

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER/ZOOM
FEBRUARY 22, 2021
7:00 P.M.**

Present: Mayor Mitch Colvin

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); Larry O. Wright, Sr. (District 7); 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
Mike Hill, Fire Chief
Rebecca Jackson, Chief of Staff
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 Wright.

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

Mr. Scott Bullard, Emergency Management Coordinator, provided an update on COVID-19.

Council Member Haire stated there will be a free walk-in clinic for the second COVID vaccine on February 25 and 26, 2021, at E.E. Smith High School from 7:00 a.m. to 4:00 p.m.

Council Member Ingram announced the Faith Community are encouraging churches to ring their bells on February 24, 2021, at 11:00 a.m. for 15 minutes, in recognition of the 500,000 people that have passed from COVID.

Council Member Dawkins presented a proclamation to Master Sergeant George Emerick proclaiming February 25, 2021, to be George Emerick Day in celebration of his 88th birthday.

Mayor Pro Tem Jensen presented a proclamation to Sergeant Major Jack Fulp proclaiming February 20, 2021, to be Jack Fulp Day in celebration of his 90th birthday.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Jensen moved to approve the agenda, with revised cover memorandums for Items 6.02 and 6.010.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Dawkins moved to approve the consent agenda.
SECOND: Council Member Davis
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

January 25, 2021 - Discussion of Agenda Items
January 25, 2021 - Regular
January 27, 2021 - Special
February 1, 2021 - Work Session
February 8, 2021 - Discussion of Agenda Items
February 8, 2021 - Regular

6.02 Renaming of Cross Creek Park in Honor of Mayor Beth Finch

A public hearing is set for March 8, 2021, at 7:00 p.m.

6.03 Reinstatement of Transit Fare Collection and Approval of the Temporary Reduction of Certain Fares

Authorizing the reinstatement of transit fare collection with a target effective date of April 1, 2021, and to approve the temporary reduction of specific fares for a period of 60 days from the reinstatement date. The actual reinstatement date is contingent upon the installation of new fare collection software.

6.04 Uninhabitable Structures Demolition Recommendations

1928 Center 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 (PIN 0436-03-7774). ORDINANCE NO. NS2021-011

5108 Cannon 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. PIN # 9497-88-3506. ORDINANCE NO. NS2021-012

2006 Biltmore Drive - District 6

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. PIN # 9497-88-3506. ORDINANCE NO. NS2021-013

1067 Revere Street - District 7

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. PIN # 9497-88-3506. ORDINANCE NO. NS2021-014

6.05 Rescind Demolition Ordinance NS. 2021-002. 802 Deep Creek Road

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
RESCINDING DEMOLITION ORDINANCE NO. NS2021-002. RESOLUTION NO.
R2021-012

**6.06 Adopt Resolution to Accept a Report of Unpaid Taxes from
Cumberland County and Direct the Advertisement of Tax Liens**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE
ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2021-013

6.07 State Action Agenda 2021 (FY 2022) Adoption

**6.08 Award of Contract for Lock's Creek Stream Debris Removal to
Grillot Construstion, the lowest, responsive, responsible bidder,
in the total amount of \$249,876.00**

Bids were received as follows:

Grillot Construction, LLC, Belle Chasse, LA\$249,876.00
Carolina Cleaning & Resoration, LLC, Greenville, SC \$499,950.00

**6.09 Award Contract for the Purchase of Two 39,000 lb. GVWR Cab and
Chassis with Dump Body and plumbed for Snow Plow and Spreader.
One 56,000 lb. GVWR Cab and Chassis Dump Body plumbed Snow Plow
and Spreader to White's International, the lowest, responsive,
responsible bidder, in the total amount of \$533,522.00**

Bids were received as follows:

White's International, Greensboro, NC\$383,750.00
White's International, Greensboro, NC\$149,772.00

6.010 Request for Legal Representation of Former City Employee

Authorization from the City Council to provide legal
representation for former City employee Mark Ruff and current
employees Kelly Tudor and James Yowell in the matter of *Andrew
Reginald Willis v. Mark C. Ruff*. The former and current employees
were acting within the scope and course of their employment with the
City when the alleged incident occurred.

**6.011 P20-51F: Order of Approval - Finding of Facts. For the Special
Use Permit request 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.**

**6.012 P20-47F. Order of Approval - Finding of Facts. A Special Use
Permit request 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.**

7.0 STAFF REPORTS

7.01 Fayetteville Fire Department 2020 Annual Report

Mr. Mike Hill, Fire Chief, stated the Fayetteville Fire
Department has a long and proud history of providing quality services
to the community since its charter in 1791. These services have grown
in both quantity and quality through the years. This report provides
an overview of the organization and details its activities for
calendar year 2020. Chief Hill presented the report with the aid of a
PowerPoint presentation.

Discussion ensued.

MOTION: Council Member Dawkins moved to accept the Fayetteville Fire Department 2020 Annual Report.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

7.02 Fayetteville Police Department 2020 4th Quarter Review

Ms. Gina Hawkins, Police Chief, presented the Fayetteville Police Department 2019 4th Quarter Review with the aid of a PowerPoint presentation. Chief Hawkins reported on the following: crime statistics, crime trend analysis, community engagement, crime fighting strategies, Domestic Violence Unit, overdose death prevention, Narcotics Unit, 911 Call Center, employee staffing and recruitment.

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to accept the Fayetteville Police Department 2020 4th Quarter Review.
SECOND: Council Member Kinston
VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARINGS

8.01 P21-06. An Evidentiary Hearing for a Special Use Permit to construct townhomes in the Autry Lake at Gates Four Subdivision between Dundle Road and Lindbridge Drive (REID #s 9495376633000, 9495339869000, 9495339659000, and 9495431863000), zoned as Single-Family 10/Conditional Zoning (SF-10/CZ), being 28.76 acres ± and being the property of The Sharlene Williams Revocable Trust and Cliffdale Corner, LLC, represented by Scott Brown of 4D Site Solutions.

Ms. Jennifer Baptiste, Senior Planner, presented this item and stated this application is to request an Evidentiary Hearing be conducted to hear the facts associated with issuing a Special Use Permit to construct townhomes in the Autry Lake at Gates Four community. The community will be developed off of Lindbridge Drive and Dundle Road. These properties have recently been rezoned to Single-Family Residential 10/Conditional Zoning (SF-10/CZ). A Special Use Permit is required to construct townhomes in this zoning district.

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

Mr. Scott Brown, 409 Chicago Drive, Suite 112, Fayetteville, NC 28306, appeared in favor. Mr. Brown 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 Davis moved to approve the Special Use permit to allow the construction of townhomes in a proposed residential community subject to the conditions identified in the conditional rezoning and in conforming to the current Unified Development Ordinance standards as depicted on the site plan, 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 Single-Family 10/Conditional Zoning district, (2) this use complies with the findings listed, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area and meets all eight findings of fact as stated by the applicant. This Special Use Permit shall become effective ten days after its approval by the City Council, which is March 4, 2021. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (10-0)

8.02 Public Hearing: PND21-001 - Request to revise the approved Planned Neighborhood Development Plan (PND Plan) for Kings Grant (Clubhouse Area) to add 55 single-family building lots, located at 347 Shawcroft Road (REID #s 0530572850000, 0530680079000, 0530582192000) and being the property of 3 DAG LLC, RACH LLC and Gary W. Robinson.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the owners of property adjacent to the King's Grant clubhouse request a revision to the approved Planned Neighborhood Development (PND) Plan. A public hearing before the Planning Commission, in accordance with the standards of the Code, was 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 PND amendments intend to:

- Create and develop 55 single-family residential lots (of the remaining 59 units/lots that can be developed in Kings Grant).
- Reduce the front setback from 30-feet to eight (8) feet due to the nature and shape of the proposed homes and garages.
- Maximize the livable space.
- Reduce yard maintenance.

- Move the parking and other vehicle activity to the rear of the homes away from the road, creating a private entrance.
- Improvements to the clubhouse and surrounding area.

On January 19, 2021, the Planning Commission held a public hearing regarding this case. They voted 8-0 to recommend approval.

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

Mr. Tom Donnelly, 346 Shawcroft Road, Fayetteville, NC, appeared in favor.

Mrs. Maxine Donnelly, 346 Shawcroft Road, Fayetteville, NC, appeared in favor.

Mr. Chris Pusey, 409 Chicago Drive, Suite 112, Fayetteville, NC, appeared in favor.

Mr. Gary Robinson, 4140 Ramsey Street, Fayetteville, NC, appeared in favor.

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

Discussion ensued.

MOTION: Council Member Jensen moved to approve based upon the congruency of the proposed revision. The proposed amendment would result in a logical and orderly development pattern.

1. The proposal would develop 55 of the remaining 59 residences while keeping the minimum required amount of open space for this PND development.
2. This revision is consistent with the 2030 Land Use Plan, which calls for Low-Density Residential (LDR). This designation mainly consists of single-family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Ingram)

8.03 (TFA) 2040 Comprehensive Plan: Fort Bragg Joint Land Use Study (Fayetteville Plan Supplement). A request for the adoption of a study for the Fort Bragg region to encourage compatible growth, protect civilian population from military training impacts; protect the military training mission from incompatible development, and to protect the Longleaf Pine Ecosystem.

Mr. Jason Epley, Benchmark Planning, presented this item with the aid of a PowerPoint presentation. Mr. Epley briefed the Council on the following from the study: Fort Bragg Land Use Compatibility Factors, Environmental Compatibility Factors, Land Use Compatibility Tools, and Recommendations pertaining to Regional Coordination, Planning for Compatible Growth and Regulations to Support Compatible Growth.

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.

**RESOLUTION OF ADOPTION - CITY OF FAYETTEVILLE COMPREHENSIVE PLAN
SUPPLEMENT - FORT BRAGG AND MILITARY LAND USE COMPATIBILITY.
RESOLUTION NO. R2021-014**

MOTION: Council Member Davis moved to approve the adoption of the Joint Land Use Study to be included in the 2040 Comprehensive Plan, as presented by staff.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.01 Corridor Revitalization Project: Public Art Mural at Ramsey Street/I-295

Ms. Michelle Horn, Fayetteville Museum of Art, presented this item with the aid of a PowerPoint presentation and stated the Fayetteville-Cumberland Arts Council received grant funding from the National Endowment for the Arts (NEA) for this project. A five-member project advisory committee was established in February 2020. A nationwide Request for Proposals (RFP) was issued in April 2020 and proposals were reviewed following the June 2020 deadline. Fourteen applications were received for the project and three artists were selected for presentation to the Advisory Committee. Following the selection of an artist, Northside residents participated in a meeting with both the artist and mural facilitators to discuss themes for the I-295 mural. A series of Zoom meetings were conducted to ensure designs evolved in the desired manner. The seventh, and final, design was submitted to coordinators on January 4, 2021.

The proposal was approved by the Public Art Commission on February 4, 2021, after a public hearing was conducted. This design was presented to the Corridor Revitalization Committee on February 9, 2021, and accepted. If approved, the accepted design would be installed, with the mural complete, by July 31, 2021.

Ms. Horn presented the proposal.

Discussion ensued.

MOTION: Council Member Haire moved to accept the design and proposal for the Public Art Mural at Ramsey Street/I-295.
SECOND: Mayor Pro Tem Jensen
VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

- 10.01 PWC Resolution # PWC2021.05 Authorizing the Condemnation of Easements and Delegation of Real Estate Acquisition Authority to the General Manager**
- 10.02 PWC Resolution # PWC2021.06 Authorizing the Condemnation of Easements and Delegation of Real Estate Acquisition Authority to the General Manager**
- 10.03 PWC Resolution # PWC2021.01 Authorizing the Condemnation of Easements and Delegation of Real Estate Acquisition Authority to the General Manager**

The Administrative Reports were for information only, and the items were not presented.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:03 p.m.