



City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final City Council Regular Meeting

Monday, February 27, 2023

7:00 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 CITY MANAGER REPORT

6.0 APPROVAL OF AGENDA

7.0 CONSENT AGENDA

7.01 Approval of Meeting Minutes:
January 9, 2023 - Regular
January 25, 2023 - Agenda Briefing
January 26, 2023 - Discussion of Agenda Items
January 26, 2023 - Regular
February 6, 2023 - Work Session
February 13, 2023 - Discussion of Agenda Items
February 13, 2023 - Regular
February 17, 2023 - Special

7.02 P23-01. Rezoning from Office and Institutional (OI) to Neighborhood Commercial (NC) zoning district of .32 acres ±, located at 1302 Fort Bragg Road (REID #0427965185000) and being the property of Leslie K. and Justin D. Pearson.

7.03 P23-02. Rezoning from Agricultural Residential (AR) to Neighborhood Commercial (NC) on 1 acre ±, located at 3459 Dundle Rd. (REID # 9495105082000) and is the property of Lorraine Mohler, MOHLER HOMES, INC, represented by Scott Brown, 4D Site Solutions, Inc.

7.04 P23-03. Rezoning from Single-Family Residential 6 (SF-6) to Neighborhood Commercial (NC) zoning district of .53 acres ± portion of total 2.98 acres ± parcel, located at 7510 Cliffdale Road (REID #9487353248000) and being the property of F&F Investments of Fayetteville LLC, represented by Michael Adams of MAPS Surveying Inc.

- 7.05** P23-04. Rezoning of 16.98 ± acres of an 18.85± acre parcel from Single-Family-6 (SF-6), Agricultural Residential (AR), and Neighborhood Commercial (NC) to 16.98 ± acres of Mixed-Residential-5 (MR-5) and retain 1.87± acres of existing Neighborhood Commercial (NC), located at 0 Morganton Road (REID# 0408149306000), and being the property of Alan Smith, et al., represented by Alex Keith of Tom J. Keith & Associates.
- 7.06** SUP23-01. Order of Approval - Findings of Fact: Special Use Permit Special Use Permit to allow a religious institution to reduce the required 500-foot distance separation between adult entertainment, bars, nightclubs, and a religious institution to be located at 929 Bragg Boulevard (REID # 0437172966000), zoned as Community Commercial (CC), totaling 1.15 acres ± and being the property of Peter Stewart, Paula Stewart, George Stewart III, Richard Gochner, Richard Bleakley Jr, Catherine Groschan, Louise Barrett, John Stewart, Mary Stokes, Peter Stewart, John Kirkman Trustee, Sandra Kirkman Higgins Trustee.
- 7.07** SUP23-02. Order of Approval - Findings of Fact: Special Use Permit to allow Two-to Four-Family Dwellings (1 triplex) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 206 Post Ave. (REID # 0439705376000), totaling 0.38 acres ± and being the property of Tammy and Tyrone Lock, represented by Lori Epler of Larry King and Associates.
- 7.08** Bid Recommendation - Microsurfacing Various Streets 2023
- 7.09** Bid Recommendation - Slurry Seal Various Streets 2023
- 7.010** Approval of Budget Resolution to Direct the Expenditure of Opioid Settlement Funds
- 7.011** Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 119 Laraine Street and 724 North Street
- 7.012** Expand Good Neighbor Homebuyer Loan Program to include all incorporated areas in the city limits.
- 7.013** Request for Legal Representation of City Employees
- 7.014** Approval of Draft Ordinance Amendments to Resume Criminal Enforcement of Certain City Ordinances
- 7.015** 2023 All-America City Award Application
- 7.016** Approval for City Manager to Execute a Construction Contract with Mohammad Construction, LLC for the Mazarick Park Tennis Center Courts
- 7.017** Phase 5 Annexation Area 23 Section 2 and Area 24A Resolutions Declaring Costs, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll

7.018 Solid Waste Ordinance Adoption

7.019 Adoption of Capital Project Ordinance Amendments 2023-2023-21, 2023-22, and 2023-23 for Parks & Recreation Bond Projects and to Award the Contract for General Construction to Mohammad Construction, LLC for Mable C. Smith Park Bond Project.

8.0 STAFF REPORTS

8.01 Fayetteville Fire Department 2022 4th Quarter Review

8.02 Fayetteville Police Department 2022 4th Quarter Review

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

9.01 P22-48. Conditional rezoning from Single-Family Residential 6 (SF-6) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), to build no more than 72 apartment units, located at 0 Drive off of Rim Road (REID #9487860537000), containing 12.23 acres ± and being the property of Leisure Living CB LLC, represented by WithersRavenel.

10.0 ADMINISTRATIVE REPORTS

Administrative Reports on a Regular Meeting agenda are for City Council review/information only. Should it be the consensus of the collective City Council, Administrative Reports will be moved forward to be placed on the next Work Session agenda for further review and discussion.

10.01 American Rescue Plan, State and Local Fiscal Recovery Fund (ARP-SLFRF) program and project update

11.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Citizens wishing to provide testimony in response to a notice of public hearing or to participate in the public forum can obtain instructions to submit a statement by emailing cityclerk@ci.fay.nc.us or by calling 910-433-1312 for assistance. Individuals desiring to testify on a quasi-judicial public hearing must contact the City Clerk by 5:00 p.m. the day of the meeting to sign up to testify; instructions will be provided on how to appear before Council to provide testimony.

CLOSING REMARKS

POLICY REGARDING CITY COUNCIL MEETING PROCEDURES **SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing thirteen (13) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

COUNCIL MEETING WILL BE AIRED
February 27, 2023 - 7:00 p.m.
Cable Channel 7 and streamed "LIVE" at FayTV.net

Notice Under the Americans with Disabilities Act (ADA):

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations at yamilenazar@fayettevillenc.gov, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.