

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER/ZOOM  
APRIL 26, 2021  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); 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  
Adam Lindsay, Assistant City Manager  
Jay Toland, Assistant City Manager  
Cliff Isaacs, Construction Management Director  
Sheila Thomas-Ambat, Public Services Director  
Jerry Clipp, Human Resource Development Director  
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, Senior 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 Ingram thanked all who participated in the recent City-Wide Clean-Up event.

**5.0 CITY MANAGER REPORT**

Mr. Douglas Hewett, City Manager, stated he does not have a report for this meeting.

**6.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Wright moved to approve the agenda.

**SECOND:** Council Member Davis

**VOTE:** UNANIMOUS (10-0)

## 7.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda with the exception of Item 7.09, pulled for presentation and separate vote.

SECOND: Council Member Wright

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

7.01 P21-01: Order of Approval - Findings of Facts 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, 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.

7.02 P21-13: Order of Approval - Findings of Facts 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 Twinstare Property Group, LLC.

7.03 P21-17. Conditional Zoning request from Single-Family 10 (SF-10) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), located at 3100 Tallywood Drive (REID # 0427021446000), totaling 7.23 acres ± and being the property of James Smith, Smith Duggins Developers, LLC.

7.04 P21-19. Initial Zoning of a portion of a parcel currently zoned by Cumberland County as R7.5 to Single-Family Residential 10 (SF-10), addressed as 0 Scotholm Drive, (REID# 9495561650000), 37.47 acres ± and being the property of Pelican Property Holdings LLC, CJR Property Holdings LLC, and K&Js Properties, LLC, represented by Lori Epler of Larry King & Associates.

7.05 P21-20. Rezoning request from Single-Family 6 (SF-6) to Mixed Residential 5 (MR-5), addressed as 994 Santa Fe Drive (REID # 0419132000000), totaling 25.2 acres ±, and being the property of Jackson Howard, Sweetwater Capital.

7.06 P21-21. Rezoning request of five parcels from Agricultural (AR) and Single-Family Residential 6 (SF-6) to Mixed Residential (MR-5), addressed as 1233, 1257, 1259, and 1261 Rim Road and 0 Drive (REID #s 9487651310000, 9487653158000, 9487655175000, 9487752848000, and 9487654425000), totaling 19.17 acres ±, and being the property of John and Betty Gillis, John C. Pate Jr., Frances Pate, Lacy Pate, and K&G Developers, LLC.

7.07 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 701 North Street, 703 North Street, 869 W. Orange Street, and 1229 Hamlet Street

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. R2021-026

7.08 Resolution Authorizing the Conveyance of a Water & Sanitary Sewer Easement for Annexation Project Area 24-C Cliffdale Road to the City of Fayetteville by and through Fayetteville Public Works Commission

A RESOLUTION AUTHORIZING THE CONVEYANCE OF A WATER & SANITARY SEWER EASEMENT FOR ANNEXATION PROJECT AREA 24-C OFF CLIFFDALE ROAD TO THE CITY OF FAYETTEVILLE BY AND THROUGH THE FAYETTEVILLE PUBLIC WORKS COMMISSION. RESOLUTION NO. R2021-027

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

**7.010 Resolution Authorizing the Setting of a Public Hearing to Consider Closing Crawford Street**

**A RESOLUTION AUTHORIZING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF CRAWFORD STREET. RESOLUTION NO. R2021-028**

**7.011 Resolution Authorizing Phase 5 Annexation Area 26 & Area 27 Preliminary Assessment and Setting the Public Hearing**

**RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 26 AND AREA 27 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT "A". RESOLUTION NO. R2021-029**

**7.012 Approval of Lease for Amtrak Station to National Railroad Passenger Corporation**

The National Railroad Passenger Corporation has leased the Amtrak station from the City since 1981. The current lease was established in 2001 and included three five-year options to extend. All renewals have been exercised which has required a new lease to be drafted. The National Railroad Passenger Corporation has given notice they wish to continue leasing the current Amtrak station. The current rental rate is \$2,000.00 per month and based on City Council Policy 155-6, the new rental rate will increase to \$2,075.00 per month.

**7.013 Award Contract - Civil Design for the Tennis Center at Mazarick Park**

Authorizing staff to award and execute a contract with cra associates, Inc. Architects for the civil design of the Tennis Center at Mazarick Park.

**7.014 Selection of Independent Auditor - PBMares LLP**

The City and PWC are required by North Carolina state statute and granting agencies to have an annual audit. The Audit Committee Charter states that the Audit Committee will recommend to the City Council the selection of the independent auditor and to continually evaluate the independence of the independent auditor. The Audit Committee recommends PBMares LLP. Council approves PBMares LLP.

**7.015 Adoption of Budget Ordinance Amendment 2021-12 to Appropriate CARES Act Funding Received for Public Safety Mitigation Efforts, Adoption of Capital Project Ordinance Amendments 2021-55 and 2021-56 to Provide Additional Funding for the Fire Station 4 Relocation and City Hall First Floor Renovation Projects, and Adoption of Special Revenue Fund Project Ordinance 2021-16 for a Pilot Partnership Program with the Fayetteville Metropolitan Housing Authority Transitioning Qualified Renters to Homeownership**

Adoption of Budget Ordinance Amendment (BOA) 2021-12 to appropriate \$1,799,803.00 of CARES Act funding received through Cumberland County in the current fiscal year for public safety mitigation efforts related to the coronavirus pandemic. The funding has been used to fund public safety salaries as permitted through grant program requirements, allowing for existing salary budgets to be redirected to address other needed expenditures and Council interests. Staff recommends that this redirected salary funding be reallocated through BOA 2021-12 to address the following:

- \$200,000.00 for pandemic related expenditures across the General Fund such as personal protective equipment, sanitizing

supplies and equipment, emergency paid leave, and temporary services for grant administration

- \$750,000.00 to fund expenditures requested by the Police Department for violent crime mitigation initiatives
- \$500,000.00 to fund a pilot partnership program with the Fayetteville Metropolitan Housing Authority (FMHA) to transition qualified renters to home ownership
- \$200,000.00 to provide additional funding for the Fire Station 4 relocation project for increased expenses for a required turn-lane
- \$149,803.00 to provide additional funding for the renovation project for the first floor of City Hall

Capital Project Ordinance Amendment (CPOA) 2021-55 will appropriate the \$200,000.00 noted above, along with additional financing proceeds of \$335,299.00 planned with the Capital Improvement Plan update, to provide a total planned project budget of \$8,313,284.00 for the Fire Station 4 relocation.

Capital Project Ordinance Amendment (CPOA) 2021-56 will appropriate the \$149,803.00 noted above to provide for contingency funding, bringing the total project appropriation for the City Hall first floor renovation project to \$1,049,803.00.

Special Revenue Fund Project Ordinance (SRO) 2021-16 will appropriate the funding \$500,000.00 for the pilot FMHA partnership project, allowing for the program to be implemented over multiple fiscal years.

**7.016 Bid Recommendation - Rockfish Creek Water Reclamation Facility Screening Improvements to J. Cumby Construction Inc., Cookeville, TN, the lowest responsive, responsible bidder in the total amount of \$2,430,000.00.**

Bids were received on March 16, 2021, as follows:

J. Cumby Construction, Inc., Cookeville, TN.....	\$2,430,000.00
Laughlin-Sutton Construction Co., Browns Summit, NC.....	\$2,483,600.00
Haren Construction Company, Inc., Etowah, TN.....	\$2,647,000.00
State Utility Contractors, Monroe, NC.....	\$2,919,000.00
T.A. Loving Company, Goldsboro, NC.....	\$3,095,900.00
Water & Waste Systems Construction, Garner, NC.....	\$3,160,000.00

**7.017 Recommendation for Contract Award-Disparity Study for the City of Fayetteville and the Public Works Commission for the Contracting and Procurement Procedures**

Council authorizes the City Manager to execute the agreement with Griffin & Strong P.C., located in Atlanta, GA. To provide consulting services in the amount of \$240,075.00 for the City of Fayetteville Disparity Study and \$258,400.00 for the Public Works Commission Disparity Study.

**7.09 Resolution Authorizing the CROWN Act for the City of Fayetteville**

Council Member Ingram presented this item and read the Resolution in its entirety.

Discussion ensued.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT THE UPDATE OF THE CITY'S EQUAL EMPLOYMENT OPPORTUNITY STATEMENT TO INCLUDE NATURAL HAIR AND HAIRSTYLES. RESOLUTION NO. R2021-030**

**MOTION:** Council Member Ingram moved to adopt the resolution authorizing the CROWN Act for the City of Fayetteville and adopt the EEO Statement.  
**SECOND:** Council Member Kinston  
**VOTE:** UNANIMOUS (10-0)

## **8.0 LEGISLATIVE HEARINGS**

**8.01 PND21-002. Planned Neighborhood Development Plan (PND) revision for Lake Shores Subdivision to add two two-family dwellings (Duplexes) on each property, located at the intersection of Georgetown Circle, Bahama Loop and Offing Drive (REID #s 0407186890000 & 0407185863000) and being the property of Mong & Ron Enterprises 3, LLC.**

Mr. Craig Harmon, Senior Planner, presented this item and stated the owners of property at the intersection of Georgetown Circle, Bahama Loop and Offing Drive request a revision to the approved Planned Neighborhood Development (PND) Plan. The owner wishes to build two two-to-four family dwellings (duplexes) on each property. On March 9, 2021, the Planning Commission voted 7 to 1 to recommend approval of the request. The Planning Commission and professional Planning staff recommend approval 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 two lots with two duplexes on each (eight units), 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.
3. Under this revision, these lots would be developed at a lower density than the approved PND revision in 2007. (Which would have allowed 14 units on these two lots.)

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

Ms. Whitney Serauskas, 3615 Duncastle Road, Fayetteville, NC, appeared in favor.

Ms. Frank Devine, 2605 Delcrest Drive, Orlando, FL, stated he is the property owner and appeared in favor.

Mr. Bob Doran, 1123 Burchway Drive, Fayetteville, NC, stated he is the developer and appeared in favor.

Mr. Daniel Wright, 4960 Rockfish Road, Fayetteville, NC, stated he is the builder and appeared in favor.

Mr. James Ed Blanchard, 5444 Summer Duck Road, Fayetteville, NC, appeared in opposition.

Ms. Sherril Watkins, 5444 Summer Duck Road, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

**MOTION:** Council Member Kinston moved to postpone this item to the May 24, 2021, City Council meeting, to allow the Home

Owners Association additional time to receive an environmental study.

SECOND: Council Member Ingram

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

**8.02 TA21-003: Text Amendments to Article 30 of the Unified Development Ordinance to designate a single review and decision-making board for certain quasi-judicial matters.**

Ms. Alicia Moore, Senior Planner, presented this item and stated the proposed text amendments are part of a batch of previously presented proposed text amendments under Chapter 160D of the North Carolina General Statutes. On February 16, 2021, the Planning Commission reviewed and approved that batch of amendments with the exception of one change, which was excluded from review pending City Council consideration. That excluded change has since been reviewed by the City Council at the work session on March 1, 2021, and the proposed text amendments reflect the City Council's resolutions.

The proposed text amendments relate to the review process for Special Use Permits (SUPs) and subdivision waivers, which are types of quasi-judicial decisions. Under current City Code, these decisions are subject to a dual-board review process by an advisory board, which is the Zoning Commission or the Planning Commission, respectively, followed by a decision-making board, which is the City Council. The advisory board issues a recommendation to the City Council, which then renders a decision. Significantly, the City Council cannot consider the advisory board recommendation as evidence when rendering its decision.

As the City Council cannot base its decision on anything in the recommendation, everything that was presented during the advisory board review must be presented anew to the City Council. This process creates redundancies and increases the likelihood of confusion and legal error as to the basis of the ultimate decision.

In light of the City Council's discussions during the work session on March 1, 2021, the proposed texts amendments would change the review and decision-making process for SUPs and subdivision waivers from dual-board review to single-board review by the City Council.

On March 16, 2021, the Planning Commission voted unanimously to recommend approval of the proposed text amendments by a vote of 8 to 0.

In accordance with the City Code, a legislative hearing shall be held before the City Council to review the Planning Commission's recommendation and other relevant factors prior to rendering a final determination.

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.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SUBSECTIONS OF ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-005**

MOTION: Council Member Ingram moved to adopt the proposed ordinance; approval of the proposed text amendments.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (10-0)

**8.03 TA21-004: Text Amendments to Section 30-2.A.7 - Historic Resources Commission of the Unified Development Ordinance.**

Ms. Jennifer Baptiste, Senior Planner, presented this item and stated, on March 1, 2021, the City Council received and accepted the Historic Resources Program Study. As part of the study, an analysis was done to compare the City of Fayetteville's Historic Resources Commission membership with other commissions in equivalent cities throughout the state of North Carolina.

The Appointment Committee met on March 2, 2021, and recommended an amendment to Section 30-2.A.7, Historic Resources Commission, of the Unified Development Ordinance, sub-paragraph b. to reduce the number of members from 11 to 7 and subparagraph f. to modify the number of members for a quorum.

On March 16, 2021, the Planning Commission voted unanimously, 8 to 0, to approve the text amendment.

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.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-006**

**MOTION: Council Member Wright moved to adopt the proposed ordinance; TA21-004 - Historic Resources Commission Amendment Ordinance.**

**SECOND: Council Member Haire**

**VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Banks-McLaughlin)**

**9.0 EVIDENTIARY HEARINGS**

**9.01 P21-15. Evidentiary Hearing for a Special Use Permit request to operate and expand an automotive wrecker service at 412, 416, and 422 Blount Street and 470 and 472 Williams Street (REID #s 0437329358000, 0437329414000, 0437328456000, 0437329494000, and 0437420408000), zoned as Community Commercial (CC), totaling 1.00 acres ± and being the property of Quality Towing & Recovery, Inc. and Terry Easom.**

Ms. Jennifer Baptiste, Senior Planner, presented this item and stated this application is to request a Special Use Permit to operate and expand an automotive wrecker service at 412, 416, and 422 Blount Street and 470 and 472 Williams Street. The properties are located north of Blount Street between Winslow Street and Williams Street. These properties are zoned as Community Commercial (CC). A Special Use Permit is required to operate an automotive wrecker service in this zoning district.

On February 9, 2021, the Zoning Commission held a public meeting regarding this case. The Commission voted 4 to 0 to recommend approval. This is for information purposes only as the basis for the City Council decision is to be made based on competent, material, and substantial evidence presented during the evidentiary hearing.

The Special Use Permit 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. Terry Easom, 422 Blount Street, Fayetteville, NC, appeared in favor. Mr. Easom 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 (SUP) to allow the operation and expansion of an automotive wrecker service subject to the conditions identified in and 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 Community Commercial 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, this SUP shall become effective ten days after its approval by the City Council, which is May 6, 2021. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (10-0)

**9.02 P21-22. Evidentiary Hearing for a Special Use Permit request to allow condominiums (single-family attached dwellings) in a Single-Family 6 (SF-6) Zoning District, located at 217 Willborough Avenue (REID # 0427126774000), totaling .32 acre, and being the property of James Tolbert, Elite Construction of Fayetteville Inc.**

Mr. Craig Harmon, Senior Planner, presented this item and stated the property in question is currently undeveloped. This proposed development will be a two-unit extension of Phase 1 of Willborough Palms Condominium complex immediately to the north. According to the



Unified Development Ordinance (UDO), a condominium is defined as a development containing individually owned dwelling units and jointly owned and shared areas and facilities that is 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). Single-Family Attached Dwellings are defined as 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 Zoning Commission voted 4 to 0 to recommend approval. 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. James Tolbert, 6920 Cliffdale Road, Fayetteville, NC, stated he is the owner and general contractor for the property and appeared in favor. Mr. Tolbert 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 Dawkins moved to approve the requested Special Use Permit to build two single-family attached dwelling units in an area zoned Single-Family Residential 6 (SF-6), as presented by staff and based on the information provided above 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 Haire**  
**VOTE: UNANIMOUS (10-0)**

## **10.0 PUBLIC HEARINGS**

### **10.01 Abolition of the Lake Valley Drive Municipal Service District (MSD)**

Mr. David Nash, Senior Planner, presented this item and stated on March 28, 2011, the City Council adopted Resolution No. R2011-015 which created a Municipal Service District (MSD) on Lake Valley Drive. The purpose of the district was to finance drainage improvements for the new Embassy Suites hotel project.

The district, which imposed an additional ad valorem tax on three tax parcels, went into effect on July 1, 2011. The resolution provided that the district "shall continue until June 30, 2021, at which time it shall expire, unless, the City Council acts before that time to extend the ad valorem tax within the Lake Valley Drive MSD consistent with applicable statutes, regulations and laws then in effect." Prior to 2016, North Carolina law allowed a city council to abolish a MSD by resolution, after holding a public hearing. In 2016, the North Carolina General Assembly changed the law to require that the abolition be by ordinance. On April 26, 2021, City Council will hold a public hearing on the question of whether to adopt an ordinance abolishing the Lake Valley Drive MSD. Staff recommends that Council adopt the ordinance, abolishing the MSD.

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.

**AN ORDINANCE TO ABOLISH THE LAKE VALLEY DRIVE MUNICIPAL SERVICE DISTRICT (MSD) IN FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. NS2021-018**

**MOTION: Council Member Kinston moved to follow state law and adopt the proposed ordinance which abolishes the Lake Valley Drive MSD; Council makes a finding that there is no longer a need for the MSD.**

**SECOND: Council Member Haire**

**VOTE: UNANIMOUS (10-0)**

### **10.02 AX21-002: Annexation request located along Scotholm Drive, north of Gates Four, (Part of Tax Map # 9495-56-1650), consisting of 37.47 acres and being the property of 3 LLC's (Pelican Property Holdings LLC, CJR Property Holdings LLC, and K&Js Properties LLC); related to P21-19:Initial Zoning**

Mr. David Nash, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the request is to annex 37.47 acres along Scotholm Drive, north of Gates Four Subdivision. This property is currently vacant, but a new residential project with 69 single-family units is proposed for development. Staff recommends annexation of this property. Staff also recommends approval of the initial zoning to Single-Family Residential 10 (SF-10) in the City. At its meeting on March 9, 2021, the Zoning Commission recommended approval.

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.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (Scotholm Drive Area-North of Gates Four Part of One, PIN 9495-56-1650, REID 9495561650000). ANNEXATION ORDINANCE NO. 2021-04-576**

**MOTION: Council Member Davis moved to adopt the proposed ordinance annexing the area effective April 26, 2021, and establish**

the initial zoning consistent with the prior action on the zoning case.

**SECOND: Council Member Dawkins**

**VOTE: UNANIMOUS (10-0)**

#### **10.03 Amendment to the Fayetteville-Hope Mills 2014 Annexation Agreement**

Mr. David Nash, Senior Planner, presented this item and stated in September 2014, the City of Fayetteville and the Town of Hope Mills adopted the latest Annexation Agreement between the two jurisdictions. This Agreement has worked very well. However, the City recently received a request to annex property located west of Bingham Drive, adjacent to the Arran Lakes West neighborhood. The City has not been able to act upon this request because the 2014 Annexation Agreement designates this area for annexation by Hope Mills. A possible solution would be to amend the 2014 Agreement as this property is contiguous to the City.

This item was presented to Council at the March 1, 2021, work session and staff received consensus direction to contact Hope Mills' staff in order to discuss a modification to the 2014 Agreement, which is permitted according to Section 9 of the agreement. Staff from the City and Town have been coordinating on the matter since that time. Before amending an Annexation Agreement, each city must hold a public hearing. A public hearing has been scheduled for the April 26, 2021, meeting of City Council. After the hearing, Council will consider adopting an ordinance which will amend the Agreement.

It is expected that the Hope Mills Town Board will hold a public hearing on May 3, 2021. Assuming that Hope Mills adopts a similar ordinance, the Agreement will be amended. Once the Agreement has been amended, the City should be able to begin the annexation and initial zoning processes for the area west of Bingham Drive that triggered the need for the amendment.

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.

#### **AN ORDINANCE AMENDING THE 2014 ANNEXATION AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE TOWN OF HOPE MILLS. ORDINANCE NO. NS2021-019**

**MOTION: Council Member Davis moved to adopt the proposed ordinance and amendment to the Annexation Agreement and line location as shown on Map A7.**

**SECOND: Council Member Dawkins**

**VOTE: UNANIMOUS (10-0)**

#### **11.0 ADMINISTRATIVE REPORTS**

##### **11.01 PWC Resolution # PWC2021.10 - Authorizing the Condemnation of Easements and Delegation of RE Acquisition Authority to the GM**

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

#### **12.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:50 p.m.