANDSCAPING. ORDINANCE NO. S2019-033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - ROWS OF INTERIOR PARKING. ORDINANCE NO. S2019-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - TREES PERIMETER BUFFER. ORDINANCE NO. S2019-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - LOCATION OF BUFFERS. ORDINANCE NO. S2019-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE, NORTH CAROLINA - COORDINATION OF TREE LOCATIONS. ORDINANCE NO. S2019-037

MOTION: Council Member Haire moved to approve all 18 proposed amendments based upon the congruency of the proposed amendments with the standards for text amendments as required by the Code.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (8-0)

8.03 AX19-001: Annexation Request for GCMMB, LLC Property (Ramsey Street at Farmers Road). Related to P19-07F: Initial Zoning.

Mr. David Nash, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the GCMMB, LLC Property is along the western side of Ramsey Street, north of Farmers Road and south of the I-295 interchange. The area requested for annexation consists of about 9.79 acres, plus a small strip of road right-of-way. The area consists of one tax parcel (PIN: 0531-80-4695). The property is currently vacant, although trees have recently been cut from the property. The owner proposes to develop the property as commercial, but the type of commercial is not known at this time. This property is in the City's Municipal Influence Area (MIA). The owner expects to use PWC sewer and water for the future development. The plan to use PWC sewer requires that the property be annexed, per City Council Policy No. 150.2. On March 12, 2019, the Zoning Commission held an initial zoning public hearing for this area. The Zoning Commission voted to

recommend approval of the initial zoning to Community Commercial (CC), if the area is annexed. The initial zoning case was on the consent agenda and approved earlier at this meeting. A public hearing on the annexation request has been scheduled for this meeting; April 23, 2019.

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.

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. THE GCMMB LLC PROPERTY-WESTERN SIDE OF RAMSEY STREET, NORTH OF FARMERS ROAD, SOUTH OF I295. PIN # 0531-80-4695. ANNEXATION ORDINANCE NO. 2019-04-569

MOTION: Council Member Jensen moved to adopt the proposed ordinance annexing the area effective April 23, 2019, and establish the initial zoning as Community Commercial (CC) consistent with the prior action on the zoning case.
SECOND: Council Member Waddell
VOTE: UNANIMOUS (8-0)

8.04 AX19-002 - Annexation Request - McArthur Park II-Northern Part. Related to Item P19-10F - Initial zoning of property from Residential 5A in Cumberland County (R5A) to Mixed Residential (MR-5)

Mr. David Nash, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated The Riddle Property is north of McArthur Road and south of Silver Oaks Drive. United Developers proposes to build a multi-family residential development on the northern side of McArthur Road. The development will be known as McArthur Park. It will be developed in two phases. Most of the property to be developed is already inside the City. However, the northern part of the Phase II area is outside the City. This property (6 acres) is the area requested for annexation. This property is currently vacant. The property requested for annexation is part of a larger "parent" tax parcel (PIN 0530-40-6824). The current owners of this property are Teri Henderson (who is the Trustee of the Joseph P. Riddle III Descendants Trust) and Trina T. Riddle. The trust and Mrs. Riddle each own one-half interest. To simplify the ownership situation, the property can be referred to as "The Riddle Property." It is staff's understanding that if the property requested for annexation is annexed, then United Developers plans to purchase the property from the current owners. This property is in the City's Municipal Influence Area (MIA). United Developers plans to use PWC sewer and water for the McArthur Park project. The plan to use PWC sewer requires that the property be annexed, per City Council Policy No. 150.2. On March 12, 2019, the Zoning Commission held an initial zoning public hearing for this area. The Zoning Commission voted to recommend approval of the initial zoning to Mixed Residential 5 (MR-5), if the area is annexed. The initial zoning case was on the consent agenda and approved earlier at this meeting. A public hearing on the annexation request has been scheduled for this meeting; April 23, 2019.

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

Mr. Marvin Mercer, 25 Aiken Road, Asheville, NC 28804, stated he is the engineer for the project and stated he is representing Mr. Riddle, the seller and United Developers. He advised he was here to answer any questions that may arise.

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

AN ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (THE RIDDLE PROPERTY-NORTH OF MCARTHUR ROAD AND SOUTH OF SILVER OAKS DRIVE. PIN # 0530-40-6824. ANNEXATION ORDINANCE NO. 2019-04-570

MOTION: Council Member Jensen moved to adopt the proposed ordinance annexing the area effective April 23, 2019, and establish the initial zoning consistent with the prior action on the zoning case.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

8.05 P19-06F: A Zoning Map Amendment to remove obsolete Zoning Districts within the City of Fayetteville, to reclassify to the closest matching or appropriate districts within the Unified Development Ordinance (UDO) and to correct the zoning boundaries to reflect parcel specific districts versus polygons.

Mr. Taurus Freeman, Planning and Zoning Division Manager, presented this item with the aid of a PowerPoint presentation and stated with adoption of the Unified Development Ordinance (UDO) in 2011, the existing zoning for all property in the City was changed to an appropriate new zoning district. The UDO regulations, which replace Chapters 25, Subdivisions, and 30, Zoning, in the City Code, govern the use and development of land in the City of Fayetteville. Currently, the City of Fayetteville Official Zoning Map has 80 parcels still assigned the pre-UDO Zoning classifications. These findings are the direct result of the professional planners converting the zoning map to parcel-specific zoning based on recognized GIS best practices. Staff is requesting an update of these parcels to reflect the current UDO zoning. The Zoning Commission and Planning staff recommends approval of this request.

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.

MOTION: Council Member Crisp moved to approve the rezoning to remove obsolete Zoning Districts within the City of Fayetteville, to reclassify to the closest matching or appropriate districts with the Unified Development Ordinance (UDO), as presented by staff and based on the information provided and all attachments included in the agenda packet, effective April 23, 2019.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

8.06 Phase 5 Annexation Utility Improvement Project Areas 18 and 19 Public Hearing on Preliminary Assessment Roll

Mr. Mark Brown, PWC Customer Relations Director, presented this item with the aid of a PowerPoint presentation and stated holding a public hearing to receive public comment for the annexation areas is part of the statutory requirement process. City Council approved the resolution declaring cost, ordering preparation of preliminary roll and calling a public hearing on April 8, 2019, for Phase 5 Annexation Areas 18 and 19. The resolution set the date of the public hearing for April 23, 2019, to hear public comment. Preliminary assessment notices were mailed on April 9, 2019, informing property owners of their assessments and the public hearing date. A notice was published in *The Fayetteville Observer* on April 11, 2019, for the preparation of the preliminary assessment roll and public hearing.

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.

This item was for the public hearing only, no action was taken.

9.0 OTHER ITEMS OF BUSINESS

9.01 Resolution Providing for the Sale and Issuance of \$16,000,000.00 General Obligation Parks and Recreation Bonds, Series 2019

Mr. Jay Toland, Chief Financial Officer, presented this item and stated Council is asked to approve the resolution providing for the sale and issuance of \$16,000,000.00 general obligation parks and recreation bonds, Series 2019. This resolution will start the process to provide funding and/or reimbursement (for projects already complete) to the City for the following projects (projects may change at Council’s discretion):

- Park enhancements - already completed
- Various splash pads - mostly completed
- Senior Center West - under construction
- Senior Center East - beginning phases
- Skateboard Park - beginning phases
- Jordan Soccer Complex - beginning phases

This resolution does not affect the budget and/or timing of any projects associated with the Parks and Recreation bond plan. This resolution carries out Council’s approved action to issue the first of three issuances this fiscal year. With lower interest rates it is prudent to issue \$2 million more than initially projected, which is strictly a cash flow item and does not affect timing or budget of existing projects. The increased issuance amount does help mitigate interest rate risk and preserves a portion of the City’s cash reserves which may be invested at a modest and secure rate of return providing interest revenue to the general fund.

RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF \$16,000,000.00
GENERAL OBLIGATION PARKS AND RECREATION BONDS, SERIES 2019.
RESOLUTION NO. R2019-019

MOTION: Council Member Wright moved to adopt the resolution, as presented.
SECOND: Council Member Jensen
VOTE: UNANIMOUS (8-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Monthly Statement of Taxes for March 2019

This item was for information only.

| | |
|--------------------------------|------------|
| 2018 Taxes | 532,297.28 |
| 2018 Vehicle, | 4,119.39 |
| 2018 Taxes Revit | 1,279.36 |
| 2018 Vehicle Revit | 23.30 |
| 2018 FVT | 269.36 |
| 2018 FTT | 279.36 |
| 2018 Storm Water | 104,361.86 |
| 2018 Fay Solid Waste Fee | 177,491.50 |
| 2018 Annex | 0.00 |
| 2017 Taxes | 10,824.76 |
| 2017 Vehicle | 2,105.00 |
| 2017 Taxes Revit | 0.00 |
| 2017 Vehicle Revit | 0.00 |
| 2017 FVT | 75.00 |
| 2017 FTT | 75.00 |
| 2017 Storm Water | 2,672.63 |
| 2017 Fay Solid Waste Fee | 3,175.70 |
| 2017 Annex | 0.00 |
| 2016 Taxes | 4,835.11 |
| 2016 Vehicle | 0.00 |

| | |
|---|--------------|
| 2016 Taxes Revit | 0.00 |
| 2016 Vehicle Revit | 0.00 |
| 2016 FVT | 0.00 |
| 2016 FTT | 0.00 |
| 2016 Storm Water | 252.88 |
| 2016 Fay Storm Water | 0.00 |
| 2016 Fay S Waste Fee | 203.26 |
| 2016 Annex | 0.00 |
| 2015 Taxes | 1,015.77 |
| 2015 Vehicle | 0.00 |
| 2015 Taxes Revit | 0.00 |
| 2015 Vehicle Revit | 0.00 |
| 2015 FVT | 0.00 |
| 2015 FTT | 0.00 |
| 2015 Storm Water | 24.05 |
| 2015 Fay Storm Water | 48.11 |
| 2015 Fay S Waste Fee | 70.55 |
| 2015 Annex | 0.00 |
| 2014 and Prior Taxes | 1,218.83 |
| 2014 and Prior Vehicle | 2,296.39 |
| 2014 and Prior Taxes Revit | 0.00 |
| 2014 and Prior Vehicle Revit | 0.00 |
| 2014 and Prior FVT | 437.21 |
| 2014 and Prior FTT | 432.20 |
| 2014 and Prior Storm Water | 12.00 |
| 2014 and Prior Fay Storm Water | 0.00 |
| 2014 and Prior Fay S Waste Fee | 0.00 |
| 2014 and Prior Annex | 0.00 |
| Interest | 24,722.26 |
| Revit Interest | 34.62 |
| Storm Water Interest prior | 15.25 |
| Fay Storm Water Interest 2015 and prior | 8.06 |
| Storm Water Interest 2016 and Forward | 3,887.01 |
| Annex Interest | 0.00 |
| Solid Waste Interest | 6,568.81 |
| FTT Interest | 319.98 |
| Total Tax and Interest | \$885,456.18 |

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:18 p.m.