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**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
AUGUST 23, 2021  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Shakeyla Ingram (District 2) (arrived 7:49 p.m.) (via zoom); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Yvonne Kinston (District 9)

Absent: Council Members Katherine K. Jensen (District 1); Courtney Banks-McLaughlin (District 8)

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  
Gina Hawkins, Police Chief  
Kenneth Mayner, Interim Corporate Communications Director  
Taurus Freeman, Planning and Zoning Manager  
Craig Harmon, Senior Planner  
David Nash, Senior Planner  
Jennifer Baptiste, Senior Planner  
Kecia Parker, Real Estate Manager  
Scott Bullard, Emergency Management Coordinator  
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 Council Member Wright.

## **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**

Mr. Scott Bullard, Emergency Management Coordinator, provided a COVID-19 update.

Mayor Colvin read a proclamation proclaiming August 26, 2021, as a day to recognize Women's Equality Day.

Council Member Wright announced the Heal the Land Outreach in conjunction with FAMPO have given out 50,000 masks and have 26,000 N95 masks and other PPE available to distribute to those in need.

Council Member Haire announced schools are back in session, and reminded all to use caution around the school zones and school buses.

Council Member Waddell wished her Mother a happy birthday today.

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## 5.0 CITY MANAGER REPORT

Mr. Jay Toland, Assistant City Manager, provided an overview of Item 10.01, Small Local Business Enterprise Program, and Item 10.02, Automation of Petition Process for Speed Humps.

## 6.0 APPROVAL OF AGENDA

**MOTION:** Council Member Dawkins moved to add an item to the agenda: Budget Ordinance Amendment and Capital Project Ordinance Amendment for Paye Funeral Home).

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (7-0)

**MOTION:** Council Member Dawkins moved to approve the agenda with the addition of Consent Item 7.016, Budget Ordinance Amendment 2022-1 and Capital Project Ordinance Amendment 2022-29.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (7-0)

## 7.0 CONSENT AGENDA

**MOTION:** Council Member Kinston moved to approve the consent agenda with the exception of Item 7.02, removed to be placed on the September 27, 2021, agenda as a public hearing item.

**SECOND:** Council Member Wright

**VOTE:** UNANIMOUS (7-0)

### 7.01 Approval of Meeting Minutes:

August 2, 2021 - Work Session

August 9, 2021 - Discussion of Agenda Items

August 9, 2021 - Regular

August 10, 2021 - Special Meeting

August 18, 2021 - Agenda Briefing

August 18, 2021 - Special Meeting

**7.02** This item was removed from the consent agenda; to be placed on the September 27, 2021, agenda as a public hearing item.

**7.03** P21-46. Initial Zoning from Cumberland County Conservation District (CD) and Residential 10 (R10) to Single-Family 10 (SF-10), located near the intersection Bingham Drive and Fisher Road (REID # 0405468555000), totaling 9.96 acres ± and being the property of CBMM Properties, LLC.

**7.04** P21-47. Rezoning of a split zoned property from Community Commercial (CC) and Single-Family 6 (SF-6) to Community Commercial (CC), 2917 Murchison Road (REID # 0428587625000), 5.47 acres ± and being the property of David Evans.

**7.05** Adoption of Community Police Advisory Board Recommended Formation and Charter

**7.06** Adoption of Capital Project Ordinance 2022-13 and Capital Project Ordinance Amendment 2022-28 for Parks and Recreation Bond Projects

Capital Project Ordinance Amendment 2022-28 will reduce the current appropriation for park improvements for east of the river by \$756,660.00, and change the scope of the project to specifically identify the location as the Mable C. Smith Park. Capital Project Ordinance 2022-13 will appropriate the \$756,660.00 that is reduced from the Mable C. Smith Park to fund improvements to the park located at J. S. Spivey Recreation Center.

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### **7.07 Resolution Authorizing the City Manager to Accept the Donation of 720 Person Street**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF REAL PROPERTY LOCATED AT 720 PERSON STREET. RESOLUTION NO. R2021-055

### **7.08 Resolution Authorizing the City Manager to execute a Lease to Tailwind FAY, LLC located in the Fayetteville Regional Airport**

A RESOLUTION AUTHORIZING THE LEASE FOR TAILWIND FAY, LLC AT THE FAYETTEVILLE REGIONAL AIRPORT. RESOLUTION NO. R2021-056

### **7.09 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 6722 Baldoon Drive and 7005 Ryan Street**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2021-057

### **7.010 Resolution Authorizing a Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation**

A RESOLUTION BY CITY OF FAYETTEVILLE APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION. RESOLUTION NO. R2021-058

### **7.011 Letter of support for the FAMPO iBRAGG grant fund project request to improve roadways within the Fort Bragg military reservation**

Council support of NCDOT and FAMPO's grant application and direct the City Manager to sign a letter of support.

### **7.012 Award Contract - Civil Design for McArthur Sports Road Complex**

Approval of the award of, and authorize the execution of, the civil design contract for McArthur Sports Road Complex. The recommended responsible consultant is Crawford Design Company, Inc., of Fayetteville, NC.

### **7.013 Bid Recommendation - One (1) 19,000 GVW Cab & Chassis with Flatbed & Valve Unit**

Approval to award the purchase of One (1) 19,000 GVW Cab & Chassis with Flatbed & Valve Unit to Cooper Ford, Carthage, NC, the lowest responsive, responsible bidder in the total amount of \$135,416.00.

### **7.014 Bid Recommendation - Cable 1/0 AL & 750 MC AL**

Approval to award the purchase for Cable 1/0 AL & 750 MCM AL to WESCO Distribution Inc., Clayton, NC, the lowest responsive, responsible bidder in the total amount of \$994,544.00.

### **7.015 Preliminary Resolution Author. The Filing of an Application with the LGC Requesting the LGC Sell Bonds at a Competitive Sale and Approving of the Financing Team**

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT A COMPETITIVE SALE AND APPROVING THE FINANCING

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## TEAM ALL IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2021-059

### 7.016 Adoption of Budget Ordinance Amendment 2022-1 and Capital Project Ordinance Amendment 2022-29 to Appropriate Funds for Acquisition and Clearance of Property for the Murchison Road Redevelopment Project (Catalyst Site)

Adoption of Budget Ordinance Amendment 2022-1 to appropriate \$315,000.00 from General Fund balance to support Capital Project Ordinance Amendment 2022-29 for the Murchison Road Redevelopment Project. The project, also referred to as the Catalyst Site, is for the elimination of blight and assemblage of property for redevelopment. The additional funding is needed for the purchase and demolition of the Paye Funeral Home.

### 8.0 EVIDENTIARY HEARINGS

#### 8.01 SUP21-04. Special Use Permit to allow a religious institution to reduce the required 500 feet distance separation between a bar/nightclub and a religious institution to be located at 901-907 Bragg Boulevard and O Drive (REID #s 0437177949000, 0437176840000, 0437177998000, and 0437178937000), zoned as Community Commercial (CC), totaling 0.69 acres ± and being the property of Mary Demetrious, Paula Lawson, and Katina Demetrious Heirs.

Ms. Jennifer Baptiste, Senior Planner, presented this item and stated this site is located just south of Bragg Boulevard and west of Martin Luther King Jr. Freeway. This portion of Bragg Boulevard is a heavily commercialized area. To the east of the site is a commercial mini mall and to the west are several single commercial office type buildings. Across Bragg Boulevard to the north is a bar, Secrets Cabaret.

A religious institution is requesting a Special Use Permit to reduce the 500 feet distance separation between a bar/nightclub and a religious institution to 185 feet. The site is currently zoned as Community Commercial (CC) and is a three storefront retail shopping strip type building that housed an adult entertainment establishment. The current site is developed with the buildings addressed as 901 and 903 Bragg Boulevard being constructed in 1938 and the building addressed as 905 and 907 Bragg Boulevard being constructed in 1963. In total, the buildings have approximately 9,120 square feet of leasable area.

Religious institutions are allowed by right in the Community Commercial (CC) zoning district. This Special Use Permit is not to allow the use, but to reduce the required distance separation. Section 30-4.C of the Unified Development Ordinance states that "separation standards may be reduced upon approval of a Special Use Permit finding that the reduction in the separation standard does not increase negative, such as natural or man-made features that create visual or physical separation between the uses". According to Article 30-4.C.3.g.1. of the Unified Development Ordinance, a "religious institution shall be located at least 500 linear feet from any adult entertainment use and/or bars, nightclubs and similar establishment". A religious institution is requesting to reduce this required separation from 500 feet to 185 feet, based on the site plan submitted by the applicant. The site plan submitted demonstrates that the western corner of the 907 Bragg Boulevard portion of the building is located approximately 185 feet south of the bar, Secrets Cabaret.

The 2040 Land Use Plan and Map identifies this site as being suitable for Commercial Strip Redevelopment. Commercial Strip Redevelopment is defined as a "commercial mixed use area that encourages higher density. 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

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suited for commercial development. Land within the City is generally classified by the Unified Development Ordinance 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. The SUP must meet the following findings of facts:

- (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.

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

Mr. John Bantsolas, 6304 Whitehall Drive, Fayetteville, 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 Dawkins moved to approve the Special Use Permit (SUP) to allow a religious institution to reduce the required 500 feet distance separation between a bar/nightclub and a religious institution from 500 feet to 185 feet as indicated by the supplied site plan subject to all other conditions identified in and conforming to the current Unified Development Ordinance standards as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because (1) the development is located in a Community Commercial zoning district, (2) this use complies with the findings listed, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is September 2, 2021. The SUP shall expire one year from its effective date if a building permit is not issued within that time. All eight findings of fact have been met.

**SECOND:** Council Member Davis

**VOTE:** UNANIMOUS (7-0)

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**8.02 SUP21-03. Special Use Permit to allow an existing funeral home to operate a crematory, zoned as Limited Commercial, Limited Commercial Conditional, and Single-Family 10 Zoning Districts, located at 6651 Raeford Road (REID # 0406080963000) near the intersection of Raeford and Strickland Bridge Roads, 2.55 acres ± and being the property of Crumpler Family Holdings LLC, represented by Del Crawford, Crawford Design Company.**

Mr. Craig Harmon, Senior Planner, presented this item and stated the zoning districts associated with this property are Limited Commercial (LC), Limited Commercial Conditional (LC/CZ), and Single-Family 10 (SF-10). This property was recently recombined from three lots into one. The resulting recombination created a lot with three different zoning districts.

The area bordering Raeford Road is zoned LC, this is the proposed area for the crematorium. The area to the southeast was rezoned from SF-10 to LC/CZ to allow a parking lot in 2015. The remaining area to the southwest is zoned SF-10 and provides a buffer between the funeral home and the residential development to the south. The zoning districts surrounding the parcel are Light Industrial (LI), LC, and SF-10. The front of the parcel is adjacent to US 401/Raeford Road and abuts the LI and LC zoning districts. This property also abuts Kilmory Drive to the south. Most of the properties to the south are zoned SF-10. The SF-10 district provides for single-family homes. The adjacent LI zone allows for a crematorium. The adjacent residential zone is toward the rear half of the parcel, away from the building addition.

There is an automotive collision repair shop west of the proposed crematorium, and approximately 500 feet east of this property is a gas station/convenience store. A coffee shop and grocery store are to the north, across Raeford Road.

The existing use is a funeral home. The proposed use is a crematory that will be used as an accessory use to the funeral home. The owners are proposing a building addition that is approximately 1,350 square feet along with site improvements.

This application states that the hours of operation for the crematory will fall in line with the existing funeral home, which are 8:00 a.m. to 5:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. Sunday. There will be no increase in employees. The existing business employs four full-time and five part-time workers. According to the owners, there are typically two to three clients on the premises at the same time, but some families may have more. With funerals and visitations, the number varies.

Although the UDO does not identify use specific standards for crematoriums, the use is heavily regulated under North Carolina General Statute Article 13F, Cremations. The article establishes the right for the Board of Funeral Services to enforce the General Statute. Under the General Statute several safeguards to protect the general public are established. Some of the safeguards put in place are requiring inspections prior to licensing and yearly inspections associated with license renewal. In addition, crematoriums are also regulated by the Department of Environmental Quality (DEQ) for air and environmental safety. The SUP must meet the following findings of facts:

- \_(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;

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

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

Mr. Del Crawford, 116 North Cool Spring Street, Fayetteville, NC, representing the funeral home, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

Mr. Rick Wilhide, 6651 Raeford Road, Fayetteville, NC, stated he is the owner of the property and appeared in favor.

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

Discussion ensued.

**MOTION:** Council Member Wright moved to approve the Special Use Permit (SUP) to allow a crematorium to be operated on site with an existing funeral home as indicated by the site plan subject to all other conditions identified in and conforming to the current Unified Development Ordinance standards 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 upon the approval of its Order of Findings by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time. All eight findings of fact are met.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (7-0)

### **9.0 PUBLIC HEARINGS**

**9.01 AX21-006:** Annexation request for part of the proposed Commons at Arran Lakes West Subdivision, located West of Bingham Drive and at the end of Westfork Drive (part of one REID # 0405468555000), consisting of 9.96 acres, and being the property of CBMM Properties, LLC, and CJR Property Holdings, LLC; related to P21-46, Initial Zoning

Mr. David Nash, Senior Planner, presented this item and stated a local developer proposes to build a new subdivision to be known as The

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Commons at Arran Lakes West. Most of the land in the proposed new subdivision is already in the City, but part of the land is not in the City. The developer has requested that 9.96 acres be annexed. The land requested for annexation was within an area designated for annexation by the Town of Hope Mills. The Annexation Agreement between Fayetteville and the Town of Hope Mills has been amended to allow this property to be annexed by Fayetteville. Staff recommends annexation of this property.

On July 13, 2021, the Zoning Commission recommended that the property, if annexed, be initially zoned from CD and R10 in the County to Single-Family Residential 10 (SF-10) in the City.

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

Discussion ensued.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (Annexation Ordinance No. 2021-08-578, Part of The Commons at Arran Lakes West, West of Bingham Drive, at End of Westfork Drive, Part of One PIN: 0405-46-8555, REID: 0405468555000)**

**MOTION:** Council Member Davis moved to adopt the proposed ordinance annexing the area effective August 23, 2021, and establish the initial zoning consistent with the prior action on the zoning case.  
**SECOND:** Council Member Wright  
**VOTE:** UNANIMOUS (8-0)

## 10.0 ADMINISTRATIVE REPORTS

### 10.01 Small Local Business Enterprise (SLBE) Program Update

This item was presented during the City Manager's Report.

### 10.02 Automation of Petition Process for Speed Humps - Council Member Request

This item was presented during the City Manager's Report.

### 10.03 City SPIRIT Model - Update

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

### 10.04 Childcare Services - Council Member Request - Update

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

## 11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk  
082321

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MITCH COLVIN  
Mayor