

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER/ZOOM
JUNE 28, 2021
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); 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 Members Tisha S. Waddell (District 3); 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, Assistant City Manager
Rebecca Jackson, Chief of Staff
Cliff Isaacs, Construction Management Director
Sheila Thomas-Ambat, Public Services Director
Gerald Newton, Development Services Director
Tracey Broyles, Budget and Evaluation Director
Toney Coleman, Airport Director
Kevin Arata, Corporate Communications Director
Chris Cauley, Economic and Community Development Director
Byron Reeves, Stormwater Manager
Taurus Freeman, Planning and Zoning Manager
Jennifer Baptiste, Senior Planner
Alicia Moore, Planner II
Kecia Parker, Real Estate Manager
Brook Redding, Assistant to the City Manager
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 a COVID-19 Update.

Mayor Colvin presented a Certificate of Appreciation to Mr. Ralph Huff and Mrs. Linda Huff in recognition of their generous donation of a trolley car.

Mayor Colvin read a Certificate of Appreciation to Ms. Susan Pennink in recognition of her generous donation of a trolley car.

Council Member Ingram announced citizens were able to create "safe spaces" in the City and that the City is working towards showing equity, equality, and inclusiveness for all. She thanked Kia Anthony

from Circa 1865; Nathan Cuffee from Bluemoon Café; Bianca Shoneman, Ashanti Bennett, and Lauren Falls from Cool Spring Downtown District; and Joshua Gray-Hein, aka Ms. Hannah, from J.Co Salon & Blo'Dry Bar.

Council Member Haire announced Mr. Charles James Thomas recently passed away and was the owner of Chainz Seafood.

5.0 CITY MANAGER REPORT

Mr. Randy Hume, Transit Director, announced on June 25, 2021, the Federal Transport Authority reached out to inform City Transit they were one of the recipients of a low/no emissions grant for electric buses, to provide for three buses, the charging infrastructure, and training. The City received one of 46 project grants in the country and the only one in North Carolina.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda with the addition of Item 7.027, Settlement Agreement, and Item 11.05, Mable C. Smith Park improvements.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (8-0)

7.0 CONSENT AGENDA

MOTION: Council Member Davis moved to approve the consent agenda with the exception of Item 7.026, Waste Management Biweekly Recycling Start Date Amendment, for presentation and separate vote.
SECOND: Council Member Haire
VOTE: UNANIMOUS (8-0)

7.01 Approval of Meeting Minutes:

June 14, 2021 - Discussion of Agenda Items
June 14, 2021 - Regular

7.02 P21-23: Order of Approval - Findings of Facts. Special Use Permit to construct a duplex at 1812 Conover Drive (REID # 0416959387000), zoned as Single-Family 10 (SF-10), being 0.46 acres ± and being the property of KAAVU, LLC, represented by Kevin Lindsey of Crawford Design Company.

7.03 P21-24: Order of Approval - Findings of Facts. Special Use Permit request to allow an Automotive Wrecker Service at 720 Bragg Boulevard (REID # 0437372417000), totaling .58 acres ±, and being the property of Renegade Towing and Recovery, LLC, and requested by the applicant, Charlene Shaw.

7.04 P21-25: Order of Approval - Findings of Facts. Special Use Permit request to allow two- to four-unit dwellings to be located at 571 Ohmer Drive (REID # 9497858378000) totaling .72 acres ±, and being the property of R Chi, LLC, submitted by the applicant, Robert Doran Vulcan Homes, LLC.

7.05 P21-31. Conditional Zoning request from Mixed Residential-5 (MR-5) to Mixed Residential-5/Conditional Zoning (MR-5/CZ) for the purposes of allowing multiple residences on a single lot located at Humphrey Lane and McIver Street (REID # 0437236454000) being 1.49 acres ± and being the property of Battle Properties Investments, LLC.

7.06 P21-34. Rezoning request from Agricultural Residential (AR) to Limited Commercial (LC), located at 7818 Raeford Road (REID # 9486265449000), being 0.94 acres ±, and being the property of Joseph Gillis.

7.07 SUP21-01: Order of Approval - Findings of Facts. Special Use Permit request to allow town-home development in a Single-Family

6 (SF-6) zoning district, located at 2122 and 2118 Elvira Street (REID #s 0428503162000, 0427594997000, and 0428504066000), being 1.26 acres ±, and the property of Floyd Properties & Development Inc.

7.08 Uninhabitable Structures Demolition Recommendations - 139 Byrd Street, District 2; 6304 Lynette Circle, District 7; 6335 Applecross Avenue, District 7; 6545 Raeford Road, 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 A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY (139 Byrd Street, PIN 0438-60-6471). ORDINANCE NO. NS2021-022

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 (6304 Lynette Circle, PIN 0407-44-2172). ORDINANCE NO. NS2021-023

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 (6335 Applecross Avenue, PIN 0406-19-0390). ORDINANCE NO. NS2021-024

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 (6545 Raeford Road, PIN 0406-19-0460). ORDINANCE NO. NS2021-025

7.09 Adoption of a Resolution to Rescind Demolition Ordinance - 2016 Ferndale Lane

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2020-019. RESOLUTION NO. R2021-043

7.010 Adoption of Special Revenue Fund Project Ordinance 2021-18 to Appropriate the FY2019 Project Safe Neighborhoods Grant

Special Revenue Fund Project Ordinance 2021-18 to appropriate \$40,820.00 of federal grant funds passed through the North Carolina Gang Investigators Association for items including, but not limited to, the funding of software, supplies, equipment, and community outreach for the purpose of violent crime reduction and enhancing the safety of citizens in the Fayetteville community.

7.011 Adoption of Special Revenue Project Ordinance 2021-19 for a North Carolina Department of Commerce Rural Economic Development Grant for Woodford LLC for its Showcase Restoration, Inc. Project

The City has been awarded a \$55,000.00 Rural Economic Development Grant from the North Carolina Department of Commerce for a Building Reuse grant for Woodford, LLC's Showcase Restoration, Inc. project. The Fayetteville-Cumberland Economic Development Corporation, in partnership with the Economic and Community Development Department, is assisting Woodford, LLC, with funding for a substantial rehabilitation of an existing commercial facility. The company will undertake substantial renovations of its property at 125 Drake Street, and in turn, guarantee the creation of 11 new full-time jobs.

The grant requires that the City provide a 5 percent or \$2,750.00 cash match for the project. Special Revenue Project Ordinance 2021-19 will appropriate \$55,000.00 of grant proceeds, and the City's \$2,750.00 match for the project. At least \$110,000.00 of qualified

project expenditures will have to be made by Woodford, LLC, to qualify for the funding.

7.012 Adoption of Special Revenue Fund Project Ordinance 2021-21 to Appropriate the City's Allocation of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 and Authorization for the City Manager to Execute a Contract for Consulting Services for iParametrics, LLC

CITY OF FAYETTEVILLE RESOLUTION FOR ACCEPTING AMERICAN RESCUE PLAN ACT FUNDS. RESOLUTION NO. R2021-050

Special Revenue Fund Project Ordinance 2021-21 to appropriate \$20,213,769.00 of federal funds received from the U.S. Department of Treasury for the first tranche of the \$40,427,539.00 allocation of Coronavirus State and Local Fiscal Recovery Funds to be received by the City, and authorizing the City Manager to execute a contract with iParametrics, LLC.

7.013 Adoption of Capital Project Ordinance 2021-24 and Special Revenue Fund Project Ordinance 2021-20 to Appropriate Federal Transit Administration Grant NC-2021-023-00 for Transit Capital and Planning Projects

The Federal Transit Administration (FTA) has awarded grant NC-2021-023-00 to the City for public transit projects. Capital Project Ordinance 2021-24 will appropriate \$4,661,125.00 for the grant's capital projects that include six replacement buses for fixed route services; charging infrastructure for battery-electric buses; bus shelters, sidewalks and accessible bus stops along transit routes; vehicle locator equipment for 18 support vehicles; improvements to Transit's maintenance facility; and capital maintenance funding for repair or replacement of major bus components. The funding sources for this appropriation include federal apportionment grant funding of \$2,211,900.00, federal competitive grant funding of \$1,734,000.00, \$459,725.00 of local matching funds, and \$255,500.00 of grant funds from the North Carolina Department of Environmental Quality from the Volkswagen emissions settlement.

Special Revenue Fund Project Ordinance 2021-20 will appropriate \$286,000.00 for a variety of eligible planning tasks and projects. The funding sources for this appropriation include \$228,800.00 of federal grant funding and \$57,200.00 in local matching funds.

7.014 Adoption of Special Revenue Fund Project Ordinances 2022-1 and 2022-2 for the Funding of the CDBG and HOME FY 2021-2022 Programs per the Economic and Community Development Department's Annual Action Plan

The City of Fayetteville is expected to be awarded two grants from the U.S. Department of Housing and Urban Development for Fiscal Year 2021-2022. The Community Development Block Grant (CDBG) and HOME Investment Partnership Grant (HOME) will support activities identified in the Economic & Community Development Department's proposed 2021-2022 Annual Action Plan as approved by City Council on May 3, 2021. Special Revenue Fund Project Ordinances 2022-1 and 2022-2 will appropriate the operating budgets for the CDBG and HOME programs, including the anticipated Federal grant proceeds and program income.

7.016 Adoption of a Resolution Authorizing the Acquisition of a Temporary Construction Easement and Inter Local Agreement with Cumberland County for construction of sidewalk at the North Regional Library

A RESOLUTION AUTHORIZING THE ACQUISITION OF AN EASEMENT TO THE CITY OF FAYETTEVILLE FROM THE COUNTY OF CUMBERLAND FOR THE MCARTHUR ROAD SIDEWALK PROJECT. RESOLUTION NO. R2021-044

7.017 Adoption of a Resolution to appoint Deputy Finance Officers for the purpose of authorizing signing certain purchase orders, contracts and agreements

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING THE ASSISTANT FINANCE OFFICERS AS DEPUTY FINANCE OFFICERS. RESOLUTION NO. R2021-045

7.018 Affordable Housing Study Adoption

Adoption of the Affordable Housing Study. The purpose of conducting the Affordable Housing Study is to help build a more comprehensive understanding of the affordable housing system in the City in order to create a plan to address housing needs and increase more affordable and safe housing opportunities. This report summarizes housing needs, community feedback, and targeted key strategies for recommendation.

7.019 Addition of Certain Streets to the City of Fayetteville System

The Fayetteville street system includes 747.09 center line miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance with the City's standards and can be designated for private or public ownership and maintenance. When streets are constructed to City standards, it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major City streets.

Staff has identified seven recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets. These streets and drainage systems within the street rights-of-way have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 0.72-mile addition will bring the City's street system total to 747.81 miles

7.020 FEMA LOMR Submittal to NCFMP for Locks Creek

Authorizing to move forward with submitting the technical data and mapping of the study to the North Carolina Flood Mapping Program as a request for a Letter of Map Revision (LOMR) or Physical Map Revision (PMR). A LOMR or PMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). A revision to the effective FIRM panel would bring the structures and parcels identified in the flood study into the regulated Special Flood Hazard Area.

7.021 Request to Grant Authority to FPWC's CEO/GM to Grant Easement to Duke Energy Progress (DEP)

RESOLUTION AUTHORIZING GRANTING A UTILITY EASEMENT TO DUKE ENERGY PROGRESS, LLC. RESOLUTION NO. R2021-046

7.022 Request for Legal Representation of City Employee

Authorizing to provide legal representation for Mr. Roberto T. Cain. When the alleged incident occurred, Mr. Cain was acting within the scope and course of his employment with the City.

7.023 Acceptance of the Airport Coronavirus Response Grant Program (ACRGP) Grant Offer and Concessions Relief Addendum

Accepting the Airport Coronavirus Response Grant Program Grant Offer and Concessions Addendum, Grant No. 3-37-0021-049-2021 and 3-37-0021-50-2021 respectively for the Fayetteville Regional Airport, and to authorize the City Manager to execute the ACRGP Grant and Concessions Addendum.

7.024 Award Electrical Installation Contract - Jordan Soccer Complex

Authorizing the City Manager to execute a contract with the lowest responsive, responsible bidder, Walter Holmes Electrical, Inc., in the total amount of \$463,494.00.

7.025 Bid Recommendation - Annual Contract Water and Water Reclamation Treatment Chemicals

Award bids as follows:

1. Univar Solutions USA, Inc., Morrisville, PA, lowest, responsible bidder in the amount of \$474,950.00 for the purchase of approximately 2,300 tons of Caustic Soda (Sodium Hydroxide, 50%).
2. Oltrin Solutions, LLC, Hamlet, NC, the lowest, responsible bidder in the amount \$527,000.00 for the purchase of approximately 7,750,000 lbs. of Sodium Hypochlorite, (15%), approximately 7,750,000 Pounds.
3. Premier Magnesia, LLC, Waynesville, NC, lowest, responsible bidder in the amount of \$549,450.00 for the purchase of approximately 185,000 gallons of Magnesium Hydroxide.
4. Pencco, Inc., San Felipe, TX, lowest, responsible bidder in the amount of \$1,572,000.00 for the purchase of approximately 6,000 tons of Ferric Sulfate Liquid.

7.026 This item was pulled for presentation and separate vote.

7.027 Settlement Agreement - M. M. Smith Storage Warehouse, Inc.

Authorizing the Settlement Agreement with M. M. Smith Storage Warehouse, Inc.

7.026 Waste Management Biweekly Recycling Start Date Amendment

Mr. Daniel Edwards, Assistant Public Works Director - Waste Management, presented this item and stated due to delays in material production and deliveries, Council is asked to adopt an amendment to the Waste Management contract in order to push back the start of biweekly recycling by one month to August 1, 2021. The impact of the postponed biweekly recycling implementation is \$64,334.00.

Discussion ensued.

MOTION: Council Member Kinston moved to approve the change of start date for commencement of biweekly recycling from July 1, 2021, to August 1, 2021.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (8-0)

8.0 LEGISLATIVE HEARINGS

8.01 TA21-005: Text Amendments to Article 30 of the Unified Development Ordinance regarding Donation Boxes.

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated Development Services staff provided research on donation boxes sporadically placed throughout the City on September 8, 2020, at the City Council work session.

Per the Unified Development Ordinance (UDO) definition, a recycling drop-off center is "a small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection trucks."

Recycling Drop-Off Centers a.k.a. "donation boxes" are allowed by land use in Office and Institutional (OI), Neighborhood Commercial (NC), Limited Commercial (LC), Community Commercial (CC), Mixed-Use (MU), Downtown (DT), Limited Industrial (LI), and Heavy Industrial (HI) zoning districts. A Special Use Permit is required in Single-Family 6 (SF-6), Mixed Residential 5 (MR-5), and Manufactured Home (MH) district, according to Table 30-4.A.2. Yet, there is no permitting process under the current City Code. The following additional requirements must be met for a recycling drop-off center:

Section 30-4.C.5.f.5. Recycling Drop-Off Centers

A recycling drop-off center shall comply with the following standards:

- a. The collection bin shall be located in or adjacent to an off-street parking area, and shall not occupy more than five percent of the total on-site parking spaces. The mobility of the collection bin shall be retained.
- b. The bin and adjacent area shall be maintained in good appearance and free from trash.
- c. There shall be no collection or storage of hazardous or biodegradable wastes on the site.

On May 18, 2021, the Planning Commission heard the request for text amendments to Article 30 of the UDO. They unanimously recommended approval of the combination of Options 2 and 3 by a vote of 5 to 0 to establish a new City standard (similar to the City of Winston-Salem) where they are allowed but then no longer permitted when boxes are not kept in good, clean order and prohibit third-party vendors from operating within the city and all to be removed after a designated time. This item was reviewed on June 7, 2021, at the City Council work session. There was no discussion regarding amending the request.

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

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-017

MOTION: Council Member Haire moved to adopt Option 4, approve a combination of options 2 and 3 to establish a new city standard (similar to the City of Winston-Salem) where they are allowed but then no longer permitted when boxes are not kept in good, clean order and prohibit third-party vendors from operating within the city and all to be removed after a designated time; to be effective in 120 days.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

8.02 TA21-006: Text Amendments to Article 30 of the Unified Development Ordinance to permit the reestablishment of Nonconforming Signs.

Ms. Alicia Moore, Planner II, presented this item with the aid of a PowerPoint presentation and stated at the City Council work session on May 3, 2021, City Council directed staff to draft proposed changes to the City Code to allow for the reestablishment of nonconforming signs. Nonconforming signs are signs that were established prior to the adoption of the current City Code, as provided in the Unified Development Ordinance (UDO). Current Code requires that if a

nonconforming sign is destroyed or damaged by more than 50 percent of its value, then it must be removed. This requirement is a function of an express goal stated in the UDO, which is the expeditious elimination of nonconforming signs so that all signs eventually conform to modern standards.

The proposed changes would amend this requirement to allow a nonconforming sign to be rebuilt to its original standards, creating a perpetual exemption from current and any future standards. For approval, the following three options are presented:

- (1) Allow for reestablishment of nonconforming signs in general;
- (2) Allow for reestablishment of nonconforming signs on a case-by-case basis; or
- (3) Increase the "damage threshold" percentage beyond 50 percent.

A legislative hearing was held before the Planning Commission on June 15, 2021. By a vote of 7 to 0, the Commission recommended approval of Option 2 to allow for reestablishment of nonconforming signs, on a case-by-case basis, by allowing damaged or destroyed nonconforming signs to be rebuilt only with a Special Use Permit.

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

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-7, NONCONFORMITIES, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-018

MOTION: Council Member Haire moved to adopt Option 1, General.
SECOND: Council Member Wright
VOTE: PASSED by a vote of 6 in favor to 2 in opposition (Council Members Ingram and Kinston)

8.03 TA21-008: Text Amendments to Article 30 of the Unified Development Ordinance for reconsideration of quasi-judicial decisions.

Ms. Alicia Moore, Planner II, presented this item with the aid of a PowerPoint presentation and stated in general, once a quasi-judicial decision has been rendered, the decision stands and cannot be reconsidered by any board. The exception to this rule is triggered if there has been a material change in relevant ordinance standards or circumstances, such that the application can no longer be considered the same claim. In such case, an applicant can resubmit or submit an amended application for a new decision.

Current City Code impermissibly authorizes reconsideration of quasi-judicial decisions after a one-year waiting period, without regard to material change. The proposed text amendment would change the relevant section of the Code to authorize reconsideration of quasi-judicial decisions only upon a demonstrated material change. This change would align the Code with the applicable North Carolina case law requirements.

The Planning Commission voted unanimously to recommend approval on May 18, 2021, by a vote of 6 to 0.

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

Discussion ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING VARIOUS 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. S2021-020**

MOTION: Mayor Pro Tem Jensen moved to adopt the proposed ordinance.
SECOND: Council Member Davis
VOTE: UNANIMOUS (8-0)

9.0 EVIDENTIARY HEARINGS

9.01 SUP21-02. Special Use Permit to construct a self-service storage mini warehouse at 4209 Bragg Boulevard (REID # 0418557140000), zoned as Limited Commercial (LC), being 4.11 acres ± and being the property of Fluffy, LLC, represented by William Daniel of William G. Daniel & Associates.

Ms. Jennifer Baptiste, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated this application is to request a Special Use Permit to construct a self-service storage mini warehouse on an individual lot. The lot is located south of Bragg Boulevard, north of Legend Avenue and east of Skibo Road. The property is currently zoned Limited Commercial (LC). A Special Use Permit is required to construct a self-service storage mini warehouse in this zoning district.

The applicant is requesting a Special Use Permit to construct a self-service storage mini warehouse on an individual lot on an approximately 4.11-acre lot. According to the site plan submitted, the applicant is proposing to construct a self-service storage mini warehouse on an individual lot. The applicant is proposing a single story building that will total approximately 88,550 square feet and have 544 rental units. Renters will have 24-hour access to the facility via access code. The facility will have two full-time employees that will work 9:00 a.m. to 5:30 p.m., Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturday and Sunday. The site will have paved drives, a minimum of five parking spaces for employees and guests to the office as well as all required lighting and landscaping.

The 2040 Land Use Plan and Map identifies this site as being suitable for High Density Residential developments. However, with overall composition of the area and with Bragg Boulevard being classified as a Major Thoroughfare, this site and the adjacent sites would probably be best suited for commercial development. Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

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

Mr. William Daniel, Civil Engineer for the project, 1150 S.E. Maynard Road, Suite 260, Cary, NC, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

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

Discussion ensued.

MOTION: Council Member Kinston moved to approve the Special Use Permit (SUP) to allow the construction of a self-service storage mini warehouse on an individual lot 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 Limited 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. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is July 8, 2021. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

Statement of Findings of Fact:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (8-0)

10.0 PUBLIC HEARINGS

10.01 Stormwater Variance Request - 1535 and 1541 Purdue Drive

Mr. Byron Reeves, Stormwater Manager, presented this item and stated the owner, HCC Investments, LLC, is proposing to develop an existing residential property located at 1535 and 1541 Purdue Drive. The City's Stormwater Ordinance requires that any redevelopment or addition to existing development that includes more than 5,000 square feet of new impervious area is not exempt from the requirement of providing stormwater management measures. The site currently contains 5,227 square feet of existing impervious area. The proposed development would contain 19,166 square feet of impervious area, an increase of over 5,000 square feet of impervious area, requiring the installation of stormwater control measures. The variance petition has been submitted to request the site be considered as new development, a classification that would allow the addition of up to 20,000 square feet of impervious area without providing stormwater control measures. The proposed 19,166 square feet of impervious surface would be less

than the 20,000 square feet threshold requirement for new development to construct stormwater control measures.

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

Mr. Dale Crawford, 116 N. Cool Spring Street, Fayetteville, NC, appeared in favor and requested Council approve this request.

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

Discussion ensued.

MOTION: Council Member Ingram moved to approve the variance allowing the site to be considered new development.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (8-0)

10.02 Public Hearing to Consider Closing a Portion of an Alley off of Gillespie Street

Ms. Kecia Parker, Real Estate Manager, presented this item and stated N.C.G.S. § 160A-299 gives authority and procedures for the City to be able to close a City street or alley. The City received a petition to close an approximately 4,020.09 square feet portion of an alley off of Gillespie Street from an adjacent property owner. The property owner is preparing to expand his plumbing business by purchasing the property on the southern and eastern sides of the proposed alley closing and the title insurance company is requesting a formal closing of the alley to move the project forward.

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

Mr. George Regan, Attorney representing the business owner, 150 S. McPherson Church Road, Fayetteville, NC, appeared in favor and requested Council approve this request.

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

Discussion ensued.

A RESOLUTION AND ORDER CLOSING AN ALLEY OFF GILLESPIE STREET. RESOLUTION NO. R2021-047

MOTION: Council Member Ingram moved to adopt the Resolution and Order for closing an alley off Gillespie Street.

SECOND: Council Member Haire

VOTE: UNANIMOUS (8-0)

10.03 Three Street Renaming Petitions for Consideration

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated the County's staff received three requests for renaming the streets within the City Limits of Fayetteville. All property owners were notified and given the opportunity for input on the respective road name changes.

An analysis of each of the proposed renaming of streets is provided. County staff recommends approval of all.

SN21-005. Renaming of Unnamed Street to Tiger Avenue:

Due to a City of Fayetteville road project, Legend Avenue has been realigned to go straight out to US 401 to intersect with the traffic signal at Walmart on Skibo Road. With the implementation of the Next Gen E911 standards you can't have two streets with the same name. County staff contacted the owners of all the

parcels that abut the old portion of Legend Avenue. Owners were given the chance to suggest their own name or pick from a list of county approved names. Six property owners were contacted, Tiger Avenue received the majority vote.

SN21-006. Renaming of a portion of Sandy Valley Road to Bishop TJ Bethea Road:

County staff received a request from Gospel Missionary Church to rename a portion of Sandy Valley Road to Bishop TJ Bethea Sr. Road. Bishop Bethea has been an integral part of the community and has hosted numerous community events. They would like to honor him with this request. County staff contacted the owners of the parcels that abut the portion of Sandy Valley Road. Nine property owners were contacted, the majority agreed.

SN21-007. Renaming of Princeton Street to Moose Butler Lane:

County staff received a request from Larry E. Chason to rename Princeton Street to Moose Butler Lane. Princeton Street currently serves three parcels that belong to Massey Hill Baptist Church. Moose Butler has attended Massey Hill Baptist Church for 60 years. He grew up in the Massey Hill Community and served as Sheriff for Cumberland County for 22 years. He was married in Massey Hill Baptist Church and graduated from Massey Hill High School. Massey Hill Baptist Church is in full agreement with the name change.

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

Discussion ensued

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO RENAME A PORTION OF LEGEND AVENUE TO TIGER AVENUE. ORDINANCE NO. NS2021-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO RENAME A PORTION OF SANDY VALLEY ROAD TO BISHOP T J BETHEA SR ROAD. ORDINANCE NO. NS2021-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO RENAME PRINCETON STREET TO MOOSE BUTLER LANE. ORDINANCE NO. NS2021-028

MOTION: Council Member Ingram moved to adopt the three street renaming ordinances.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

11.0 OTHER ITEMS OF BUSINESS

11.01 Americans with Disabilities Act - Transition Plan

Mr. Brook Redding, Assistant to the City Manager, presented this item and stated the Americans with Disabilities Act (ADA) regulates programs, activities, and services provided by state and local governments. The City of Fayetteville has followed Title II of the ADA to complete the public participation phase of the ADA Transition Plan.

Through May and June 2021, City staff conducted three public webinars, three briefs to Community Watch groups, and a presentation of the ADA Transition Plan to students and faculty of Methodist University. The comments and feedback of the public have been consolidated into the ADA Transition Plan. The Transition Plan is now complete and presented to the City Council for adoption.

Discussion ensued.

MOTION: Council Member Wright moved to adopt the Americans with Disabilities Act Transition Plan as presented.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (8-0)

11.02 Authorization of Homeless Day Resource Center and Emergency Shelter Property Acquisition and Approval of Design Contract

Mr. Chris Cauley, Economic and Community Development Director, presented this item with the aid of a PowerPoint presentation and stated Hurricane Matthew hit central and eastern North Carolina on October 8 and 9, 2016, and caused devastation to the people, infrastructure, businesses, and schools of entire communities. The President of the United States of America declared the area a major disaster on October 9, 2016, and request for Federal Aid was granted on October 10, 2016. Funds were awarded to the State through the CDBG-DR program and \$3.99 million was allocated to the Homeless Day Resource Center and Emergency Shelter project.

The City awarded a contract to IBI Group, Inc., for feasibility and site selection. The City is now required to award the full design contract for the project.

The City Manager was authorized in closed session on August 5, 2020, to begin negotiations with the seller of the proposed site. An exclusive Option to Purchase was entered into on April 1, 2021, in the amount of \$750,000.00 which was approved by North Carolina Office of Recovery and Resiliency (NCORR). An agreement has been reached and NCORR has indicated that the property will move forward. The next step in moving the project forward is getting a resolution authorizing the City Manager to move the purchase forward and execute all the documents required.

The relationship of the Federal, the State, and the City governments creates additional process steps that are required by each agency and by the specific enabling legislation for the funds being utilized for the project. NCORR has some final paperwork and approvals before the City finalizes purchase but Council approval will enable the City Manager to move forward expeditiously. Further, delaying approval of the Design Contract presented may result in a delay of the initiation of the planned bid process for the project. Any delay to the project timeline may result in increased construction costs as prices rise.

The capital construction of this project is funded by a grant from the Department of Housing and Urban Development and administered by the North Carolina Office of Resiliency and Recovery.

Discussion ensued.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY FOR A DAY RESOURCE CENTER. RESOLUTION NO. R2021-048

MOTION: Council Member Banks-McLaughlin moved to adopt the resolution authorizing the City Manager to acquire real property and approve the award of, and authorize the execution of, the design contract to IBI Group, Inc.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (8-0)

11.03 Adoption of Resolution Making the Cumberland County Animal Services Ordinance Applicable Within the City of Fayetteville

Ms. Karen McDonald, City Attorney, presented this item and stated in 2012, the City Council repealed the animal control services ordinance from the Fayetteville City Code and by resolution made the County's Animal Control Ordinance applicable within the municipal

limits of Fayetteville. This ensured the standards were the same within the unincorporated areas of the County and within the municipal limits of Fayetteville and alleviated confusion regarding enforcement.

On June 7, 2021, the Cumberland County Board of Commissioners repealed the County's former animal control ordinance and re-enacted Chapter 3, Animals, of the Cumberland County Code, an Animal Services Ordinance for Cumberland County. This ordinance establishes a comprehensive program designed to address animal control services in Cumberland County and its municipalities. It is beneficial to the City of Fayetteville and its citizens to participate in this comprehensive plan for the provision of animal control services within its corporate limits. City staff is providing for Council's consideration the County's re-enacted Chapter 3, Animals, of the Cumberland County Code and a proposed resolution making the County's re-enacted Chapter 3 applicable within the municipal limits of Fayetteville

Ms. Elaine Smith, Director of Animal Services, Cumberland County, stated the City of Fayetteville falls within Cumberland County regarding Animal Services enforcement issues.

Ms. Karen McDonald, City Attorney, stated roosters will be prohibited within the City limits, as will pigs, hogs and swine be also prohibited.

A RESOLUTION OF THE GOVERNING BOARD OF THE CITY OF FAYETTEVILLE, PURSUANT TO N.C.G.S § 153a-122, MAKING THE ANIMAL SERVICES ORDINANCE, CHAPTER 3, ANIMALS, OF THE CUMBERLAND COUNTY CODE, APPLICABLE WITHIN THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2021-049

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS REPEALING CHAPTER 3, ANIMALS, OF THE CUMBERLAND COUNTY CODE AND ADOPTING A REVISED CHAPTER 3, ANIMALS, OF THE CUMBERLAND COUNTY CODE. ORDINANCE NO. S2021-009

MOTION: Council Member Davis moved to adopt the amended ordinance, as presented, to be effective July 1, 2021.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

11.04 Selection of Redistricting Consultant

Ms. Karen McDonald, City Attorney, presented this item and stated after each decennial census, local governments that elect some or all of their members using districts are required to redistrict in order to ensure the districts are relatively equal in population. The Census Bureau is expected to release block-level redistricting counts from the 2020 Census in mid-August 2021. The full set of data will be released by the end of September 2021. The City Council will use the new data to determine if population imbalances exist among the current nine single-member districts. If population imbalances exist, then state law authorizes the City Council to revise the district boundaries to correct the population imbalances.

Although the data will not be released until September, in the interim the selected consultant can begin reviewing the current data to determine where the population imbalances exist. The consultant can also begin working with the members of City Council on understanding the redistricting process. Finally, the consultant can meet with the City Council to understand their priorities and adopt criteria to guide the redistricting process.

Because of the delay in the receipt of the census data, the City Council's election has been delayed and the time to redistrict has been compressed. Hence, it is important for the City Council to select a consultant in order to begin the process.

MOTION: Council Member Kinston moved to approve selecting Parker Poe Redistricting Services, with a payment cap of \$26,000.00.

SECOND: Council Member Ingram

VOTE: FAILED by a vote of 3 in favor to 5 in opposition (Council Members Colvin, Jensen, Haire, Davis, and Wright)

MOTION: Council Member Wright moved to approve selecting Local Redistricting Service.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 6 in favor to 2 in opposition (Council Members Ingram and Kinston)

11.05 Mable C. Smith Park Improvements

MOTION: Council Member Wright moved to direct the City Manager to move forward with plans for a Community Building for the Mabel C. Smith Park and additional improvements for the park and to bring back costs at the August work session.

SECOND: Mayor Pro Tem Jensen

VOTE: PASSED by a vote of 6 in favor to 2 in opposition (Council Members Ingram and Davis)

12.0 ADMINISTRATIVE REPORTS

12.01 PWC Resolution # PWC2021.22 - Authorizing the Condemnation of Easements and Delegation of Real Estate Acquisition Authority to the GM

This item was for information only and was not presented.

13.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:44 p.m.