

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
FAST CONFERENCE ROOM, 505 WINSLOW STREET  
OCTOBER 4, 2021  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (arrived 5:05 p.m.); Shakeyla Ingram (District 2) (via zoom); Tisha S. Waddell (District 3) (via zoom) (departed 5:53 p.m.); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8) (arrived 5:19 p.m.); Yvonne Kinston (District 9)

Others Present: Karen McDonald, City Attorney  
Telly Whitfield, Assistant City Manager  
Jay Toland, Assistant City Manager  
Adam Lindsay, Assistant City Manager  
Gina Hawkins, Police Chief  
Sheila Thomas-Ambat, Public Services Director  
Gerald Newton, Development Services Director  
Chris Lowery, Strategic Performance Analytics Manager  
Angela Schweibinz, Senior Corporate Performance Analyst  
Alicia Moore, Senior Planner  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order at 5:00 p.m.

**2.0 INVOCATION**

The invocation was offered by Council Member Wright.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Haire moved to approve the agenda.  
**SECOND:** Council Member Davis  
**VOTE:** UNANIMOUS (8-0)

**4.0 OTHER ITEMS OF BUSINESS**

**4.01 Public Works Commissioner Interviews**

Council interviewed two PWC applicants: Ms. Alisa Debnam and COL (R) Donald Porter at the October 4, 2021, work session, beginning at 5:00 p.m. Both applicants provided opening statements, followed by a question and answer session. At the conclusion of the interviews, Mayor Colvin announced the item to appoint a PWC applicant to the Public Works Commission will be moved forward to the October 11, 2021, regular City Council meeting agenda.

Council Member Waddell requested to be formally excused from the remainder of this meeting.

**MOTION:** Council Member Haire moved to excuse Council Member Waddell for the remainder of this meeting.  
**SECOND:** Council Member Kinston  
**VOTE:** UNANIMOUS (10-0)

**4.02 Police Officer and 911 Telecommunicator Compensation Presentation**

Mr. Jerry Clipp, Human Resources Development Director, presented this item with the aid of a PowerPoint presentation and stated in an

effort to be more competitive with local Sheriff's Offices and other law enforcement agencies, staff has developed recommendations for changes to police officer and 911 telecommunicator salary step plans.

Law enforcement agencies across the country are experiencing difficulties with the recruitment and retention of qualified public safety staff--primarily police officers and 911 telecommunicators. Last year, the Council authorized adjustments to the police officer salary step plan, bringing the entry level salary to \$38,000.00. This, along with other incentives, has eased some of the hiring challenges, however, current police officer and 911 telecommunicator vacancies remain higher than normal. Fayetteville Police Department (FPD) staffing levels fluctuate between 40 and 55 vacant officer positions, and between 7 and 10 vacant 911 telecommunicator positions.

Staff recommends increasing the starting salary for officers and telecommunicators, as well as adjusting the steps in the pay plans to account for compression issues.

An analysis of police officer pay plans offered by other law enforcement agencies has been conducted by City staff, and indicates that the City's current pay structure for officers is below that of our peer jurisdictions. This lag in compensation impedes FPD's efforts at recruitment and retention of key public safety positions. Staff anticipates the annual budget impact to be at least \$1.52 million. Funding for the current fiscal year would be provided by salary savings that result from the vacant positions and General Fund fund balance.

Mr. Jay Toland, Assistant City Manager, stated this will be a recurring cost; we will need to identify other revenue sources.

Discussion ensued.

**Unanimous consensus of Council was to direct staff to implement the recommended pay plan changes for police officers and 911 telecommunicators as presented, to be effective January 1, 2022.**

#### **4.03 Scheduled verses Routed collections for Bulky and Limbs for service levels that represent consistency, predictability and enforceability**

Mr. Daniel Edwards, Assistant Public Services Director, presented this item and stated staff is seeking concurrence from the City Council on modifying the bulky and limb service levels to either scheduled or routed collections and to inform Council on Solid Waste (SW)/Right-of-Way (ROW) enforcement. It is essential to note the options presented to Council will bring consistency, predictability, and enforceability to bulky and limb collections.

On October 12, 2020, the SW Division discussed with Council how the SW ordinance, service levels, and other considerations regarding municipal SW collection operations needed revisions. The SW Division emphasized how the City of Fayetteville has endured a steady increase of blight and non-compliant code violations, litter, illegal dumping, and other public nuisances regarding blight and trash. Also highlighted was Chapter 22, Solid Waste, which had not been updated in several years. The ordinance lacks the definition of clearly defined processes and procedures used by the Division. Additionally, the ordinance does not clearly describe customer type, services, and code enforcement. The SW Division recommended to Council to revise Chapter 22 of the City Code to be presented to Council for discussion and approval.

To aid in the ordinance revisions, the SW Division contracted the consulting services of GBB to provide recommended revisions to the SW ordinance in February 2021. They submitted their final revised ordinance draft on May 28, 2021. Before the revised ordinance is

presented to Council, the SW Division seeks guidance for bulky and limb collections and the SW/ROW enforcement process.

SW had minimum ROW enforcement capabilities before the RAPID Team was approved and implemented due to a lack of clarity in the SW ordinance. SW was limited to the process of a crew member or supervisor tagging a violation and administration staff sending a letter to the location of the violation. After the letter, there is no process to ensure residents abate or pay the cost of the City's staff collecting items. City staff would eventually pick up the materials at the curb with no fines or penalties to the resident or owner.

Residents are required, by City ordinance, to schedule bulky and limb collections. Scheduling occurs by FayFixIt or by residents calling the Call Center for bulky. Several years ago, due to service level concerns of scheduled limb collections not meeting service level expectations, the City moved from scheduled limb collections to a discovery mode of limb collections. Currently, residents will put their items to the curb without scheduling pick up, and it becomes the responsibility of the City to discover and collect them. The discovery or Pick-It-Up methods are not consistent, predictable, or enforceable.

The FY 21 year-end reports showed that the number one request to the Call Center was free bulky pickup requests. The bulky request was 45 percent of their calls with limb collection information/missed limbs combined was only 8 percent. Yet when the SW's supervisors conducted Survey 123, driving the ten yard-waste routes to identify limb stops, the supervisors identified over 1,200 limb collection points over three weeks.

SW looked at five cities (Winston-Salem, Greensboro, High Point, Durham, and Raleigh) to compare services. The peer comparison showed that Fayetteville's service levels are equal to or more than the presented peer cities. The budget impact will be based upon the chosen option of Council. Options for Council to consider for bulky and limb collections are as follows:

1. Scheduled (On Demand) Collections for Limbs
2. Every Six Week Collections for Limbs
3. Every Other Week Collections for Bulky and Limbs
4. Every Week Collections for Bulky and Limbs
5. Peer City Options
6. Decline to take action at this time

Staff recommend Option 3: Every Other Week Collections for Bulky and Limbs.

Discussion ensued.

**Unanimous consensus of Council was to direct staff to follow through with Option 3, to include the purchase of four (4) knuckle boom trucks and hire two (2) additional staff (drivers); at the discretion of the Department leadership. Budget Ordinance Amendment to be brought to City Council at the next regular meeting for formal adoption.**

#### **4.04 "Can Do" Branding Flag and Seal Options - North Star Place Branding + Marketing**

Mr. Patrick Golden presented this item with the aid of a PowerPoint presentation and stated North Star Place Branding + Marketing, a leader in place branding, worked with the Fayetteville Cumberland Collaborative Branding Committee (FCCBC) to develop and launch the new regional brand and the rebrand of the City Seal and City Flag is an extension of that same effort and part of the next phase of rebranding.

The City's "Can Do" brand, launched in December 2020, was based on extensive market research, which included in-depth interviews and surveys with nearly 4,000 Fayetteville residents, visitors and civic leaders. The research helped define consumer perception, stakeholder vision and Fayetteville's competitive position as a place to live and work.

To ensure that diverse perspectives were represented from the start, the FCCBC arranged for North Star to meet with a broad range of interview and focus group participants. They sought input from young leaders, major employers, military families, municipal leaders, and entrepreneurs, as well as representatives from the education, business, arts, and faith communities.

The City Seal and City Flag rebranding is a critical part of the rebranding process. The current City Seal and City Seal designs incorporated Market House imagery and it is recommended that both adopt the new look and feel of the City's "Can Do" branding for consistency. North Star does not recommend having a City Song.

Discussion ensued.

**Unanimous consensus of Council was to direct staff to return this item to Council with additional options.**

#### **4.05 QuEST Code Enforcement Violation Compliance Times - Strategies to Improve Times**

Mr. Chris Lowery, Strategic Performance Analytics Manager, presented this item and stated City Council directed staff to research and present strategies to help improve the compliance times of Code Enforcement violation cases.

Using the QUEST project process and methodology, the Strategic and Performance Analytics team along with Code Enforcement, Development Services Leadership, Solid Waste and City Attorney's Office staff developed strategies to address the time to compliance for Code Enforcement violations. Peer City average number of residents per case was 26.5 with Fayetteville posting 13.3. This illustrates that Fayetteville is more aggressive with code enforcement and/or that the City has a larger issue with citizens complying with the City code.

Code Enforcement staff provided overviews on violation cases, average number of days cases are open, types of violations, environmental court, Fay-Fix-It, substandard structures, sign and fence violations, illegal dumping.

Discussion ensued.

Mayor Colvin stated this is a management item; not for Council to vote on, this is for the City Manager.

No consensus vote was taken on this item.

#### **4.06 TA21-009 thru -015: Seven (7) Proposed Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments)**

Ms. Alicia Moore, Senior Planner, presented this item and stated generally twice per year, professional staff of the Development Services Department proposes a batch of seasonal text amendments to adjust the UDO. The aim of the amendments is to ensure that the City's regulations reflect modern development standards and preference. These suggested amendments are identified issues from the development community, statutory changes and mandates, and case law implications. The reason to limit the potential amendments is a combination of staff and City Council time spent on the items to fully vet items for consideration. The following are the proposed text amendments:

TA21-009: Self-Storage (mini-warehouse) Standards: The purpose of the proposed changes is to reduce the number of SUP applications, and to decrease the amount of space taken up by self-storage facilities by updating the applicable standards to accommodate vertical development. The changes will split self-storage facilities into two types: "internal access only" and "external/internal access" facilities, with the former type allowing access to units only by interior corridors, and the latter type allowing access to the units either externally or by interior corridors. The definitions will be updated to reflect the two different types, and the requirements will be specific to each type. For "internal access only" facilities, the lot size requirement will be reduced and the height restrictions removed (subject only to the dimensional requirements of the applicable zoning district) to allow for taller, less sprawling facilities, which would more closely resemble office buildings. Parking lots will have a lower number of required parking spaces but will require loading/unloading zones. The "internal access only" use will be permitted as-of-right in LC, CC, MU, LI, and HI zones. For "external/internal access" facilities, the SUP requirement will be removed in CC and MU zones, and facilities will be permitted in HI zones, where they are currently prohibited.

- Sections: 30-4.A.2 Use Table; 30-4.C.4.j Use Standards; 30-5.A.4.b Parking Table; 30-5.A.10 Loading Space Standards; 30-9.D Definitions

**Consensus of Council was to move this text amendment forward.**

TA21-010: Open Space Dedication (Bonus and Incentives): The proposed changes will update the tree-planting requirements to allow trees to be planted around the pond instead of in the shelf of the pond. This change is necessary to accurately reflect stormwater regulations and enforcement policy.

- Section: 30-5.C.4 Development Standards

**Consensus of Council was to move this text amendment forward.**

TA21-011: Accessory Uses on Large Residential Lots: The proposed changes will allow proportionately larger accessory structures to be built on residential lots that are greater than one acre in size. The changes are in response to the high number of variance applications by owners of larger residential lots requesting additional square footage for accessory structures.

Current regulations set the maximum square footage at 25 percent of the allowable lot coverage or 1,500 square feet, whichever is less, and require that the accessory structure is smaller than the principal structure. Under the proposed changes, an exception will be created for lots at least one acre in size to allow for larger accessory structures with more flexible setback requirements.

On these larger lots, the allowable square footage for accessory structures will be increased to 2,000 square feet, with an additional 250 square feet allowed for each additional half acre in lot size. (For example, a 1.5-acre lot would be allowed to have a 2,250 square foot accessory structure, and a two-acre lot would be allowed to have a 2,500 square foot accessory structure.) Setbacks for accessory structures will be subject only to the setback requirements of the principal structure, or five feet if adjacent to a business district. The requirement that an accessory structure must be smaller than the principal structure will be removed.

- Sections: 30-4.D.3.w. Specific Standards for Accessory Uses; 30-3.D.2. SF-15 Dimensional Standards; 30-3.D.3.

SF-10 Dimensional Standards; 30-3.D.4. SF-6 Dimensional Standards; 30-3.D.5. MR-5 Dimensional Standards; 30-9. Definitions

Consensus of Council was to move this text amendment forward.

TA21-012: Residential Density per Acre in MR-5 and CC Zoning Districts: The proposed changes will resolve inconsistencies under current regulations by increasing the allowable residential units per acre (density) and height limits in higher intensity zoning districts, which are currently more restrictive than in lesser intensity zones. Under current density regulations, Limited Commercial (LC) zones (intended for medium intensity uses) are allowed 24 residential units per acre; but Community Commercial (CC) zones (medium-high intensity) are allowed only 12 units per acre, and Mixed Residential (MR-5) zones (medium-high intensity) are allowed only 18 to 20 units per acre. These density restrictions are inconsistent with the zones’ stated intensity purposes. The proposed changes will resolve this inconsistency by increasing the density allowances in MR-5 and CC zones to match that of LC zones, specifically increasing the density in CC zones to 24 units per acre, and increasing the density in MR-5 to 24 units per acre where the property abuts a collector or arterial street and increasing the building height maximum from 60 feet or four stories to 75 feet or six stories (consistent with CC zones).

- Sections: 30-3.E.5. CC Dimensional Standards; 30-3.D.5. MR-5 Dimensional Standards

Consensus of Council was to move this text amendment forward.

TA21-013: Special Use Permits (SUPs) in the Use Table. The proposed changes will remove the SUP requirement for seven uses in certain zoning districts. The SUP requirement will be removed for the following uses and zoning districts:

| Use                               | Zoning District            |
|-----------------------------------|----------------------------|
| Dwelling, single- family detached | Mixed-Use (MU)             |
| Dormitory                         | Mixed-Residential 5 (MR-5) |
| Golf course, private              | Mixed-Use (MU)             |
| Laundromat                        | Mixed-Residential 5 (MR-5) |
| Personal services establishment   | Mixed-Residential 5 (MR-5) |
| Convenience store, w/o gas sales  | Mixed-Residential 5 (MR-5) |
| Drug store, w/o drive through     | Mixed-Residential 5 (MR-5) |

In MR-5 districts, the above uses will only be allowed on parcels abutting and accessed by a Major, Arterial, or Collector Street, as defined in Section 30-9, Definitions. The City's MR-5 districts are unique because they are the only residential districts that allow for small-scale retail and service establishments. Therefore, this requirement will promote harmonious development by ensuring that any such establishment is located on main corridors, not in the middle of residential subdivisions.

- Section: 30-4.A.2 Use Table
- In addition, TA21-009 Self-Storage (mini-warehouse) Standards, described above, will remove the SUP requirement for facilities in CC and MU zones.

Consensus of Council was to move this text amendment forward.

TA21-014: Nonconformities. This amendment is being proposed to address issues that arose during the implementation of certain Code sections that deal with landscaping requirements on nonconforming sites less than two acres, and which were amended by the UDO Task Force in June 2020. The amendment would adjust the standards for adding missing landscaping on non-conforming site for (1) interior remodeling of buildings when a building permit is required; and (2) multi-tenant structures existing on one parcel, on sites two acres or less. This item is for discussion to consider some equitable adjustments to changes made one year ago regarding how nonconforming landscaping improvements happen over time and implications on redevelopment properties. Many sites that developed before the adoption of the current Code are legal "nonconforming" uses due to greater landscape, buffer, or parking requirements that were subsequently implemented into the current Code. When a legal nonconforming site of less than two acres requires a building permit for interior or exterior remodeling, the Code requires the owner to pick from a list of landscaping options to bring the site into compliance with the current landscaping standards. Over time, the site will meet all landscaping standards each time a new building permit is obtained. The issue is there is a reduced rational nexus of the landscaping requirement as repeated building permits are secured over time. Essentially, the most difficult and costly missing landscape features are placed on the later businesses needing a building permit regardless of their impact or project cost. These sections dealing with sites two acres or less are triggered by the need for a building permit, and not by a threshold percentage of remodeling cost to building value, as they were prior June 2020 amendment and as required for sites over two acres. In turn, many businesses have been required to install landscaping costing more, and, in some cases, a lot more, than the building remodeling costs. The proposed amendment would change the trigger to a threshold percentage, which would be that the remodeling cost is more than 25 percent of the fair market or assessed value of the structure (at the applicant's option). This change would bring the requirement in line with sites larger than two acres.

Next, the proposed amendment adds clarifying language and updates the landscaping options and requirements. In commercial parking lots, the current Code requires the installation of a landscape island, which must be planted with one understory tree or ten shrubs, at the end of each row of parking spaces. The purpose of a landscape island is to support environmental sustainability (by supporting flood drainage and decreasing urban heat islands), as well as to enhance the appearance of parking lots, which increases commercial activity and property values. The current required minimum size is 9 feet by 18 feet (162 square foot rectangle), which is based on the dimensions of a standard parking stall. The proposed amendment would change the required minimum size to 180 square feet, without regard to a specific length, width, or shape. This proposed size is based on the minimum required planting area for an understory tree, as provided in Section 30-5.B, Landscaping and Tree Protection Standards, which states, "Based on arboricultural research . . . [a]n understory tree may be planted in 180 square feet of area" (§ 30-5.B.3.e.3, Minimum Planting Area). In addition to promoting consistency within the Code, the requirement of 180 square feet allows for any shape, thereby increasing flexibility and customization in parking lot design. The attached photo of a parking lot at the Cross Creek Mall illustrates a variety of landscape island shapes, all of which would comply with the proposed requirement (180 square feet), but which may not comply with the current requirement (9 x 18 ft.).

In addition, the proposed amendment adds a new subsection that addresses physically constrained lands, requiring compliance to the maximum extent practicable, with the first objective being public safety and buffering issues.

- Sections: 30-7.F.1.c. Nonconforming Sites, Interior and Exterior Remodeling of Buildings on Sites Two Acres or Less; 30-7.F.2. Additions and Expansions on Sites Two Acres or Less; 30-7.F.3 Nonconforming Sites, Changes in Use

**Consensus of Council was to direct staff to remove the compliance trigger of 25 percent remodeling cost, and to move this text amendment forward.**

TA21-015: Regulation of Signs - Political Signs in Right-of-Way:  
Last year, the City Council temporarily suspended the enforcement of the City's sign regulations as it applied to political signs in public streets' right-of-way (R.O.W.), pending an amendment to move closer to the State's provisions, which are found in the North Carolina General Statutes (NCGS) § 136-32(b) Compliant Political Signs Permitted. The City's regulations are more restrictive and prohibit political signs along City streets. Under the State's standards, political signs are allowed along the street within a certain time before and after a voting period and under specified conditions. Signs that remain in the R.O.W. 30 days after the specified time are deemed unlawful and can be removed and disposed of by anyone. The proposed amendment would change the City's regulations of political signs to follow the State's standards. Other types of non-political signs in the R.O.W. will continue to be removed under the City's sign ordinance. The changes remove "Additional Requirements," the current "Maximum Copy Area," and "Maximum Height if Freestanding" and replace those standards with those in NCGS § 136-32 for political signs.

- Table: 30-5.L.6: Signs Allowed Without a Permit

**Consensus of Council was to move this text amendment forward.**

#### **4.07 City Council Agenda Item Request - Homeless Shelter - Council Member Banks-McLaughlin**

Council Member Banks-McLaughlin stated she is asking for Council support to use ARPA funding for building a Homeless Shelter.

**Consensus FAILED. Council Members Colvin, Jensen, Haire, Dawkins, Davis, and Wright were in opposition.**

#### **4.08 City Council Agenda Item Request - Civil War Reconstruction Museum - Council Member Banks-McLaughlin**

Council Member Banks-McLaughlin stated she is asking for Council support to not provide any funding towards the proposed Civil War Reconstruction Museum.

Mr. Jay Toland, Assistant City Manager, confirmed that no funds had been expended for the proposed Civil War Reconstruction Museum.

**Consensus FAILED. Council Members Colvin, Jensen, Haire, Dawkins, Davis, and Wright were in opposition.**

#### **4.09 City Council Agenda Item Request - Eliminate any funding towards the Market House repurposing - Council Member Banks-McLaughlin**

Council Member Banks-McLaughlin stated she is asking for Council support to not provide any funding towards the Market House repurposing.

Mr. Jay Toland, Assistant City Manager, clarified that Council had directed Human Relations staff to work with the Department of Justice using the SPIRIT model. The SPIRIT group will be meeting on October 12, 2021.



**Consensus FAILED. Council Members Colvin, Jensen, Ingram, Haire, Dawkins, Davis, and Wright were in opposition.**

**4.010 City Council Agenda Item Request - Reduction of Assessment Fee - Council Member Banks-McLaughlin**

Council Member Banks-McLaughlin stated ARPA funds can be used for this request. Mayor Colvin stated this type of request needs to be sent to the ARPA Infrastructure Committee.

**Consensus of Council was to send this request to the ARPA Infrastructure Committee.**

**4.011 City Council Agenda Item Request - CAN DO anything if we get back to work - Mayor Colvin and Mayor Pro Tem Jensen**

Mayor Colvin stated he is pulling this item from the agenda to send back to the City Manager.

**4.012 City Council Agenda Item Request - Feather Signs - Mayor Colvin**

Mayor Colvin stated he is seeking Council consensus to direct staff to revise/expand the sign ordinance to permit "feather signs". Mayor Colvin provided examples of feather signs by including photographs in the agenda packet.

**Consensus of Council was to direct staff to amend the sign ordinance to allow "feather signs".**

**4.013 City Council Agenda Item Request - Temporary Storage Ordinance - Mayor Colvin**

Mayor Colvin stated he is seeking Council consensus to direct staff to pause the restrictions on temporary storage units for a period of six months. Many residents have been displaced during the COVID pandemic, there have been evictions and the rental market is currently tight.

**Consensus of Council was to direct staff to facilitate allowing temporary storage units for a period of up to six months.**

**5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:43 p.m.