

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
JUNE 25, 2018
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Gina Hawkins, Police Chief
Ben Major, Fire Chief
Jay Toland, Interim Chief Financial Officer
Gerald Newton, Development Services Director
Rob Stone, Public Services Director
Cynthia Blot, Economic and Community Development Director
Kevin Arata, Corporate Communications Director
Barbara Hill, Human Resource Development Director
Taurus Freeman, Planning and Zoning Manager
Alicia Young, Assistant City Attorney
Kecia Parker, Real Estate Manager
Craig Harmon, Senior Planner
Mark Brown, PWC Customer Relations
Robert Van Geons, FCEDC
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 Dr. Johnny Hunter, Cliffdale Community Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor Colvin.

4.0 ANNOUNCEMENTS AND RECOGNITION

4.01 Oath of Office - City Council Member, District 2

Superior Court Judge James Ammons administered the Oath of Office to Dr. Daniel Culliton, Council Member, District 2. Council Member Culliton thanked Judge Ammons, his family members, and constituents for their support.

Council Member Dawkins thanked Mr. Zan Monroe for presenting the "Better Block Haymount" video presentation and introduced Ms. Angie Hedgepath and Mr. Zan Monroe, coordinators of the Better Block Haymount event.

Council Member Jensen introduced Ms. Ravin Musser, Fayetteville-Cumberland Youth Council representative.

Council Member Jensen announced Dolly Parton's Imagination Library for Cumberland County and stated the program provides a monthly free book to children aged 5 years old and under.

Mr. Jay Reinstein, Assistant City Manager, and Mr. Gerald Newton, Development Services Director, introduced Mr. Taurus Freeman, Planning and Zoning Manager. Mayor Colvin welcomed Mr. Taurus to the City.

Mr. Douglas Hewett, City Manager, introduced Ms. Jennifer Ayre, Deputy City Clerk, and congratulated her on the promotion.

Mr. Ben Major, Fire Chief, introduced the Fire Recruit Class 1-18 and thanked the Interview Panel for their assistance in selecting the recruits.

Council Member Wright announced the Summer Fan Drive event taking place from 10:00 a.m. to 2:00 p.m. on June 26, 2018, at the Lowes store on Skibo Road.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Mayor Pro Tem Mohn moved to approve the consent agenda with the exception of Items 6.02, 6.013, 6.015, and 6.019; pulled for discussion and separate vote.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

6.01 Approval of Meeting Minutes:

May 17, 2018 - Budget Work Session

May 24, 2018 - Agenda Briefing

May 24, 2018 - Budget Work Session

May 29, 2018 - Discussion of Agenda Items

May 29, 2018 - Regular

June 5, 2018 - Special

June 11, 2018 - Discussion of Agenda Items

6.02 Pulled for a separate vote.

6.03 P18-16F rezoning of property from SF-10 Single Family to LC Limited Commercial Zoning, located at 5342 Yadkin Road (0408-76-1091) near the intersection of Yadkin Road and Cimarron Drive, containing 0.28 acres and being the property of Matthew Feldbusch and wife, Risa.

6.04 Approval of Settlement in the matter of Justin Freeman dba Little Vegas Sweepstakes City v. City of Fayetteville

This was a lawsuit filed against the City by a former internet café operator, Justin Freeman, who was suing to recover the privilege license taxes that were paid to the City from 2010 to 2013 on behalf of his internet café business, Little Vegas Sweepstakes City. This case was previously presented to Council on May 14, 2018, and consensus was to settle the case for \$52,125.00. The plaintiff has signed the Settlement Agreement and Release. Pursuant to the Open Meetings Law, the settlement is required to be entered into the minutes of an open session of Council.

6.05 Consideration of Approval of Special Revenue Fund Project Ordinances 2019-1 and 2019-2 for the Partial Funding of the CDBG and HOME FY2018-2019 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 (HUD) for FY 2018-2019. The Community Development Block Grant (CDBG) and HOME Investment Partnership Grant (HOME) will support activities identified in the Economic and Community Development Department’s proposed 2018-2019 Annual Action Plan as adopted by City Council on April 23, 2018. Special Revenue Fund Project Ordinances 2019-1 and 2019-2 will appropriate program income expected to be received which will allow for the funding of payroll and payroll related items until funding approval by HUD has been received.

6.06 Adoption of Budget Ordinance Amendment 2018-24 (Stormwater Management Fund) and Capital Project Ordinance Amendment 2018-69 to Provide Funding for the Market House Stormwater Improvements as Part of the PWC Market House Project

Budget Ordinance Amendment (BOA) 2018-24 will appropriate \$300,000.00 from Stormwater Management Fund net assets to transfer to the FY 2018 stormwater drainage improvement projects through Capital Project Ordinance Amendment (CPOA) 2018-69 to provide funding for the first phase of stormwater system replacement at the Market House as part of the Public Works Commission (PWC) Market House Project.

6.07 Adoption of Capital Project Ordinance Amendment 2018-66 (Freedom Memorial Park Project) to Appropriate \$465.00 of Donations

The current capital project budget for the Freedom Memorial Park project, which was first established in 2002, is \$565,920.00. Of this amount, \$563,441.00 has been expended to date. If the Capital Project Ordinance Amendment is approved, the revised budget will be \$566,385.00. The City has received donations totaling \$465.00 from the Cumberland Community Foundation through its Freedom Memorial Park Fund. These donations are being appropriated to fund engraving and other miscellaneous services related to the project.

6.08 Tax Refunds Greater Than \$100.00

<u>Name</u>	<u>Bill No.</u>	<u>District</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
PetSmart Inc.	2191270	All	2016	Corrected Assessment	\$175.19
TOTAL					\$175.19

6.09 Resolution regarding the proposed NCDOT Cliffdale Road widening project between Morganton Road and McPherson Church Road

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REGARDING NCDOT TIP U-4404 FOR WIDENING OF CLIFFDALE ROAD BETWEEN MORGANTON ROAD AND MCPHERSON CHURCH ROAD. RESOLUTION NO. R2018-039

6.10 Resolution Declaring Authorizing a Quitclaim Deed of the City’s Title to the County in Order to Expedite the Sale of Land

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTIES SURPLUS AND QUITCLAIM CITY’S INTEREST IN JOINTLY-HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2018-040

6.11 Resolution to support high-performance and government innovation with a foundation in open and transparent practices by the city of Fayetteville

RESOLUTION TO SUPPORT HIGH-PERFORMANCE AND GOVERNMENT INNOVATION
WITH A FOUNDATION IN OPEN AND TRANSPARENT PRACTICES BY THE CITY
OF FAYETTEVILLE. RESOLUTION NO. 2018-041

6.12 Uninhabitable Structures Demolition Recommendations

138 Andover Road (District 1)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. PIN # 0439-67-7246. ORDINANCE NO. NS2018-011

4830 Belford Road (District 9)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. PIN #0407-91-0869. ORDINANCE NO. NS2018-012

6206 Lynette Circle (District 7)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. PIN # 0407-43-2653

1919 & 1919 1/2 Powell Street (District2)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. PIN # 0436-13-2585

6.13 Pulled for a separate vote.

6.14 Authorizing the City Manager to Execute Contract with
CDBG-DR/HMGP Consultant

On April 20, 2018, Cumberland County, as the sub-recipient to the
State, and the City of Fayetteville co-authored an RFP to hire a
consultant to assist with the \$15,325,000.00 in CDBG-DR projects along
with the \$4,700,000.00 of Hazard Mitigation Grant Program (HMGP)
projects. The City does not have the expertise or the capacity to
oversee and manage the various CDBG-DR and HMGP related projects. The
consultant will provide all of the necessary program planning and
project management expertise, including the provision of on-site
personnel for the successful implementation and completion of the
projects.

6.15 Pulled for a separate vote.

6.16 Bid Recommendation - Contract for Sewer Lateral Rehabilitation
Work for FY2019 to Prism Contractors, Inc., Williamsburg, VA, the
lowest responsive, responsible bidder in the total amount of
\$497,550.00

Bids were received on May 3, 2018, as follows:

Prism Contractors, Inc., Williamsburg, VA	\$497,550.00
United Pipe Renewal, Inc., Johnston, IA	\$810,200.00
Performance Pipelining, Ottawa, IL	\$897,850.00

6.17 Adoption of Special Revenue Fund Project Ordinance Partial
Closeout (SROC 2018-1) for Federal Forfeiture Revenues and
Expenditures as of June 30, 2017 and Special Revenue Fund Project
Ordinance Amendment (SROA 2018-3) for Federal Forfeiture and NC
Controlled Substance Tax Received to Date in the Current Year

Special Revenue Fund Project Ordinance Partial Closeout 2018-1 will close revenues and expenditures and their associated budget as of June 30, 2017. All contracts have been completed in previous fiscal years and the financial activity for those years has been audited. This ordinance will close those completed projects and release any unencumbered revenues to be used for future projects. Special Revenue Ordinance Amendment 2018-3 will appropriate \$433,713.00 in federal forfeiture and state controlled substance tax funds received in the current year, to increase resources for law enforcement purposes.

- 6.18 Bid Recommendation - North Fayetteville Outfall 18" Sanitary Sewer Main Ext. to ES&J Enterprises, Autryville, NC, the recommended lowest responsive, responsible bidder in the total amount of \$3,821,596.00.**

Bids were received on April 26, 2018, as follows:

ES&J Enterprises, Autryville, NC	\$3,821,596.00
TA Loving, Goldsboro, NC	\$3,826,010.00
Sanford Contractors, Sanford, NC	\$5,130,876.34
Billy Bill Grading Co. Inc., Fayetteville, NC	\$9,300,942.27

- 6.19 Pulled for a separate vote.**

- 6.20 Resolution to Support the Public Art Project in the Massey Hill Community**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT THE MASSEY HILL COMMUNITY'S PLANS TO INSTALL PUBLIC ART COMMEMORATING THE HISTORY OF MASSEY HILL IN A PROMINENT GATEWAY TO THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2018-045

- 6.21 Resolution Authorizing the City Manager to Acquire Real Property for Parking and Future Development and Capital Project Ordinance Amendment 2018-68**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACQUIRE REAL PROPERTY FOR PARKING AND FUTURE DEVELOPMENT. RESOLUTION NO. R2018-046

- 6.22 Bid Recommendation - Ballpark Stadium Seating and Installation Services to Camatic Seating, Inc., the lowest responsive, responsible bidder in the amount of \$376,442.80.**

Three proposals were received from the following vendors:

	CAMATIC	INTERKAL	IRWIN
Anchor Bolted	\$376,444.80	\$428,253.00	\$499,749.86
Rail Mounted	\$376,442.80	N/A	\$442,983.14

- 6.23 Approval of Installment Financing for Public Safety Vehicles and Equipment from Bank of America**

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A SECURITY AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF VARIOUS VEHICLES AND EQUIPMENT FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2018-047

- 6.24 Center for Economic Empowerment & Development (CEED) Kitchen Incubator Agreement Extension**

One-year extension for the Kitchen Incubator agreement between the City of Fayetteville and Center for Economic Empowerment Development (CEED) effective June 30, 2017-July 31, 2018.

6.25 Continuance of the Downtown Municipal Service District

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
CONTINUING THE DOWNTOWN MUNICIPAL SERVICE DISTRICT. RESOLUTION
NO. R2018-048**

6.26 Cool Springs Downtown District, Inc. contract renewal for Enhanced Services for an "Arts and Entertainment Focused" Downtown Municipal Service District

Authorizing the City Manager to execute a contract with Cool Spring Downtown District, Inc.

6.02 Contract with Metcon for Western Senior Center Construction and Adoption of Capital Project Ordinance Amendment 2018-70

This item was pulled for a separate vote.

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the City entered into a contract with HH Architecture in July 2017 to design the Senior Center West. Metcon, the recommended Construction Manager at Risk ("CM@R") firm, was added to the design team in December 2017 through a "pre-construction" contract executed at that time. That contract is included as an exhibit to the proposed contract and provides for design consultation and cost estimation services. HH Architecture and Metcon were both selected through qualifications based selection processes. The Council reviewed and approved the proposed Schematic Design ("SD") for the Senior Center West during the work session on May 7, 2018. It was discussed at that time that the total development cost of the design presented was estimated at just under \$7 million. The Council's Park Bond Subcommittee recommended the proposed SD and the increased funding. Draft revisions to the funding plan for Park Bond projects were also on the Council's May 7, 2018 agenda for discussion, but that item was tabled. The proposed CM@R contract with Metcon is a refined version of that executed with Barton Malow for the construction of the stadium project. There is a memorandum on the proposed contract attached that describes the organization of that contract and key terms. As with that previous contract, this contract sets a construction cost target of \$5.5 million. The actual cost will be established through future Guaranteed Maximum Price ("GMP") amendments based on public bidding processes conducted consistent with state law. Each GMP amendment will come back to Council for approval. The current budget is based on a cost estimate developed by Metcon based on the preliminary design information developed during the SD process. The \$1.5 million difference between the \$5.5 million for construction and the total estimate of just under \$7 million consists of design, engineering, equipment, special inspections and other costs often referred to as "soft costs." While Council approved the SD and is being asked to confirm the additional funding allocation, Council also made it clear that efforts to reduce the cost of the project should be ongoing. The design team and Metcon will continue to develop value engineering options as site conditions and design elements are clarified. On February 27, 2017, Council appropriated \$620,000.00 for design services for the Western Senior Center project. On August 14, 2017, Council appropriated \$4,380,000.00 for estimated construction costs. At this time, estimated total project costs have increased to a total of \$7,000,000.00, requiring an additional appropriation of \$2,000,000.00. The full costs of the project are to be funded through the Parks and Recreation General Obligation bond issuance. The City is authorized to issue up to \$35,000,000.00 in general obligation bonds for Parks and Recreation. With this and other changes to the initial spending plan for these projects, the capital funding plan does need to be updated. Staff has presented a revised draft plan to the Council's Parks and Recreation Subcommittee. The feedback of that Committee is being incorporated into that draft so that a revised capital funding plan can be developed.

Discussion ensued.

MOTION: Council Member Jensen moved to adopt Capital Project Ordinance Amendment 2018-70 as presented and authorized the City Manager to execute the proposed contract with Metcon to construct the Senior Center West project.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Culliton)

6.013 Set Filing Fee for Municipal Election

This item was pulled for a separate vote.

Ms. Karen McDonald, City Attorney, presented this item and stated currently, the municipal election filing fee for the Mayor is \$48.00 and \$24.00 for City Council. Council discussed increasing the filing fee at the June 4, 2018, work session. Pursuant to N.C.G.S. § 163A-1620(e), consensus of Council was to increase the filing fee to 1 percent of the position's salaries. The filing fee for the Mayor would increase to \$312.55 and to \$170.88 for City Council.

Discussion ensued.

MOTION: Council Member Crisp moved to deny the increase in filing fees for Municipal Elections.

SECOND: Council Member Waddell

Discussion ensued.

Council Member Crisp withdrew his motion. Council Member Waddell withdrew her second.

MOTION: Council Member Crisp moved to refer this item to the City Council August 2018 work session agenda.

SECOND: Council Member Culliton

VOTE: UNANIMOUS (10-0)

6.015 Resolution Authorizing the 6th Supplemental Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Cape Fear River Trail and Capital Project Ordinance Amendment 2018-67

This item was pulled for a separate vote.

Council Member Culliton stated funding for this project was not coming from the Parks and Recreation Bond; this is a NCDOT grant.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR CONSTRUCTION OF THE CAPE FEAR RIVER TRAIL. RESOLUTION NO. R2018-042

MOTION: Council Member Culliton moved to adopt the resolution authorizing the 6th supplemental municipal agreement and also adopt Capital Project Ordinance Amendment 2018-67 as presented.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

6.019 Resolution to Authorize the Conveyance of City Owned Real Property: (1) The North Carolina Civil War & Reconstruction History Center Foundation, and (2) Festival Park Plaza

This item was pulled for a separate vote.

Mr. Kristoff Bauer, Deputy City Manager, stated the North Carolina Civil War and Reconstruction History Center Foundation has requested that the City of Fayetteville donate 17 parcels to them for construction of the North Carolina Civil War and Reconstruction History Center project. On January 2, 2018, City Council authorized

staff in the work session to prepare the necessary documentation required for that transfer pursuant to certain restrictions and with a reversionary clause should the project not go through. Staff has prepared the documents and before the transfer can take place, the City Council must authorize the conveyance of the property in the form of a resolution. The City of Fayetteville purchased the Festival Park Plaza in June of 2011. As a part of the Downtown Development Agreement with PCH the City Council authorized the Manager to execute all necessary documents for the transactions included therein which included the sale of the Festival Park Plaza building. The sale closed in April of 2018. In reviewing the file, however, it was determined that state law requires a Resolution of the Council to specifically authorize that sale.

Discussion ensued.

A RESOLUTION TO CONVEY REAL PROPERTY TO THE NORTH CAROLINA CIVIL WAR & RECONSTRUCTION HISTORY CENTER FOUNDATION. RESOLUTION NO. R2018-043

A RESOLUTION TO CONVEY REAL PROPERTY TO 225 RAY AVENUE, LLC. RESOLUTION NO. R2018-044

MOTION: Council Member Haire moved to authorize the conveyance of the City property to the North Carolina Civil War & Reconstruction History Center as described in the resolution with the following additions: (1) Staff to obtain an appraisal of the parcels to be conveyed; (2) Staff discuss with the NCCWRHC Foundation that the land value convey be credited towards the City's anticipated \$7.2 million contribution towards the project; and (3) Staff report back to Council in August or September with appraisal values and draft amended resolution for support.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Crisp moved to approve the resolution to ratify the conveyance of real property of Festival Park Plaza to 225 Ray Ave., LLC.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

7.01 P18-18F the issuing of a Special Use Permit to allow outdoor display, storage and bed-liner installations by Leonard Buildings and Truck Accessories in the area zoned LC on property located at 6324 Raeford Road (0407-30-5808) near the intersection of Raeford Road and Little Drive, and being the property of DOHERTY HOLDINGS LLC.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner of this property wishes to allow the display and sales of utility building and trailers on this property. The request includes the ability to install truck bed-liners inside the repair facility that is part of the existing building. In 2013, the current owner and a previous tenant of this property applied for a rezoning to convert the entire property to LC zoning. That request was denied by the City Council. Currently 1.2 acres of 2.25 total acres is zoned Limited Commercial (LC), the remainder of the lot is zoned Single-Family 10 (SF-10). Only the part zoned LC is covered by this SUP application. The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards. The following eight findings must be met:

- (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;
- (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. There was no one present to speak and the public hearing was opened and closed.

Discussion ensued.

MOTION: Council Member Wright moved to approve the Special Use Permit (SUP) to allow outdoor display, storage and bed-liner installations on the portion of the subject property that is currently part of an LC Zoning District, 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 district and (2) this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. All eight (8) findings of fact are met. This Special Use Permit shall become effective ten days after its approval by the City Council, which is July 5, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

7.02 Proposed Text Amendments to the Unified Development Ordinance that include 4 Housekeeping Items, 2 Allowance for Alternative Plans, and 1 Change to the Review Process

Ms. Marsha Bryant, Development Services Advocate, presented this item with the aid of a PowerPoint presentation and stated seven text amendments to the UDO are suggested for approval by the professional planners and the Planning Commission. The proposed seven text amendments include four housekeeping items and three suggested improvements. They are as follows: (1) Increase the size allowance for accessory structures in the AR district, (2) allow temporary homeless shelters at churches, (3) standards for one-way drive aisle and parking spaces, (4) requires street designs to include NCDOT reservation and dedication requirements, (5) allowance for alternative building elevation plans through an administrative adjustment process, (6) allowance for an alternative parking plan to increase parking in

the Transitional Standards, and (7) revision of the site plan review process, thus increasing plans that are considered Major Site Plans.

Mr. Gerald Newton, Development Services Director, stated Council directed Development Services to bring proposed text amendments to Council twice a year--spring and fall. He stated they are bringing forth seven possible amendments for Council consideration. The Planning Commission held a public hearing on May 15, 2018, and voted unanimously to recommend approval of all seven amendments.

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

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3 OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2018-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-9, DEFINITIONS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2018-016

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. S2018-017

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. S2018-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLES 30-5, DEVELOPMENT STANDARDS, AND 30-2, ADMINISTRATION, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2018-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5 OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2018-020

MOTION: Council Member Arp moved to adopt proposed ordinance amendments for Items 1, 2, 3, 4, 5, and 6. Item 7 proposed ordinance amendment to be referred to a future City Council work session agenda.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (10-0)

7.03 Public Hearing to Consider Closing a Portion of Shenandoah Drive

Mr. Rob Stone, Public Services Director, 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 Rick Herrema Foundation (RHF) has petitioned to close a 184 foot portion of Shenandoah Drive to better enhance future plans for redevelopment of its property. The RHF redevelopment plan, which includes the closure of the small portion of Shenandoah Drive near its intersection with Beaver Creek, has been approved by the City. Closing the street will not deny access to any property owners. The first step in the process dictated by N.C.G.S. § 160A-299 is to have a resolution signed granting the public hearing to consider the closing and as such, City Council set the public hearing for June 25, 2018. Staff has followed all of the statutory procedures to include posting the property and

mailing out certified notice letters to adjacent property owners. The property has also been posted on both ends with notice and the notice of this hearing was published for four consecutive weeks in the local newspaper. There is no significant impact to the budget as a result of the proposed closing.

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

Mr. Sam Barnett, 5572 Shenandoah Drive, Fayetteville, NC, appeared in favor of closing the road.

Mr. Gregory Rose, 7533 McGartens Fort, Linden, NC, appeared in favor of closing the road.

Ms. Allegra Jordan, 5572 Shenandoah Drive, Fayetteville, NC, appeared in favor of closing the road.

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

Discussion ensued.

**A RESOLUTION AND ORDER CLOSING A PORTION OF SHENANDOAH DRIVE.
RESOLUTION NO. R2018-049**

MOTION: Council Member Crisp moved to adopt the resolution and order closing a portion of Shenandoah Drive.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

7.04 P18-14F rezoning of property from CC Community Commercial to CC/CZ Community Commercial Conditional Zoning District, located at 505 Middle Road (0447-34-8472) near the intersection of Middle and Dunn Roads, containing less than 9 acres and being the property of JFS INVESTMENTS LLC.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated this proposal implements a portion of the northeast section of the Cape Fear River Plan. The conditioned rezoning actively furthers the City's mission to create a business friendly environment where citizens thrive and prosper by welcoming Horne Brothers Construction to the site while protecting the Cape Fear River and infilling a site for new and further business development east of the Cape Fear River. This property is less than 9 acres and has an existing building that was previously used for the servicing of large/heavy trucks and equipment and is currently unused. The request is for a conditional rezoning from Community Commercial to Community Commercial Conditional Zoning. The purpose of the CC District is to "accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large". The rezoning of land to a conditional zoning district is intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district. The base zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.

The initial request was for Heavy Industrial Conditional Zoning (HI/CZ). After discussions with the City's Planning staff, the owners

are in agreeance that a more restrictive rezoning to CC/CZ (Community Commercial Conditional) is more appropriate for this location as it allows a business to move in, protect the river, and provide an area of future commercial development as further identified in the land use plan. Being able to adjust the request is an allowable action of the applicant and consistent with city council's prior actions. Therefore, as part of this application, the owner is requesting a conditional rezoning that accomplishes these plan points. The limitations to ensure consistency of this site to the city's Cape Fear River Overlay and land use plan are established by the following conditions being folded in as the conditional zoning process. These remain with the property and are not dependent on the end user. The proposed limits to the property follow and are at the end of the report as part of the proposed conditions. The following are the recommended conditions of the rezoning, as agreed upon by the applicant:

- (1) A portion of the property will be used for storing, servicing construction equipment and will be limited to only the designated area, as shown on the conceptual plan.
- (2) All other existing uses within the City's CC district still remain on the property.
- (3) The property shall maintain a 50-foot vegetated buffer along the northern property line to buffer the adjacent residentially zoned property. Though presently underdeveloped, this wide, existing, dense buffer properly separates future residential development north of the site.
- (4) The accessory storage area will be limited to the designated gravel yard, as shown on the conceptual plan and only for fleet equipment owned by those occupying the rezoned parcel. This outside storage area, while permitted with limits by current zoning, is designed to be screened from general public street views.
- (5) Repairs of equipment shall be limited to inside the existing building/garage to assist in the mitigation of potential environmental containments. As with condition #4, any and all work of equipment is limited to those business uses of the parcel.
- (6) The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 1:00 p.m. Saturday for any business on the property not designed as general retail or office as permitted in the underlying zoning designation of CC.
- (7) The property owners will maintain a minimum 100-foot buffer from the top of the river bank as required by the River Overlay District.

Mr. Harmon stated this rezoning allows specific conditions to be placed on the site that allow the Cape Fear Overlay plan to begin to be achieved in one specific section of the plan while protecting the river and bringing in a new business as envisioned by the plan. The existing garage will operate similarly to other like uses throughout the city. This property will not be used as the main storage facility for Horne Brothers Construction. Horne Brothers operates a storage yard just off of Eastern Boulevard (Hwy 301), on Middle River Loop. The Middle River Loop location is the main location where their vehicles and construction materials are stored in the Fayetteville area. This property will not be used for intense outdoor storage and operations such as salvage yards and woodlots, which are specifically, noted as noxious use examples in the Cape Fear River Plan. As indicated by the River Overlay, the entire back portion of the property is being conditionally zoned by this request to CC/CZ to further protect the river setback buffer. No development of any type will occur at least one hundred feet from the top of the river bank.

There is a significance to adding this in the conditional zoning process. As presently written in Chapter 30, the standard exists for the entirety of the land under the overlay. When specific parcels are developed having the condition as a part of a rezoning creates site specific details. This proposal, as conditioned to CC/CZ is consistent with the plan and zone to promote economic revitalization while being designed to be compatible with the river.

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

Mr. Scott Brown, 409 Chicago Drive, Fayetteville, NC, appeared in favor of the rezoning request.

Mr. Charles Horne, property owner (no address provided), appeared in favor of the rezoning request.

Mr. Robert Van Geons, Fayetteville-Cumberland Economic Development Corporation, appeared in favor of the rezoning request.

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

Discussion ensued.

MOTION: Council Member Culliton moved to approve the requested rezoning to CC/CZ Community Commercial Conditional Zoning, as presented by staff, with the conditions listed above. The amendment is consistent with applicable plans because (1) the City's existing zoning and the Cape Fear River Plan call for this area to be used for a mixture of heavy commercial purposes and (2) that the uses surrounding this property are all compatible with the proposed zoning (as conditioned) and (3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of the development in this area.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.01 Adoption of Ordinance Amending the City Charter to Change the Mode of Electing the City Council to Four-Year Terms and Adoption of Resolution Calling for a Referendum to Submit for a Vote by the People

Ms. Karen McDonald, City Attorney, presented this item and stated the purpose of this item is to consider adoption of an ordinance amending the City Charter to change the mode of electing the City Council to four-year terms upon approval of a referendum. At the May 2018 work session consensus was to move forward with four-year terms. Pursuant to N.C.G.S. § 160A-102, on May 29, 2018, a public hearing was held to receive public input on changing the mode of electing the City Council from two-year terms to four-year terms.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE CHARTER OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO INCREASE THE MAYOR AND COUNCIL MEMBERS' TERMS OF OFFICE TO FOUR-YEAR TERMS. ORDINANCE NO. S2018-014 (This ordinance shall be effective only upon approval by a vote of the people at the general election that will be held on November 6, 2018, as provided by resolution also adopted this day).

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CALLING FOR A REFERENDUM FOR THE PURPOSE OF SUBMITTING TO A VOTE AN ORDINANCE IMPLEMENTING FOUR-YEAR TERMS FOR THE MEMBERS OF THE FAYETTEVILLE CITY COUNCIL. RESOLUTION NO. R2018-050

MOTION: Mayor Pro Tem Mohn moved to amend the charter through a voter referendum should it pass in November to go to four-year terms and to adopt a resolution calling for such. In addition we will move forward with a separate resolution to ask the General Assembly for a Recall Provision before the end of this year.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Jensen, Culliton, Waddell, and Crisp)

9.0 ADMINISTRATIVE REPORTS

9.01 Tax Refunds Less Than \$100.00

<u>Name</u>	<u>Bill No.</u>	<u>District</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
PetSmart	5829655	All	2016	Corrected Assessment	\$18.12
TOTAL					\$18.12

9.02 Monthly Statement of Taxes for May 2018

2017 Taxes	255,786.84
2017 Vehicle,	489.32
2017 Taxes Revit	274.57
2017 Vehicle Revit	0.00
2017 FVT	48.61
2017 FTT	48.61
2017 Storm Water	31,130.32
2017 Fay Solid Waste Fee	44,783.40
2017 Annex	0.00
2016 Taxes	16,736.27
2016 Vehicle	5.00
2016 Taxes Revit	0.00
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	1,687.33
2016 Fay Solid Waste Fee	1,869.83
2016 Annex	0.00
2015 Taxes	2,071.91
2015 Vehicle	0.00
2015 Taxes Revit	0.00
2015 Vehicle Revit	0.00
2015 FVT	0.00
2015 FTT	0.00
2015 Storm Water	57.71
2015 Fay Storm Water	115.43
2015 Fay S Waste Fee	169.29
2015 Annex	0.00
2014 Taxes	167.70
2014 Vehicle	38.10
2014 Taxes Revit	0.00
2014 Vehicle Revit	0.00
2014 FVT	0.00
2014 FTT	5.00
2014 Storm Water	0.00
2014 Fay Storm Water	0.00
2014 Fay S Waste Fee	0.00
2014 Annex	0.00
2013 and Prior Taxes	418.76
2013 and Prior Vehicle	2,079.48
2013 and Prior Taxes Revit	9.06
2013 and Prior Vehicle Revit	0.00
2013 and Prior FVT	377.95

2013 and Prior FTT	328.05
2013 and Prior Storm Water	0.00
2013 and Prior Fay Storm Water	0.00
2013 and Prior Fay S Waste Fee	0.00
2013 and Prior Annex	0.00
Interest	16,219.07
Revit Interest	14.80
Storm Water Interest	15.28
Fay Storm Water Interest prior	30.57
Fay Storm Water Interest 2017	1,552.37
Fay Storm Water Interest 2016	231.26
Annex Interest	0.00
Solid Waste Interest	2,428.40
FTT Interest	228.72
Total Tax and Interest	\$379,424.01

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:42 p.m.

