

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER/ZOOM
MARCH 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); D. J. Haire (District 4); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8) (via zoom); Yvonne Kinston (District 9)

Absent: Council Member Johnny Dawkins (District 5)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Interim Assistant City Manager/Chief Financial Officer
Gina Hawkins, Police Chief
Gerald Newton, Development Services Director
Taurus Freeman, Planning and Zoning Manager
David Nash, Senior Planner
Craig Harmon, Senior Planner
Jennifer Baptiste, Senior Planner
Alicia Moore, Planner
Kevin Arata, Corporate Communications Director
Chris Cauley, Interim Economic and Community Development Director
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 Davis.

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 Wright stated he has protective masks for any organizations that would like some. Please call the City to receive his contact information.

Ms. Sharon Moyer, Community Engagement Administrator for Partnership for Children of Cumberland County, and Ms. Mary Sonnenberg, President for Partnership for Children, announced they have received a federal grant that will pilot a new program for Universal Home Visits for new infants and their families.

Council Member Haire stated his Mother, Ms. Iyla B. Haire, is turning 90 this year with a "Drive-By" this weekend from 1:00 to 2:00 p.m.

Mayor Pro Tem Jensen thanked the Omega Psi Phi fraternity for being on the Ramsey Street trash pickup last weekend.

Council Member Waddell thanked the Council for supporting the Crown Act.

Council Member Ingram stated on March 27, 2021, at noon on Fox 50, Ms. Kim Fields will share her story of motivation and building success through "The Journey Through the Power of Storytelling".

Mayor Pro Tem Jensen stated March 25, 2021, is Greek Independence Day.

Council Member Banks-McLaughlin read a proclamation proclaiming March 7-13, 2021, Girl Scout Week in celebration of the 109th anniversary of Girl Scouts of the USA.

Council Member Banks-McLaughlin virtually presented a Certificate of Achievement to the New Life Christian Academy Monarch's Basketball Team for winning the 2021 NACA Championship.

Council Member Kinston congratulated the Fayetteville Police Department for exceeding their fund raising goal for Special Olympics with the Polar Bear Plunge event.

5.0 CITY MANAGER REPORT

5.01 Update on Market House Repairs

Mr. Douglas Hewett, City Manager, reported the Market House repairs will take approximately five days to complete; window replacement, painting, and re-stain wood floors. The local contractor will begin work next week. The protective fencing will remain in place until after all repairs are complete and a decision is made for the future of the Market House.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Davis moved to approve the agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

7.0 CONSENT AGENDA

MOTION: Council Member Davis moved to approve the consent agenda with the exception of Item 7.012, pulled for presentation and separate vote.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

7.01 Approval of Meeting Minutes:

February 19, 2021 - Strategic Plan
February 20, 2021 - Strategic Plan
February 22, 2021 - Special
February 22, 2021 - Discussion of Agenda Items
February 22, 2021 - Regular
March 1, 2021 - Work Session
March 8, 2021 - Discussion of Agenda Items
March 8, 2021 - Regular

7.02 P21-04. Rezoning request from Community Commercial (CC) to Light Industrial (LI), located at 4021 Distribution Drive (REID #s 0429427255000, 0429429042000, 0429510930000, and 0429511745000), totaling 8.18 acres ± and being the property of Healy Wholesale Co Inc./BVI Investments LLC represented by John Healy.

7.03 P21-05. Rezoning from Mixed Residential 5 (MR-5) to Office and Institutional (OI), located at 1318 Fort Bragg Road (REID # 0427962315000), totaling 0.18 acres ± and being the property of

Patrick and Lindsay Pelaez represented by Thomas Neville of Yarborough Winters & Neville, P.A.

- 7.04 P21-06F. Order of Approval - Findings of Fact. Issuance of 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.
- 7.05 P21-09. Rezoning of two parcels from Neighborhood Commercial (NC) to Limited Commercial (LC), addressed as 8131 and 8139 Cliffdale Road (REID #s 9487567550000 and 9487569640000), totaling 1.77 acres ±, and being the property of 2 Way Realty, LLC and Faye M. Harmon, represented by Nicole Bowal of Stock Engineering.
- 7.06 P21-10. Rezoning from Mixed Residential 5 (MR-5) and Heavy Industrial (HI) to Light Industrial (LI), located at 904 E. Russell Street (REID #s 0447111339000, 0447111323000, 0447112316000, 0447112394000, 0447113373000, and 0447112198000), totaling 1.73 acres ± and being the property of Richard King represented by George Rose, P.E.
- 7.07 P21-11. Rezoning of a parcel from Single-Family 10 (SF-10) to Single-Family 10/Conditional Zoning (SF-10/CZ) to allow for a manufactured home, located at 5961 Lakeway Drive (REID # 0405078606000), totaling 1.0 acres ±, and being the property of Roland Robinson.
- 7.08 P21-14. Rezoning request from Single-Family Residential 10 (SF-10) to Single-Family Residential 6 (SF-6), a portion of 6322 Raeford Road (REID # 0407305808000), totaling 1.04 acres ± and being the property of Arash Ainolhayat of Ramsey Plaza, LLC, represented by George Rose, P.E.
- 7.09 P20-52. Conditional rezoning of a property from Single-Family Residential 10 (SF-10) to Office & Institutional (OI/CZ) for the purposes of operating a Funeral Home, located at 1037 71st School Road (REID # 9497646678000), containing 1.20 acres ± and being the property of James Vernon Peterson and Melvin Leon Shelton.
- 7.010 Approval of Proposed Text Amendments to Part 2 Chapter 7 of the Code of Ordinances to comply with Chapter 160D of the North Carolina General Statutes

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 7, BUILDING CODE, OF THE CODE ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2021-002

- 7.011 Adoption of 160D Text Amendments: Chapter 14 Code Enforcement

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTION AND FOOTNOTES OF CHAPTER 14, HOUSING, DWELLINGS AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-003

- 7.012 This item was pulled for presentation and separate vote.

- 7.013 Rescind Demolition Ordinances

2109 Murchison Road

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2021-005. RESOLUTION NO. R2021-019

1221 Hamlet Street

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2021-003. RESOLUTION NO.
R2021-020

7.014 Uninhabitable Structures Demolition Recommendations

331 Lofton Drive, District 1

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA,
REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH
RESPECT TO, OR TO DEMOLISH A STRUCTURE PURSUANT TO THE DWELLINGS
AND BUILDING MINIMUM STANDARDS CODE OF THE CITY. PIN 0540-14-
1335. ORDINANCE NO. NS2021-015

224 S. C 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 A STRUCTURE PURSUANT TO THE DWELLINGS
AND BUILDING MINIMUM STANDARDS CODE OF THE CITY. PIN 0437-91-
0464. ORDINANCE NO. NS2021-016

6759 Bailey Lake Road, 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 A STRUCTURE PURSUANT TO THE DWELLINGS
AND BUILDING MINIMUM STANDARDS CODE OF THE CITY. PIN 0406-03-
9983. ORDINANCE NO. NS2021-017

**7.015 Adoption of Special Revenue Project Ordinance 2021-14 to
Appropriate an Emergency Rental Assistance Grant Awarded by the
U.S. Department of the Treasury, Approval of the Proposed
Program Design, and Award of a Contract with Excel Contractors,
LLC for Administration of the Program**

Adoption of Special Revenue Project Ordinance 2021-14 to
appropriate a \$6,343,864.00 grant from the U.S. Department of the
Treasury to implement an Emergency Rental Assistance Program. Council
is also asked to approve the staff proposed program design and
authorize the award of a contract with Excel Contractors, LLC, to
administer the program.

**7.016 Adoption of Special Revenue Fund Project Ordinance Amendment
2021-6 to Appropriate Federal Forfeiture Funds and NC Substance
Tax Received to Date as of February 28, 2021**

Special Revenue Fund Project Ordinance Amendment 2021-6 will
appropriate \$235,803.00 in Federal Forfeiture and NC Substance Tax
funds received as of February 28, 2021, to provide additional
resources for law enforcement purposes.

**7.017 Resolution Authorizing a Quitclaim Deed of the City's Title to
the County in Order to Expedite the Sale of Land located off
Rosehill Road**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO
DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN
JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2021-
021

**7.018 Approval of Installment Financing for Various Vehicle Purchases,
Enterprise Resource Planning (ERP) System Replacement and Solid
Waste Recycling Roll Carts**

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN
INSTALLMENT FINANCING AGREEMENT, A SECURITY AGREEMENT AND RELATED

**DOCUMENTS IN CONNECTION WITH THE FINANCING OF VARIOUS VEHICLES
AND EQUIPMENT FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA.
RESOLUTION NO. R2021-022**

- 7.019 Bid Recommendation - Three Substation Concrete Based Cable Trench Systems to Concast Inc., Zumbrota, MN, the lowest responsive, responsible bidder, in the total amount of \$168,888.27.00**

Bids were received on February 2, 2021, as follows:

Concast Inc., Zumbrota, MN \$168,888.27
Old Castle Infrastructure, Atlanta, GA \$181,867.68

- 7.012 Rescind Demolition Ordinances-(Mobile Manor Mobile Home Park) 374, 303, 314, 362, 379, and 391 Peejay Lane, 337 Point Pleasant Lane**

This item was pulled for presentation and separate vote.

Mr. James Rutherford, Code Enforcement Manager, stated in order to abate the dangerous buildings, staff recommended and the City Council adopted the following demolition ordinance for blighted mobile homes within the Mobile Manor Mobile Home Park, 310 Peejay Lane, which was not acted upon. The property owners repaired or demolished the mobile homes prior to the City acting on the related demolition ordinances. The demolition ordinance was filed and recorded with the Cumberland County Register of Deeds as a lawfully authorized abatement action to be taken by the City on the related properties. The demolition ordinance is no longer effective as it was not acted upon. There are no subsequent liens for City demolition costs assessed or recorded against the property. The proposed resolution will rescind the previously adopted demolition ordinance.

Discussion ensued.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2020-013. RESOLUTION NO.
R2021-023**

MOTION: Council Member Haire moved to adopt the proposed resolution rescinding the demolition ordinance.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

8.0 EVIDENTIARY HEARINGS

- 8.01 P21-01. Evidentiary hearing for a Special Use Permit in a Single-Family 6 (SF-6) zoning district, for multi-family, located at 1204-1228 Superior Pointe Place (REID #s 0428584718000, 0428584625000, 0428584890000, 0428584852000, 0428584706000, 0428583784000, 0428583669000, and 0428583697000), and being the property of Superior Pointe Homeowners Association Inc., HLN Enterprises LLC, SEAC Assets LLC, Henry, Wilma J., represented by Laynie Beck, Laynie Beck Properties.**

Mr. Craig Harmon, Senior Planner, presented this item and stated the properties were approved for seven townhomes and three were built in 2010; however, only three have been built at this point. Per the Unified Development Ordinance (UDO), Single-Family 6 (SF-6) townhomes and other multi-developments require a Special Use Permit (SUP). The owners have indicated that they would like to recombine the existing lots to create either townhomes or two- to four-dwelling units. According to the UDO, Dwelling, two to four family is a residential building containing two, three, or four individual dwelling units located on a single lot. Such units may be part of a single structure, or may be attached by one or more common walls. Townhomes however fall under the category of Dwelling, Single-Family, Attached. This means that they consist of two or more single-family dwelling units, each

with its own outside entrance and individual lot, which are joined together by a common or party wall, which is shared by two or more individual dwelling units along the lot line.

The subject property is zoned Single-Family 6 (SF-6) and is located along a local road in a single-family neighborhood. According to the applicant, the existing buildings have been in their current location for over ten years. They were built prior to the adoption of the UDO. When built in 2010, the property was zoned Residential-6 (R6), which allowed all multi-family uses by right. The applicant states that no structural changes will be made to the property and use will continue to be multi-family residential, as it was originally built. The SF-6 district allows for multi-family developments through the Special Use Permit process. Currently, the surrounding properties have mostly single-family residential zoning and a mix of single-family and multi-family uses. Currently these properties are classified as legal nonconforming. This means when the structures were built (prior to the UDO), they were built to the standards of the zoning ordinance that existed at that time. With the adoption of the UDO, however, these properties no longer meet the current zoning and thus are nonconforming. Should these properties be damaged beyond 50 percent of their value, the owner cannot rebuild without a SUP.

The SUP must meet the following findings of facts and these must be presented during the evidentiary hearing held by the City Council:

- (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.

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

Mr. Laynie Beck, 5114 Yadkin Road, Suite 114, Fayetteville, appeared in favor. Mr. Beck 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.

Discussion ensued.

MOTION: Council Member Haire moved to approve the requested Special Use Permit to make existing multi-family units conforming

in an area zoned Single-Family Residential 6 (SF-6), as presented by staff and based on the information provided and all attachments. The amendment 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.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

8.02 P21-13. Evidentiary hearing for a Special Use Permit to allow an automotive wrecker service in a Heavy Industrial (HI) district, located at 311 Dunn Road (REID # 0447337528000), and being the property of Twinstate Property Group, LLC.

Mr. Craig Harmon, Planner II, presented this item and stated the current owner purchased the property in February 2020. At that time, the owner started operating a wrecker service on the property before securing a Special Use Permit (SUP). However, wrecker services require a 250-foot buffer between themselves and property zoned residential, daycares and schools. This property is located within 250 feet of a residential zoning district. This SUP application would allow the City Council to reduce this separation standard through an evidentiary hearing. According to the UDO, an Automotive Wrecker Service is an establishment operated for the purpose of temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard. The subject property is zoned Heavy Industrial (HI) and is located along a Minor Thoroughfare, Dunn Road, in an area that is a mix of industrial and heavy commercial. The Cape Fear River is around 500 feet from the rear of this property.

According to the applicant, the property will be used in accordance within the parameters of the HI Zoning District already in place. The owner has been using the lot as a wrecker yard since its purchase in February 2020. Currently, the business operates 24 hours a day and seven days a week, with five full-time employees. This property is zoned HI and has an existing principal structure. The district also allows automotive wrecker services that meet the use-specific standards listed below. The owner does not propose any changes to the existing building or rear storage lot.

The SUP must meet the following findings of fact and these must be presented during the evidentiary hearing held by the City Council:

- (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.

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

Mr. Tanari Smith, 311 Dunn Road, Fayetteville, appeared in favor. Mr. Smith 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.

Discussion ensued.

MOTION: Council Member Ingram moved to approve the Special Use Permit; the request meets all eight findings of fact as presented.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

Mayor Colvin recessed the meeting at 8:28 p.m. and reconvened the meeting at 8:39 p.m.

9.0 PUBLIC HEARINGS

9.01 Public Hearing and Consideration of Incentives for Project NUAR

Mr. Robert VanGeons, FCEDC President/CEO, presented this item and stated City Council is required by North Carolina General Statute §158-7.1(c) to hold a public hearing and receive public comments on a proposed Economic Development Incentive being considered for "Project NUAR", a United States headquartered company that is considering an existing building located at 595 S. King Street, Fayetteville, NC, for a new production facility.

The Cumberland County Board of Commissioners approved a similar incentive after conducting a public hearing on March 1, 2021. The Company anticipates a final decision regarding this project within the next 45 to 60 days. As required, public notice for this hearing was published in The Fayetteville Observer on March 12, 2021, and again on March 17, 2021.

As proposed, the City would provide the following:

- A grant of \$1,500.00 per job, for the first 15 jobs created
- A grant of \$625.00 per job, for the next 60 jobs created
- This grant shall be paid annually on an agreed upon date, based on the number of new jobs created during the previous year.

To receive payment, the Company will have to retain the previous year's headcount and demonstrate that they have exceeded the average wage for all positions. Once hiring is complete, the Company shall be required to maintain the jobs for an additional 24 months. Should the company fail to maintain employment, they shall be required to repay

the grant amount corresponding to the shortfall. The project shall (1) create a significant investment in real estate and equipment in Fayetteville exceeding \$4,000,000.00 over the next four years, and (2) create a total of 75 full-time jobs in the City by 2025 with an average wage of \$45,000.00 per year. The City's proposed incentive offer consists of a performance based, job creation grant, not to exceed \$60,000.00.

Discussion ensued.

MOTION: Council Member Ingram moved to approve the consideration of incentives.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (9-0)

9.02 P21-12. Initial Zoning of a parcel currently zoned by Cumberland County as R10 to Mixed Residential 5 (MR-5), addressed as 200 Andrews Road (REID # 0531735324000), 52.22 acres ±, and being the property of Grace W Lewis Heirs, represented by Allison Engebretson of Paramounte Engineering.

Ms. Jennifer Baptiste, Senior Planner, stated the applicant, Allison Engebretson, on behalf of Grace W. Lewis Heirs, has submitted a request that the City of Fayetteville assign an initial zoning of Mixed Residential 5 (MR-5) for the aforementioned property as part of an annexation request. This property is in the jurisdiction of Cumberland County with an assigned zoning of R10.

On February 9, 2021, a motion to forward a recommendation of approval was offered and seconded. However, the Zoning Commission voted 2 to 3 against recommending approval of the initial zoning for the property to the City Council. According to the Unified Development Ordinance for the City of Fayetteville, any rezoning case that receives a recommendation of denial from the Zoning Commission can only be granted a public hearing before City Council if an appeal is submitted by the applicant. The applicants have decided to appeal the Zoning Commission's recommendation of denial and have requested a public hearing before City Council.

The Planning staff recommends approval of the map amendment to MR-5 based on the following: This proposed zoning map amendment implements the policies adopted in the Future Land Use Plan and the Unified Development Ordinance. This district type is intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development; the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and there are no other factors which will substantially affect the public health, safety, morals, or general welfare.

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

Ms. Carrie Wallace, 122 Cinema Drive, Wilmington, NC, appeared in favor.

Ms. Caroline Bojarski, 5808 Faringdon Place, Wilmington, NC, appeared in favor.

Ms. Allison Engebretson, 122 Cinema Drive, Wilmington, NC, appeared in favor.

Mr. Robert Balland, 122 Cinema Drive, Wilmington, NC, appeared in favor.

Mr. Ralph Huff, 606 Forest Lake Road, Fayetteville, NC, appeared in favor.

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

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to approve the map amendment to MR-5.

SECOND: Council Member Davis

VOTE: UNANIMOUS (9-0)

9.03 TA21-001. Text Amendment to Article 30 of the Unified Development Ordinance for a Food Truck Court by Jordan Sherrod.

Ms. Alicia Moore, Planner II, presented this item and stated the applicant, Jordan Sherrod, requests an amendment to the Unified Development Ordinance to create a new land-use category of Food Truck Court. Current regulations allow food trucks as a temporary use for special events or as an accessory use on private lots.

A food truck court differs from this usage of food trucks, which operate in a transitory manner in areas not specifically developed or contemplated for food trucks. Instead, a food truck court operates as a permanent eating establishment on a parcel specifically developed to accommodate food trucks. In this way, food truck courts are akin to brick and mortar eating establishments but with the regular use of food trucks at the crux of their business plan.

The proposed changes would create a new use category with specific regulations and would not impact the current regulations applicable to food trucks as an accessory use.

Two versions of the proposed changes are submitted for review and consideration. The first version has been submitted by the applicant, referred to herein as the applicant-proposed ordinance. The second version, referred to as the staff-proposed ordinance, is based on the applicant-proposed version and includes recommended changes for adherence to the requirements of the City Code.

On March 4, 2021, the Planning Commission heard the request at a special called meeting and voted unanimously to recommend approval for Option 2 (staff) by a vote of 9 to 0.

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

Mr. Jordan Sherrod, 1860 Morganton Road, Fayetteville, NC, appeared in favor.

Ms. Stephanie Pirruccello, 5041 Miranda Drive, Hope Mills, NC, appeared in favor.

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

Discussion ensued.

MOTION: Council Member Haire moved to table this item to the earliest work session possible.

SECOND: Council Member Davis

VOTE: PASSED by a vote of 5 in favor to 4 in opposition (Council Members Ingram, Waddell, Banks-McLaughlin, and Kinston)

9.04 TA21-002. Text Amendment for 160D - Chapter 30 (UDO)

Ms. Alicia Moore, Planner II, presented this item and stated the first major overhaul of development regulations in over a hundred years, Chapter 160D clarifies and modernizes the ways that cities and counties manage local development. The endeavor was initiated in 2013 by the Zoning and Land Use Section of the NC Bar Association, enacted in 2019, and went through revisions (mostly to adjust to the effects of the COVID pandemic) in 2020. The deadline for local governments to conform their ordinances to the new requirements is July 1, 2021. In addition to requiring numerous updates to local ordinances, Chapter 160D authorizes local governments to make certain changes at its own discretion. The City may adopt these permissive changes if such changes would benefit the City by, for example, increasing efficiency and clarity of local procedures. There is no deadline for the adoption of the permissive changes. Unlike the mandatory changes, the permissive changes may be adopted at the City's discretion. If approved, the effects of the proposed amendments will be city-wide and dynamic. The updated ordinances will require adjustments to internal City procedures and will impact the rights and responsibilities between the City and landowners, developers, and residents. By updating the Unified Development Ordinance, the City will be in compliance with North Carolina State law and will benefit by the modernization of local procedures.

The proposed text amendments comprise numerous mandatory changes and one permissive change. The permissive change affects terminology only. The purpose of this change is to simplify common terms, reduce the likelihood of confusion, and align the language with the State and the increasing majority of local governments. The main permissive terminology changes are as follows:

<u>FROM</u>	<u>TO</u>
Quasi-Judicial Public Hearing	Evidentiary Hearing
Standard Public Hearing	Legislative Hearing
Public Meeting	Legislative Hearing
Publicly Noticed Meeting	Legislative Hearing

Under these terms, there are two types of public hearings: legislative hearings (formerly "standard public hearings") and evidentiary hearings (formerly "quasi-judicial hearings"). By implication, the term "public hearing" is no longer specific to one type of hearing. Instead, whenever possible, the hearing should specify whether it is legislative or evidentiary. Certain other terminology changes, listed in the spreadsheet (in the agenda packet), are mandatory.

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

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to approve the proposed amendments.

SECOND: Council Member Davis

VOTE: UNANIMOUS (9-0)

9.05 AX21-001. Annexation request located on Andrews Road, West of Andrews Commons Shopping Center (Tax Map # 0531-73-5324), consisting of 52.22 Acres, and Being the Property of the Heirs of Grace W. Lewis; related to P21-12: Initial Zoning.

Mr. David Nash, Senior Planner, presented this item and stated the City has received a request to annex 52.22 acres on Andrews Road, west of the Andrews Commons Shopping Center. The land is currently vacant, but a new residential project (with 332 units) is proposed for construction. Staff recommends annexation of this property. Staff also recommends approval of the initial zoning to Mixed Residential 5 (MR-5) in the City.

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 TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. Andrews Road-Lewis Heirs Property, PIN: 0531-73-5324, REID: 0531735324000. ANNEXATION ORDINANCE NO. 2021-03-575

MOTION: Mayor Pro Tem Jensen moved to adopt the proposed ordinance annexing the area with an effective date of March 22, 2021, and establish the initial zoning consistent with the prior action on the zoning case.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (9-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Appointment of one applicant to the Millennial Commission

The Appointment Committee met on March 2, 2021, to review applications for appointments to boards and commissions. At that meeting the Appointment Committee reached consensus to recommend 7 of the 23 applicants for 7 vacancies. At the March 8, 2021, City Council meeting, the City Council voted to approve 6 of the 7 recommended applicants. In addition, the City Council voted to appoint 2 applicants to other requested boards/commissions. Therefore, there is one vacancy on the Millennial Commission that needs to be filled. There are 15 eligible applicants remaining for this single vacancy. City Council is asked to appoint one applicant to the Millennial Commission for a two-year term of office to be effective April 1, 2021, through March 31, 2023.

Council Member Waddell stated at the last Millennial Commission meeting, the majority of the members asked for City Council to reconsider appointing Mr. Benevente.

MOTION: Council Member Waddell moved to appoint Mr. Mario Benevente to the Millennial Commission; term of office April 1, 2021, through March 31, 2023.

SECOND: Council Member Ingram

VOTE: FAILED by a vote of 4 in favor to 5 in opposition (Council Members Colvin, Jensen, Haire, Davis, and Wright)

MOTION: Council Member Davis moved to appoint Taylor McCallman to the Millennial Commission; term of office April 1, 2021, through March 31, 2023.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 5 in favor to 4 in opposition (Council Members Ingram, Waddell, Banks-McLaughlin and Kinston)

10.02 Appointment of one applicant to the Public Works Commission

The Appointment Committee met on March 2, 2021, to review applications for appointments to boards and commissions. At that meeting, the Appointment Committee did not reach a consensus for a recommendation to appoint an applicant to the Public Works Commission. At the March 8, 2021, City Council meeting, the PWC appointment process was discussed.

MOTION: Council Member Wright moved to table the appointment of a Commissioner to the Public Works Commission to the March 22, 2021, regular meeting.

SECOND: Council Member Davis

VOTE: PASSED by a vote of 5 in favor to 4 in opposition (Council Members Ingram, Waddell, Banks-McLaughlin and Kinston)

Ten applications were submitted for the Public Works Commission vacancy, of those ten, two were appointed to other boards and commissions by the City Council on March 8, 2021. There are now eight applicants for the one PWC vacancy.

City Council is asked to appoint one applicant to the Public Works Commission for a four-year term of office to be effective April 1, 2021, through March 31, 2025.

Mayor Colvin stated Council Member Dawkins is unable to attend this meeting due to travel delays, and Council Member Dawkins has asked the vote on this item be delayed until his return to the next regular meeting; Council Member Dawkins is a member of the Appointment Committee and asks Council for their favorable consideration.

Discussion ensued.

MOTION: Council Member Ingram moved to appoint Ted Mohn to the Public Works Commission for a four-year term of office to be effective April 1, 2021, through March 31, 2025.

SECOND: Council Member Waddell

VOTE: FAILED by a vote of 3 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Davis, Wright and Kinston)

MOTION: Council Member Davis moved to table this item to the April 12, 2021, regular City Council meeting.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Ingram, Banks-McLaughlin, and Kinston)

11.0 ADMINISTRATIVE REPORTS

11.01 Emergency Watershed Protection Mitigation Effort for Siple Avenue

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

11.02 Revenue and Expenditure Reports for the Annual Funds for the Six-Month Period Ended December 31, 2020 with Comparative Information for the Six-Month Period ended December 31, 2019, and Revenue and Expenditure Reports for the Multi-Year Funds from Inception and for the Six-Month Period ended December 31, 2020

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

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:01 p.m.