

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
NOVEMBER 23, 2020
7:00 P.M.**

Present: Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (arrived at 7:10 p.m.); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6) (arrived at 7:10 p.m.); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Absent: Mayor Mitch Colvin

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Sheila Thomas-Ambat, Public Services Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Michael Gibson, Parks, Recreation and Maintenance Director
Taurus Freeman, Planning and Zoning Manager
Craig Harmon, Senior Planner
Jennifer Baptiste, Senior Planner
Robert Van Geons, President/CEO, FCEDC
Pamela Megill, City Clerk
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mr. Scott Bullard, Emergency Management Coordinator, provided an update on the COVID-19 pandemic, and stated we are on day 253 under the State of Emergency.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda with the removal of Text Amendment TA005 from Item 7.01, Public Hearing for Text Amendments.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0)

6.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda with the exception of Item 6.05 for presentation and separate vote.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes:

November 2, 2020 - Work Session

November 9, 2020 - Discussion of Agenda Items

November 9, 2020 - Regular

6.02 P20-32F. Conditional zoning of property zoned Single-Family 6 (SF-6) to Office and Institutional/Conditional Zoning (OI/CZ), located at 2714-2726 Arlington Avenue (Tax Map #s 0427-30-6816, 0427-30-5835, 0427-30-4864, and 0427-30-3883), totaling 0.34 acres ± and being the property of N & B CO LLC., represented by George M. Rose, P.E.

- 6.03 P20-38F. Rezoning of property from Single-Family 10 (SF-10), Office and Institutional (OI), and Mixed Residential 5 (MR-5) to Single-Family 10 (SF-10), located on Hoke Loop Road (REID #: 9476683778000), totaling 35 acres ± and being the property of Steve Phillips, J & K General Contractors.
- 6.04 P20-39F. Rezoning of a parcel currently zoned as Office and Institutional (OI) to Limited Commercial (LC), located at 1412 Hope Mills Road (Tax Map # 0416-13-3839), totaling 3.03 acres ± and being the property of PSP of Fayetteville, LLC, represented by Lori Epler of Larry King & Associates.
- 6.05 This item was pulled from consent for presentation and separate vote.
- 6.06 Approval of Municipal Certificate with NCDOT for speed limit on Ramsey Street (US 401 Business) between MLK Freeway and Country Club Drive (US 401 Bypass)

NCDOT conducted a review of speed limit ordinances along Ramsey Street (State Road 3950 south of MLK Freeway/US 401 Business north of MLK Freeway). During this review, it was discovered there was an administrative error on the existing speed limit ordinance on Ramsey Street between MLK Freeway and Country Club Drive. Based on this, NCDOT is requesting City Council repeal the prior ordinance and enact a new corrected ordinance for this section of Ramsey Street, correcting the reference to a NCDOT secondary road number. This concurrence will not change any speed limits in the field and the existing 45 mph speed limit will remain.

- 6.07 Award the Design Contract for Fire Station #4 Relocation to Stewart-Cooper-Newell Architects

Council authorizes staff to award and execute a contract with Stewart-Cooper-Newell Architects for the design of Fire Station #4 Relocation.

- 6.08 Rescind Demolition Ordinances:

1023 Deep Creek Road - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2018-015. RESOLUTION NO. R2020-046

1634 Tryon Drive - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2020-011. RESOLUTION NO. R2020-047

4830 Belford Road - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2018-012. RESOLUTION NO. R2020-048

1409 Murchison Road - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2017-011. RESOLUTION NO. R2020-049

- 6.09 Uninhabitable Structures Demolition Recommendations

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE 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. 808 Cumberland Street, District 2, PIN 0437-39-2455. ORDINANCE NO. NS2020-020

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE 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. 6428 Starbrook Drive, District 7, PIN 0406-18-1840. ORDINANCE NO. NS2020-021

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE 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. 726 Rock Spring Road, District 9, PIN 0417-12-0757. ORDINANCE NO. NS2020-022

6.010 Phase 5 Annexation Area 20 - Resolution Confirming Assessment Roll and Levying Assessments

**RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R2020-050**

6.05 Adoption of Capital Project Ordinances 2021-16 through 2021-22, Capital Project Ordinance Amendments 2021-34 through 2021-44, and Budget Ordinance Amendment 2021-4 for Parks & Recreation Bond Projects

This item was pulled from consent for presentation and separate vote.

Mr. Jay Toland, Chief Financial Officer, presented this item and stated Council is asked to adopt Capital Project Ordinances 2021-16 through 2021-22 and Capital Project Ordinance Amendments 2021-34 through 2021-44 to align project appropriations with the bond project funding plan as presented to Council on November 2, 2020. In addition to appropriating funds for new projects and increased allocations for existing projects, the appropriation actions also include reductions for several completed projects. The remaining bond funding from the completed projects is to be held in a contingency appropriation to be available for re-appropriation as needed for other projects.

Council is also asked to adopt Budget Ordinance Amendment 2021-4 to appropriate \$225,000.00 from General Fund fund balance held for County Parks and Recreation operations to be transferred to the bond project account to fund half of the cost for the splash pad and play unit at E. Melvin Honeycutt School Park. This use of funds has already been approved by Cumberland County.

Council Member Ingram stated she wants the name "Fields Road Site Development" changed to "Park Improvements for East of the River". Council Member Haire stated he is interested in receiving clarification of those park improvements for CPO 2021-16.

MOTION: Council Member Ingram moved to change the name of CPO 2021-16, Fields Road - Site Development to East of the River for the allocated \$1,513,320.00.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

Discussion ensued.

MOTION: Council Member Dawkins moved to place all of the new items to a future work session.
SECOND: Council Member Waddell

Discussion ensued.

AMENDED MOTION:

Council Member Dawkins moved to adopt Capital Project Ordinances 2021-16 through 2021-22, Capital Project Ordinance Amendments 2021-34 through 2021-44, and Budget Ordinance Amendment 2021-4 as presented, and pull the following three items: CPO 2021-17 - Cape Fear River Park (\$3,681,153.00); CPO 2021-21 - Lake Rim Elementary Splash Pad (\$455,448.00); and CPO 2021-22 - Parks and Recreation Bond Fund Contingency (\$131,736.00); these funds may be allocated however there are to be no funds spent in these three projects unless there is Council action granting approval. These three items to be discussed at a future work session.

SECOND: Council Member Banks-McLaughlin
VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Ingram)

Council Member Ingram stated she would like to have information on installing lighting at the skateboard park. Council Member Waddell stated she had initiated a conversation with Ms. Wright-Lanier regarding the possibility of installing lights. Council Member Banks-McLaughlin stated she wants the Lake Rim Splash Pad discussed.

MOTION: Council Member Banks-McLaughlin moved to place the Lake Rim Splash Pad item on the December 7, 2020, work session.
SECOND: Council Member Kinston

Discussion ensued pertaining to the amount of time needed by staff to conduct research and prepare a report on the Lake Rim Splash Pad.

Council Member Banks-McLaughlin withdrew her motion.

Mayor Pro Tem Jensen recessed the meeting at 7:57 p.m., and reconvened the meeting at 8:05 p.m.

7.0 PUBLIC HEARINGS

7.01 Public hearing for Text Amendments: TA20-004 and TA20-006 - two proposed text amendments to Article 30 of the Unified Development Ordinance.

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated the two proposed text amendments to the Unified Development Ordinance (UDO) are suggestions for approval by the professional planners of the Development Services Department. 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. The proposed two text amendments include:

- TA20-004: Section 30-9. Definition, Table 30-4.A.2, and Section 30-4.C. Use-Specific Standards - to include Day Resource Center
- TA20-006: Section 30-3.H.2.b.3 - revise Hospital Overlay subsection regarding Special Use Permits.

On October 20, 2020, the Planning Commission unanimously recommended approval of the request by a vote of 11 to 0.

Staff identified the proposed text amendments as necessary modifications to the UDO. The purpose of the amendments is to provide uniform requirements for land developments and uses. Text amendments are unlike zoning map amendments, which are parcel specific. The text changes affect is city-wide to the activity added or amended. The following is the analysis for the proposed amendments:

- **TA20-004:** Section 30-9. Definition & Table 30-4.A.2 to include Day Resource Center - Currently, the UDO does not address this type of land use. The addition will provide a definition of a Day Resource Center, permitted districts, use and development standards, and additional requirements. The Day Resource Center (DRC) definition will be located in Section 30-9, and in the Use Table (Table 30-4.A.2) within the Community Services category, under the Public and Institutional Use classification.

As further described in the proposed amendment, a Day Resource Center (DRC) provides services to community members, which may include counseling and training, as well as shower and laundry facilities. Operating hours are limited to specified daytime hours, except during times of declared emergencies in order to provide overnight shelter.

The DRC use will be permitted in Heavy Industrial districts. A Special Use Permit would be required for DRCs in Light Industrial districts, with a maximum square footage of 20,000, and in certain Business districts with a maximum square footage of 10,000. The use will not be permitted in residential districts nor in the Downtown. All DRCs will be subject to 2,640 feet (approximately one-half mile) separation from any other DRC and transitional housing, and 750 feet from any residential district.

- **TA20-006:** Section 30-3.H.2.b.3. Hospital Overlay - Per the UDO, "A Special Use Permit (see Section 30-2.C.7) shall also be required for nonresidential development within 100 feet of a lot occupied by a single-family dwelling." Staff proposes the following amendment:

A Special Use Permit (see Section 30-2.C.7) shall also be required for nonresidential development within 100 feet of a lot occupied by a single-family dwelling; *except, that the following shall be exempt from the SUP requirement: (1) redevelopment; or (2) complete demolition and reconstruction of a building on the same parcel.*

The current subsection unintentionally penalizes the property owner(s) for redeveloping a site near single-family residential dwellings.

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS AND TABLES UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2020-011

MOTION: Council Member Ingram moved to approve Text Amendments TA20-004 and TA20-006.

SECOND: Council Member Haire

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

7.02 Adoption of the Central Campbellton Neighborhood Plan

Ms. Alicia Moore, Esq., MUP, Planner II, presented this item with the aid of a PowerPoint presentation and stated the Central Campbellton Neighborhood Plan provides comprehensive, implementation-oriented strategies for creating sustainable and practical enhancements in one of the City's oldest neighborhoods, located east of and adjacent to Downtown, and that is bisected by a three-quarter mile stretch of Interstate 95 Business/US 301/Eastern Boulevard.

The neighborhood plan assesses the existing conditions to identify issues, strengths, and opportunities; applies informed planning techniques; and outlines focused recommendations. Each recommendation in the plan addresses at least one of the identified needs. Ultimately, the goal for the neighborhood is to exemplify the City's vision of being an attractive, culturally diverse and inclusive City that is safe, prosperous, innovative and unified.

This item was presented to the City Council as Administrative Reports on June 8 and September 14, 2020. On October 20, 2020, the Planning Commission voted unanimously to recommend approval of the Central Campbellton Neighborhood Plan, by a vote of 11 to 0.

The plan is accessible through the City's website, in the Planning and Zoning section (<https://www.fayettevillenc.gov/city-services/development-services/planning-zoning/planning-zoning/studies-and-plans>).

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

Discussion ensued.

MOTION: Council Member Ingram moved to adopt the Central Campbellton Neighborhood Plan.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (9-0)

7.03 P20-36F. A request for a Special Use Permit for a Telecommunications Tower on a parcel currently zoned Heavy Industrial (HI), located at 517 Lamon Street (Tax Map # 0447-05-3535), totaling 13 acres ± and being the property of HARKEY, PEGGY CULP, C/O MCH LEASING INC.

Mr. Craig Harmon, Planner II, presented this item and stated Metronet looks to install a 79-foot above ground communications tower at 517 Lamon Street. The proposed tower would hold two UHF and one VHF television signal reception antennas. On October 13, 2020, the Zoning Commission voted 5 to 0 to recommend approval of this application.

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

Mr. Will Hubbard, 1115 Hillsborough Street, Raleigh, NC, Attorney representing the applicant, appeared in favor and stated the application by

Metronet requests the approval to construct and operate a 79-foot communications tower at 517 Lamon Street, across from its intersection with B Street. The proposed tower location is within the Heavy Industrial (HI) zoning district. The City's standards call for a setback of half of the tower height from each of the adjoining property lines. As shown on the site plan, the proposed tower meets this standard. Mr. Hubbard provided the City Council members with a packet of information to be received as evidence.

Mr. Daniel Nepl, 1105 Northview Circle, Erie, Colorado 80516, Engineer and Subject Matter Expert, testified in favor of the application for the Special Use Permit. Mr. Nepl has in excess of 33 years of experience and has been involved with the installation of over 750 communications towers.

The Special Use Permit must meet the following findings of facts:

- (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.

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

Discussion ensued.

MOTION: Council Member Ingram moved to approve the Special Use Permit (SUP) to allow a communications tower in a HI Heavy Industrial 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 applicable plans because (1) the development is located in a Heavy Industrial District, (2) this use complies with the findings, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective upon the Mayor's signing the Order of Findings, after its denial by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:07 p.m.