

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER/ZOOM
JANUARY 25, 2021
7:00 P.M.**

Present: Mayor Mitch Colvin (via zoom)

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Jay Toland, Interim Assistant City Manager/Chief Financial Officer
Gina Hawkins, Police Chief
Sheila Thomas-Ambat, Public Services Director
Tracey Broyles, Budget and Evaluation Director
Michael Gibson, Parks, Recreation and Maintenance Director
Taurus Freeman, Planning and Zoning Manager
Byron Reeves, Stormwater Manager
Craig Harmon, Senior Planner
Jennifer Baptiste, Senior Planner
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 Haire.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Dr. Jennifer Green, Cumberland County Health Department Director, provided an update on the COVID-19 pandemic.

Beta Chi Chapter of Omega Psi Phi Fraternity I

Council Member Haire announced the Omega Psi Phi, Beta Chi and Delta Gamma Fraternities in conjunction with Goshen Medical Center will be hosting free COVID testing on January 28, 2021, at 1100 Hillsboro Street from 1:00 to 3:00 p.m.

Council Member Wright stated on behalf of the Biden-Harris Campaign and Heal the Land Ministry about 80,000 masks are available to residents in the community, organizations, schools or non-profits.

Mayor Pro Tem Jensen wished her son, Jake, a happy 26th birthday.

5.0 APPROVAL OF AGENDA

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

VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda with the exception of Items 6.04; 6.013, demolition ordinance for 344 S. Cool Spring Street; and 6.015; for presentation and separate vote.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

January 4, 2021 - Work Session

January 11, 2021 - Discussion of Agenda Items

January 11, 2021 - Regular

January 12, 2021 - Special

6.02 P20-48F. A Rezoning request from Mixed Residential 5 (MR-5) to Limited Commercial (LC), located at 1900 Murchison Road (REID #0428942778000), totaling 0.34 acres ± and being the property of Magnum Opus Beneficia LLC, represented by Tracy McDonald.

6.03 P20-50F. Rezoning from Mixed Residential 5 Conditional Zoning (MR-5/CZ) to Single-Family 6 (SF-6), located at the end of Olted Road (REID #9487343260000, #9487337848000, and #9487339006000) totaling 42.24 acres ± and being the property of Harold Kidd, K&G Developers.

6.04 This item was pulled for presentation and separate vote.

6.05 Adoption of Special Revenue Fund Project Ordinance 2021-12 for the 2020 SAKI Investigation and Prosecution of Cold Case Sexual Assaults Grant from the U.S. Department of Justice

Special Revenue Fund Project Ordinance 2021-12 to appropriate a \$1,000,000.00 grant awarded by the U.S. Department of Justice under its FY 20 National Sexual Assault Kit Initiative grant program. The grant will fund the Fayetteville Police Department's 2020 Investigation and Prosecution of Cold Case Sexual Assaults project. No local match is required.

6.06 Adoption of Budget Ordinance Amendment 2021-7 and Special Revenue Fund Project Ordinance 2021-13, and Acceptance of the Choice Neighborhood Planning Grant

The City has been awarded grant funding through the Fiscal Year 2020 Choice Neighborhoods Planning Grant program through the U.S. Department of Housing and Urban Development. Budget Ordinance Amendment 2021-7 will appropriate the City's local cash match of \$100,000.00 from General Fund fund balance. Special Revenue Fund Project Ordinance 2021-13 will establish the \$711,500.00 project budget by appropriating \$450,000.00 of grant funds, the City's \$100,000.00 cash match and in-kind matches totaling \$161,500.00.

6.07 Adoption of Special Revenue Fund Project Ordinances 2021-4 and 2021-5 and Amendment to the 20-21 Annual Action Plan to Reduce Housing and Urban Development (HUD) Entitlement Funds Due to Error

Annually, the City of Fayetteville receives Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funding as an entitlement community. The amount is formula based and adjusted on a yearly basis. On October 22, 2020, HUD notified the City of an error that results in a reduction in aggregate of \$424.00.

6.08 Amendment to 20-21 HUD Action Plan to Re-Allocate \$400,000.00 from West Cumberland Apartments to the Landing at Beaver Creek

Reallocate \$400,000.00 in Home Investment Partnership (HOME) funds in the current year action plan from the West Cumberland Affordable Housing Development to the Landing at Beaver Creek Affordable Housing Development.

6.09 Amendment to 20-21 HUD Action Plan to Fund Renovations of the Historic Orange Street School

Reallocate \$100,000.00 in Community Development Block Grant (CDBG) funds in the current year action plan from the Small Business Development Grant (SBDG) Program to a new public facility project, the Orange Street School (OSS).

6.010 Approval of Memorandum of Agreement (MOA) with Fayetteville Soccer Club, Inc. for program operation at Jordan Soccer Complex

Authorizing the City Manager to execute the proposed MOA with Fayetteville Soccer Club, Inc.

6.011 Award of Contract for Devonwood Dam Hurricane Repairs and authorize the City Manager to execute the contract for Construction of Devonwood Lower Dam to the recommended lowest responsive, responsible bidder FSC II, LLC dba Fred Smith Company, Raleigh, NC, in the total amount of \$1,803,059.00

Bids were received on December 17, 2020, as follows:

Fred Smith Company, Raleigh, NC	\$1,803,059.00
Haren Construction Company, Inc., Etowah, TN	\$2,162,000.00
RPM Partners, Inc., Kernersville, NC	\$2,997,157.65
Morgan Corp, Charlotte, NC	\$3,154,291.00

6.012 Approval to Dispose and Transfer Title of Bus #700 to Fayetteville Technical Community College for Use in a Bus Operator Certification Program

Fayetteville Technical Community College (FTCC) has agreed to establish and operate a Commercial Driver's License (CDL) training and certification program for Bus Operators. FTCC will offer the program in conjunction with its current CDL training program focused on the commercial truck driving industry. FAST has experienced great difficulty in recruiting transit operators with the CDL and endorsements needed to drive FAST buses over the past two to three years. In order to provide the program and meet DMV requirements, FTCC must have title to a transit bus. FAST received four new buses this past summer, two of which are to replace buses that have exceeded their useful life. Bus #700 is in good operating condition although it has operated over 630,000 miles. This is the same type of bus used throughout the FAST operation, 35-foot diesel with low floors and wheelchair ramp.

6.013 Uninhabitable Structures Demolition Recommendations

344 S. Cool Spring Street - District 2

This ordinance was pulled for presentation and separate vote.

802 Deep Creek Road - District 2

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 (802 Deep Creek Road - PIN 0446-27-8426). ORDINANCE NO. NS2021-002

1221 Hamlet Street - District 2

AN ORDINANCE OF THE CITY COUNCIL 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 (1221 Hamlet Street - PIN 0436-36-6345). ORDINANCE NO. NS2021-003

108 Garrett Street - District 4

AN ORDINANCE OF THE CITY COUNCIL 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 (108 Garrett Street - PIN 0419-20-4963). ORDINANCE NO. NS2021-004

2109 Murchison Road - District 4

AN ORDINANCE OF THE CITY COUNCIL 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 (2109 Murchison Road - PIN 0428-85-4505). ORDINANCE NO. NS2021-005

5212 Gavins Street - District 5

AN ORDINANCE OF THE CITY COUNCIL 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 (5212 Gavins Street - PIN 0418-39-7999). ORDINANCE NO. NS2021-006

8804 Tin Lizza Drive - District 8

AN ORDINANCE OF THE CITY COUNCIL 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 (8804 Tin Lizza Drive - PIN 9477-45-6504). ORDINANCE NO. NS2021-007

6968 Timberwood Drive - District 9

AN ORDINANCE OF THE CITY COUNCIL 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 (6968 Timberwood Drive - PIN 9497-88-3506). ORDINANCE NO. NS2021-008

6.014 Rescind Demolition Ordinances

1420 Granada Drive - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2016-036. RESOLUTION NO. R2021-003

115 Brookwood Avenue - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2019-025. RESOLUTION NO. R2021-004

903 Ellis Street - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2019-017. RESOLUTION NO. R2021-005

308 Currie Street - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2019-018. RESOLUTION NO. R2021-006

7009 Pantego Drive - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2019-025. RESOLUTION NO. R2021-007

726 Rock Springs Road - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2020-022. RESOLUTION NO. R2021-008

6.015 This item was pulled for presentation and separate vote.

6.04 Adoption of Capital Project Ordinance Amendments 2021-45 and 2021-46 to Reallocate Bond Proceeds from the Cape Fear River Park Project to the Senior Center West Project and Award of the Construction Contract for Senior Center West

Council Member Waddell stated she pulled this item from consent for a separate vote.

MOTION: Council Member Wright moved to adopt Capital Project Ordinance Amendments 2021-45 and 2021-46 to Reallocate Bond Proceeds from the Cape Fear River Park Project to the Senior Center West Project and Award of the Construction Contract for Senior Center West.

SECOND: Council Member Banks-McLaughlin

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Ingram and Waddell)

6.013 Uninhabitable Structures Demolition Recommendations

This ordinance was pulled for a separate vote.

344 S. Cool Spring Street - District 2

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(344 S. Cool Spring Street - PIN 0437-61-6531. ORDINANCE NO. NS2021-001

MOTION: Council Member Ingram moved to allow the property owner of 344 S. Cool Spring Street to be granted a six-month grace period (effective July 25, 2021).

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

6.015 Resolutions in Support of Legislative Action to Rescind the Sunset Provision on Collection of Prepared Food and Beverage Tax in Cumberland County, and to Direct Shared Allocations of Net Proceeds from Sales of Alcoholic Beverages in Cumberland County between the County and the City of Fayetteville

Council Member Waddell stated she pulled this item from consent for discussion and separate vote.

The Cumberland County Board of Commissioners (the County) is seeking City support for legislative action to rescind the sunset provision on the collection of prepared food and beverage taxes, and to expand the scope of eligible uses of the proceeds. The County is exploring the creation of a new performing arts center and hopes to redirect the tax proceeds to support the development of the center. In exchange for the City's support, Mayor Colvin and Mayor Pro Tem Jensen have negotiated for the City to receive a share of ABC net proceeds that are currently fully directed to the County. The joint resolutions which Council is asked to adopt call for the City and County to each receive 47.5 percent of the ABC net proceeds, with Spring Lake receiving 2 percent and Hope Mills receiving 3 percent. Staff is seeking Council direction as to joint resolutions of support for the proposed required statutory changes.

Discussion ensued.

JOINT RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS AND THE FAYETTEVILLE CITY COUNCIL REQUESTING CUMBERLAND COUNTY'S

DELEGATES TO THE GENERAL ASSEMBLY TO SPONSOR AND SUPPORT A LOCAL BILL TO AMEND SESSION LAW 1993-413, AUTHORIZING A PREPARED FOOD AND BEVERAGE TAX, AND TO MODIFY THE DISTRIBUTION OF PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES IN CUMBERLAND COUNTY PURSUANT TO G.S. § 18B-805(e). RESOLUTION NO. R2021-009

MOTION: Council Member Davis moved to adopt the proposed joint resolutions as presented by staff.
SECOND: Council Member Kinston
VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Waddell and Dawkins)

7.0 PUBLIC HEARINGS

7.01 P20-46F. A Rezoning request from Neighborhood Commercial Conditional Zoning (NC/CZ) to Limited Commercial (LC), located at 1501 Pamalee Drive (Tax Map # 0428-27-0276), totaling 0.65 acres ± and being the property of Rhudys Inc., represented by Chris Phillips.

Mr. Joseph Hadley, Planner II, presented this item with the aid of a PowerPoint presentation and stated the applicant is requesting to rezone a property from Neighborhood Commercial Conditional Zoning (NC/CZ) to Limited Commercial (LC). This is a straight rezoning where all uses of LC are allowed. The applicant indicates the intended use as a tire store. There is an existing structure on the lot, and was used for commercial purposes. The request will not expand commercial uses into the surrounding residential areas. On November 10, 2020, the Zoning Commission voted 5 to 0 to recommend City Council approve the rezoning from Limited Commercial Conditional Zoning (LC/CZ) to Limited Commercial (LC).

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

Mr. Omar Alsidi, 5201 Raeford Road, Fayetteville, NC, appeared in favor and asked the City Council to consider the request favorably. Mr. Alsidi stated he did not intend to keep any vehicles at his place of business overnight; everything is stored inside the building. He also stated he will not be selling used tires and his inventory of new tires will be small.

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

Discussion ensued.

MOTION: Council Member Haire moved to approve.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

7.02 P20-47F. A request for a Special Use Permit in a Single-Family 6 (SF-6) Zoning district, for condominiums, located at 1551 Bluffside Drive (REID #0447357569000), containing 6.29 acres ± and being the property of Tony Cimaglia, River Bluff Partners LLC, represented by Jonathan Charleston, The Charleston Group.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a Power Point presentation and stated the property in question is part of the River Bluff Subdivision. The owner wants to finish developing the vacant multi-family section into the River Bluff Condominiums.

According to the Unified Development Ordinance (UDO), condominiums are defined as a development containing individually owned dwelling units and jointly owned and shared areas and facilities that are subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).

On December 8, 2020, the Zoning Commission recommended approval of the request. Planning staff also recommends approval of this application.

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

Mr. Jonathan Charleston, 201 Hay Street, Fayetteville, NC, appeared in favor and stated he is the attorney representing the owner. Mr. Charleston provided testimony in support of the request for the Special Use Permit.

Ms. Lori Epler, 1333 Morganton Road, Fayetteville, NC, appeared in favor and stated she is the applicant for the owner. Ms. Epler provided testimony to support the Special Use Permit does meet all eight findings of fact.

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

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 districts(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.

MOTION: Council Member Ingram moved to approve the Special Use Permit in a Single-Family 6 (SF-6) Zoning district, for condominiums, 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 City's Unified Development Ordinance supports multi-family development in an SF-6 district, as does the 2040 Future Land Use Plan and Map; (2) the uses surrounding this property are a mix of residential uses which are compatible with the proposed zoning; and (3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area. The Special Use Permit meets all eight findings of fact. If approved, this Special Use Permit shall become effective upon the

Mayor's signing the Order of Findings, after its approval 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 Wright

VOTE: UNANIMOUS (10-0)

Mayor Colvin recessed the meeting at 9:13 p.m., and reconvened the meeting at 9:24 p.m.

7.03 P20-51F. A request for a Special Use Permit to develop a townhome community at 734 Banner Elk Drive (REID #949783672000), zoned as Single-Family 6 (SF-6), being 6 acres ± and being the property of Mohler Investments, LLC, represented by Scott Brown.

Ms. Jennifer Baptiste, Senior Planner, presented this item and stated the applicant is requesting a Special Use Permit to develop a 48-unit townhome community on a site that was formerly used as a mobile home park located at 734 Banner Elk Drive. This property is currently zoned Single-Family Residential 6 and a Special Use Permit is required to construct townhomes in this zoning district. On December 8, 2020, the Zoning Commission voted unanimously (5-0) to recommend approval of the proposed townhome community.

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

Mr. Scott Brown, 409 Chicago Drive, Fayetteville, NC, appeared in favor and stated he is the applicant for the property owner. Mr. Brown provided testimony to support the Special Use Permit does meet all eight findings of fact.

Mr. Craig Williams, 3720 Badin Lake Lane, Fayetteville, NC, appeared in favor and requested additional sidewalks to be installed.

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 districts(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 Wright moved to approve the Special Use Permit based on the proposed SUP implementing the policies adopted in the Unified Development Ordinance; the development of this use is allowed in the "Single-family Residential 6" district and will not detract from the overall area; the proposed SUP ensures that new development is compatible with the current zoning, UDO, and overall growth pattern of the area; the utilization of a currently abandoned, underdeveloped site; and there are no other factors which will substantially affect the public health, safety, morals, or general welfare.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (10-0)

7.04 Stormwater Variance Request - 343, 347, and 349 Adam Street

Mr. Byron Reeves, P.E., Stormwater Manager, presented this item and stated the site consists of a 42,788 square foot (0.98 acre) boundary that the project will be developed on. There are currently three structures, concrete/pavers, and gravel totaling approximately 5,880 square feet of impervious area. The site is proposed to be redeveloped into three new structures, concrete/pavers, and gravel with the total impervious area of 19,464 square feet.

In 2009, City Council adopted Article III of the Stormwater Management Ordinance (Chapter 23). It includes provisions to properly manage the quantity and quality of stormwater runoff to minimize damage to public and private property and reduce the effects of development on land and streams. One of the provisions requires that stormwater control measures be incorporated as part of the design for any redevelopment or addition to existing development that adds over 5,000 square feet of impervious area. For sites that are undeveloped, stormwater control measures are not required for impervious areas under 20,000 square feet.

The proposed development will remove all existing structures, concrete/pavers, and gravel. If considered as new development, the site, totaling 19,464 square feet of impervious surface, would be below the 20,000 square feet threshold for incorporating stormwater control measures. In accordance with the variance petition received, the owner is requesting that the proposed development be considered new development, absolving the site from the requirement of incorporating stormwater control measures.

Due to the existing residential structures, etc., the Ordinance categorizes the proposed development as redevelopment. This requires stormwater control measures once 5,000 square feet of new impervious area is constructed, even though the site will still be under the 20,000 square feet requirements for new construction. If stormwater control measures are required, the development could not be completed due to a significant reduction in the size of usable area. The 100-year flood boundary also encroaches on a portion of the site. Additionally, existing right-of-way on Adam Street is narrow requiring an easement to construct required sidewalk.

The developer proposes the site be considered new development. After multiple meetings, site visits, records research and thorough review of proposed variance, staff recommends the approval of the variance to consider the site as new development. This will facilitate the economic development of this property and allow the development to move forward.

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

Mr. Del Crawford, 116 N. Cool Spring Street, Fayetteville, NC, appeared in favor of this item.

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

Discussion ensued.

MOTION: Council Member Ingram moved to deny the Stormwater Variance Request.

SECOND: Council Member Waddell

VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Davis, and Wright)

MOTION: Council Member Dawkins moved to approve the Stormwater Variance Request.

SECOND: Council Member Davis

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Ingram, Waddell, Banks-McLaughlin, and Kinston)

7.05 SN21-001. Consideration of Renaming of Odd Court (off Blanton Road) to Apple Blossom Lane.

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated County staff received a petition to consider the renaming of Odd Court (off Blanton Road) to Apple Blossom Lane within the City Limits of Fayetteville from the new ownership of Lone Pine Mobile Home Park (MHP). This request was submitted due to new ownership of Lone Pine MHP. The new owners would like to change the name of the MHP and the current street name. Currently there are no homes in the park. Property owners were notified and given the opportunity for input on the respective road. There is one property that abuts Odd Court. This property is currently vacant and owned by Wayne Paul Taylor. Hence, an addressing change will not affect any structures. One property owner abuts the road and has been notified with the property owner being 100 percent in favor of the renaming.

The County has evaluated the petition and has not found any conflicts or duplications of proposed name and recommends approval of the name change.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO RENAME ODD COURT TO APPLE BLOSSOM LANE. ORDINANCE NO. NS2021-009

MOTION: Council Member Haire moved to adopt the Ordinance to rename Odd Court to Apple Blossom Lane.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (10-0)

7.06 SN21-002. Consideration of Naming an unnamed road to Buster Vee Lane

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated this request was submitted to name a road created by North Carolina Department of Transportation (NCDOT) during the construction of Interstate-295, which severed 21 parcels on the west side of S. Reilly Road. Property owners were notified and given the opportunity for input on the respective road. There are 21 properties that abut this street. Addresses will be assigned once name is approved. All 21 property owners that abut the road have been notified with 5 property owners responding with the majority choosing Buster Vee Lane as the recommended name.

The County has evaluated the request and has not found any conflicts or duplications of proposed name and recommends approval of the name change.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO NAME AN UNNAMED ROAD CREATED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. ORDINANCE NO. NS2021-010

MOTION: Council Member Wright moved to adopt the Ordinance to name an unnamed road created by the North Carolina Department of Transportation to Buster Vee Lane.

SECOND: Council Member Kinston

VOTE: UANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.01 Fiscal Year 2021 Target for Action (TFA) - Western Dog Park Locations for Development

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated the development of an additional dog park in the western region of the City was approved as a City Council Target for Action and a Capital Improvement Project (CIP) for FY 21 and FY 22. At this time, staff have identified two City-owned parcels in the desired area and would like to move forward with developing those sites as future dog parks. The CIP Plan designated \$50,000.00 in FY 21 for land acquisition and \$148,000.00 in FY 22 for design, construction and equipment costs. If the two City-owned locations are approved, staff can develop two similar dog parks with total funding provided.

Riverside Dog Park opened on September 30, 2008, and is located at 555 North Eastern Boulevard on 5 acres of land. Currently this is the only park of its kind located in Fayetteville. Riverside Dog Park is located in the Eastern part of Fayetteville and opening two additional dog parks will provide amenities in the western part of Fayetteville (located in Districts 4 and 6) for residents to enjoy. With the current population in Fayetteville being around 209,000, three dog parks would be a great asset that citizens could utilize. The additional dog parks will allow residents with pets to utilize the recreation within a reasonable driving distance.

The development of an additional dog park in the western region of the City was approved as a Capital Improvement Project (CIP) for FY 21 and FY 22. At this time, staff have identified two City-owned parcels in the desired area and would like to move forward with developing those sites as future dog parks. As outlined in the CIP Plan, \$50,000.00 was appropriated for land acquisition in FY 21 and an additional \$148,000.00 is designated for FY 22 for design, construction and equipment costs. If the two City-owned locations are approved, staff can develop two similar dog parks with funding as outlined in the CIP Plan.

Discussion ensued.

MOTION: Council Member Kinston moved to approve the designated locations of Bailey Lake Road and Bonanza Drive-Morganton Road for the development of two dog parks in west Fayetteville.

SECOND: Council Member Ingram

VOTE: UANIMOUS (10-0)

8.02 FY 2021 Second Quarter Strategic Performance Report

Ms. Rebecca Jackson, Chief of Staff, presented this item with the aid of a PowerPoint presentation and stated over the last 12 months, the Fayetteville City Council has worked very diligently to commit this organization to high performance and to use data and stakeholder input to create a strategic plan for the City that is forward thinking, progressive, relevant and outcome based. The Mayor, City Council, and staff share a duty to ensure that the actions of public officials, employees, contractors, and volunteers of the City are carried out in the most responsible manner possible and that City policy, budgets, goals, and objectives are fully implemented. The City Council's Strategic Plan Vision 2031 was adopted in June 2020, in coordination with the annual budget ordinance. The City's Strategic

Plan Vision 2031 included 15 FY 21 Targets for Action (TFA). TFA are projects or initiatives identified by Council to move the needle toward defined outcomes laid out in the Council's strategic plan. TFA are defined by a one-year action plan with milestones to focus the work of Council and staff.

FY 2021 Targets for Action:

1. Develop a plan for a potential public safety bond process in FY 22.
2. Convene Community Impact Teams for greater collaboration in high focus neighborhoods.
3. Develop a plan for Opportunity Zones.
4. Move forward a plan for redevelopment and business growth in the Murchison Road corridor.
5. Develop a plan for infrastructure bonds.
6. Build Smart City Capacity.
7. Investigate dog parks as a part of the overall Parks and Recreation Master Plan.
8. Study right-of-way maintenance and litter abatement.
9. Implement the Good Neighbor Next Door and Business Improvement grants programs.
10. Focus on affordable housing.
11. Elevate the conversation on poverty.
12. Become an "Employer of Choice" via recruitment and retention strategies.
13. Develop a strategy to maximize a relationship with the military.
14. Conduct a disparity study.
15. Develop a strategy to educate and engage citizens.

The City Manager's Office has directed the Office of Strategy and Performance Analytics to meet regularly with teams to advance the Council's TFA and to report progress to City Council on a quarterly basis during a City Council meeting. The Second Quarter Strategic Performance Report provides the status of FY 21 Targets for Action as of December 31, 2020. The report also includes any updates on previous year's TFA focused on results. Commitment to performance management and strategic planning strengthens the operations of the City of Fayetteville, ensuring excellent services and a high quality of life for residents. It allows for long-range planning at the organizational level with alignment to departmental operations and performance expectations. With this system in place, the City is able to allocate resources appropriately and build strategies for continuous improvement.

Discussion ensued.

MOTION: Council Member Dawkins moved to accept the report.
SECOND: Council Member Ingram
VOTE: UANANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.01 Small Local Business Enterprise (SLBE) Program Update

This item was for information only, and was not presented.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:45 p.m.