

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
MARCH 23, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Assistant City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeff Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Sheila Thomas-Ambat, Public Services Director
Gerald Newton, Development Services Director
Loren Bymer, Marketing/Communication Director
Kecia Parker, Real Estate Manager
Craig Harmon, Senior Planner
Chester Green, Senior Planner
Pamela Megill, 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 Pastor Chris Autry, Temple Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Colvin announced Council Member Haire is absent for this meeting as he is attending a Community Watch meeting.

Council Member Benavente announced the start of Ramadan and extended "Ramadan Mubarak" to the Muslim Community in honor of the beginning of Ramadan.

Council Member Jensen announced Greek Independence Day will be held on March 25, 2023.

Council Member Hondros announced the Public Works Commission Day celebration was taking place on March 24, 2023, from 10:00 a.m. to 8:00 p.m. at Skyview, 121 Hay Street. Admission is free and open to the public.

5.0 CITY MANAGER REPORT

There was no report for this meeting.

6.0 APPROVAL OF AGENDA

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

7.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda with the exception of Items 7.03 and 7.09; pulled for presentation and separate vote.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (9-0)

7.01 Approval of Meeting Minutes:

March 6, 2023 - Work Session

March 13, 2023 - Discussion of Agenda Items

March 13, 2023 - Regular

7.02 P23-08. Rezoning from Single-Family Residential 10 (SF-10) to Office & Institutional (OI) for property located at 3017 Ramsey Street (REID # 0439614406000), totaling 0.46 acres ± and being the property of Paul and Theresa Williams, represented by Greg Spears of Grant Murray Real Estate LLC.

7.03 This item was pulled for presentation and separate vote.

7.04 Adoption of Budget Ordinance Amendment 2023-15 (Carryover of Encumbered, Assigned and Donated Funds from Fiscal Year 2022 and Other Items) and Adoption of Related Capital Project Ordinance 2023-16 and 2023-17

Budget Ordinance Amendment (BOA) 2023-15 will appropriate \$6,465,770.00 across several annually budgeted funds for outstanding purchase orders and contracts at the close of the fiscal year 2021-2022 (FY22) and \$25,356.00 for unspent donation proceeds. These appropriations are to be funded through fund balance or net asset appropriations for the various funds.

The BOA will also appropriate \$6,857,690.00 for specific items for which funding was assigned (designated) for the General Fund on financial statements at the close of FY22, \$107,000.00 for replacement vehicles for the County Parks and Recreation District from fund balance restricted for the District at the close of FY22, and \$2,286,039.00 for Fire Department equipment replacements which were pre-paid during FY22 and will be recorded as expenditures in FY23. Funding for these expenditures was included or available in the General Fund FY22 budget. These appropriations are to be funded by an appropriation from the General Fund fund balance.

The BOA will also transfer \$350,111.00 of FY23 expenditure appropriations from the Operations portfolio to the Support Services portfolio, as the Real Estate Division transferred these funds from Public Services to the City Attorney's Office.

In addition, the BOA includes an increased appropriation of \$138,865.00 for the financial plan for the Fleet Maintenance Internal Service Fund, to fund expenditures to complete the Fleet specific software implementation. This appropriation is to be funded through anticipated overhead allocations to user departments, and as such, other funds have offsetting appropriation increases included in designated funding appropriations above.

In addition, Council is asked to adopt a related Capital Project Ordinance 2023-16 to appropriate \$100,000.00 designated for maintenance projects to address safety and function improvements at various fire stations and for a shoreline power circuit for the Urban Search and Rescue (USAR) trailers. Council is also asked to adopt the related Capital Project Ordinance 2023-17 to appropriate \$100,000.00 designated for the improvements of pickle ball courts at Massey Hill Recreation Center and Rowan Park

7.05 Adoption of Budget Ordinance Amendment 2023-14 for Administrative Correction of Budget Ordinance Amendment 2023-6 for Federal Transit Administration Grant NC-2022-059-00

Council is asked to adopt Budget Ordinance Amendment (BOA) 2023-14 to correct a clerical error. On October 10, 2022, City Council adopted Budget Ordinance Amendment (BOA) 2023-6 to appropriate \$504,900.00 of required local grant match for the Federal Transit Administration Grant NC-2022-059-00. Through a clerical error, the BOA inadvertently stated a General Fund fund balance appropriation to the Operations Portfolio instead of Other Appropriations and omitted the Interfund Transfer to the Transit Fund. This agenda item provides a corrected presentation of BOA 2023-6 through BOA 2023-14 effective with the original amendment adoption date of October 10, 2022

7.06 Fayetteville Forward Bond - Public Infrastructure - Resurfacing of Various

Approval of the proposed list of various streets to be resurfaced utilizing General Obligation Bond Funding.

**7.07 Uninhabitable Structure Demolition Recommendation
5017 Collins Street - District 4**

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-005

7.08 Reinstatement of Membership to Mid-Carolina Regional Council

RESOLUTION TO BECOME A MEMBER OF MID-CAROLINA REGIONAL COUNCIL. RESOLUTION NO. R2023-014

7.09 This item was pulled for presentation and separate vote.

7.03 Adoption of Special Revenue Fund Project Ordinance 2023-11 to Appropriate the 2021 Juvenile Justice Delinquency Prevention Grant as funded by an Award from the Governor's Crime Commission of NC Department of Public Safety

Police Captain Ryan Manley presented this item and stated Council is asked to adopt Special Revenue Fund Project Ordinance 2023-11 to appropriate \$71,112.00 of federal funds, passed through the Governor's Crime Commission (GCC) of North Carolina Department of Public Safety, for Juvenile Justice Delinquency Prevention. There is no local match required.

The grant provides funding for the Fayetteville Police Department's Youth Empowerment and Safety Program. This program will provide a pro-social approach to juvenile prevention and intervention. It will also implement an initial phase for a Hospital Based Violence Intervention Program by providing community workshops in a partnership with Cape Fear Valley Hospital

MOTION: Council Member Benavente moved to adopt Special Revenue Fund Project Ordinance 2023-11 as presented.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (9-0)

7.09 Consideration of an Offer from DK Enterprises to Lease Parking Spaces

Ms. Kelly Olivera, Assistant City Manager, presented this item and stated Council is asked to consider an offer from DK Enterprises Inc., to lease 20 parking spaces for a 15-year term, with two 15-year options to renew. Fifteen of the parking spaces would be located in the Franklin Street Parking Deck, and five parking spaces would be

located within a one block radius of the proposed Kress Lofts private development, to be located at 111 Maxwell Street.

Discussion ensued.

MOTION: Council Member Ingram moved to not accept the proposal and direct the City Manager and City Attorney to revisit the negotiations with consideration of market value.
SECOND: Council Member Jensen
VOTE: UNANIMOUS (9-0)

8.0 PUBLIC HEARINGS (Public & Legislative Hearings)

8.01 TA23-002 thru TA-016: 15 Proposed Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments)

Mr. Craig Harmon, Senior Planner presented this item and stated the 15 proposed text amendments represent suggested updates to the Unified Development Ordinance (UDO), as proposed by the City's Professional Planning Staff of the Development Services Department and recommended by the City's Planning Commission. These amendments all fall into one of three categories:

1. Cleanup - To clarify and simplify some areas of the code.
2. Development/Community - Items asked for by developers or the community.
3. Policy - How do we as a City move forward.

On February 21, 2023, the Planning Commission held a legislative public hearing regarding 18 proposed text amendments. The Commission recommended the adoption of 15 of those amendments. Of the three remaining, one was remanded back to City staff for changes. The second was recommended for denial and the last case is being presented separately to the Council on March 23, 2023. The last case is separated from the others since it is located in Chapter 14 of the City's Code of Ordinances, and not the UDO. The case recommended for denial has to go before the Zoning Commission before coming to Council since it involves a zoning overlay. The following are the recommended text amendments:

1. Cleanup Items
 - a) TA23-002: Accessory Dwelling Units in SF-15
 - b) TA23-003: Change Variance Recording Timeline Extension
 - c) TA23-004: Off-Street Parking Table - Remove Maximum Spaces Allowed
 - d) TA23-005: Accessory Uses/Structures on Large Residential Lots - In AR zones
 - e) TA23-006: Reduce Specimen Tree Removal Fee
 - f) TA23-007: Landscaping Applicability - properties two acres or less
 - g) TA23-008: Remove Maximum Parking for Alternative Parking Plans
2. Development/Community Items
 - a) TA23-009: DT-2 Front and Corner Setbacks for Drive-Throughs

- b) TA23-010: Remove SUP for Financial Institutions with Drive-Throughs in NC
- c) TA23-011: Electrified Fencing Height
- d) TA23-012: Specialty Eating Establishments in OI
- e) TA23-013: Ease gasoline sales access requirements
- f) TA23-014: Eliminate the requirement for increased setbacks
- g) TA23-015: Remove Floor Area Ratio (FAR) in the Hospital Overlay

3. Policy Items

- a) TA23-016: Prohibiting Outdoor Commercial Recreation from OI

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 ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2, SECTION C.14, SUB-SECTION E.5.a, VARIANCE, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-005

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. S2023-006

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. S2023-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2.C.9.e.2, CLEAR-CUTTING PERMIT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-010

MOTION: Council Member Hondros moved to adopt Text Amendments TA23-002 thru TA23-008.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (9-0)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3.E.11, Downtown 2 (DT-2) District, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF

ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO S2023-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, SECTION H.11.C, USE TABLE FOR THE COLISEUM TOURISM OVERLAY DISTRICT OF CHAPTER 30 OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO.S2023-013

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.S2023-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO.S2023-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO.S2023-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-017

MOTION: Council Member Hondros moved to adopt Text Amendment TA23-009 thru TA23-015.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (9-0)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4.A.2., USE TABLE, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-0018

MOTION: Council Member Hondros moved to adopt Text Amendment TA23-016.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (9-0)

8.02 TA23-019: Proposed Text Amendment to Chapter 14 of the City Code of Ordinances

Mr. Craig Harmon, Senior Planner, presented this item and stated this amendment was requested by the City Council at their work session on February 6, 2023. While the Planning staff was presenting its list of seasonal text amendments, members of the Council brought up their concerns regarding the boarding of commercial buildings in Fayetteville. At their request, staff has put together a proposed code amendment to handle the boarding of commercial buildings in the same manner as residential structures.

The proposed text amendment represents a suggested update to the City's Code of Ordinances, Chapter 14, as proposed by the City Council and recommended by the City's Planning Commission.

On February 21, 2023, the Planning Commission held a legislative public hearing regarding this text amendment. The Commission voted to recommend 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.

Discussion ensued.

MOTION: Council Member Hondros moved to place this item on a work session agenda.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (9-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:38 p.m.