

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
OCTOBER 22, 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) (departed at 8:18 p.m.); 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
Brandon Christian, Police Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Barbara Hill, Interim Assistant City Manager
Gerald Newton, Development Services Director
Sheila Thomas-Ambat, Interim Public Services Director
Kevin Arata, Corporate Communications Director
Taurus Freeman, Planning and Zoning Manager
Craig Harmon, Senior Planner
Tracey Broyles, Budget and Evaluation Director
Mark Brown, PWC Customer Relations Director
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 Archie Smith, Spread the Word Ministry.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Jensen introduced Ms. Harmony Granderson, Fayetteville-Cumberland Youth Council (FCYC) representative, and Community Service Chair. Ms. Granderson stated FCYC travelled to the City of Rocky Mount for the state-wide Youth Council Learning day conference and worked on two community projects.

Council Member Jensen introduced Ms. Gladys Hill, Mobile Recruitment Coordinator, "Light the City Pink". Ms. Hill stated she began the fundraiser last year as a way to give back to the community.

Mayor Colvin presented a Certificate of Excellence to the "Words of Essence" Gospel Showcase performers and announced they had won first place at the 13th Annual Gospel Showcase in Durham last week.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Item 6.04; pulled for an explanation and separate vote.
SECOND: Council Member Culliton
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

October 1, 2018 - Work Session
October 8, 2018 - Discussion of Agenda Items
October 8, 2018 - Regular
October 10, 2018 - Special

6.02 P18-29F. Rezoning of property from Single-Family Residential (SF-10) to Limited Commercial (LC) Zoning, located at 2238 Hope Mills Road (Tax Map # 0416-00-4376) near the intersection of Hope Mills Road and Queensdale Drive, containing 0.25 acres and being the property of BRYANT, KRISTOPHER KURT & WIFE.

6.03 P18-32F. Initial zoning of property from mixed conditional zoning Mix-Use Development/Conditional Zoning (MXD/CZ) County) to MU/CZ (Mixed-Use/Conditional Zoning), located at Elliot Bridge Road and US 401, containing approximately 253 +/- acres and being the property of BROADWELL LAND COMPANY.

6.04 Pulled for a separate vote.

6.05 Adoption of Special Revenue Fund Project Ordinance 2019-3 to Appropriate Grant Awarded for Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces

The City has received notification of a \$15,000.00 grant award from the U.S. Department of Veterans Affairs through its Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces grant program. Funding from this grant will be used to purchase equipment for the wheelchair basketball program and other Paralympic sport programs offered through Fayetteville-Cumberland Parks & Recreation. Staff is seeking authorization to accept the grant award and Council adoption of Special Revenue Fund Project Ordinance 2019-3 to appropriate the funding.

6.06 Capital Project Ordinance 2019-18 (Fayetteville Police Department's NIBRS Transition Process Grant Award)

Capital Project Ordinance 2019-18 will appropriate \$73,900.00 of federal funding, awarded by the US Department of Justice, for the Fayetteville Police Department's National Incident Based Reporting System (NIBRS) Transition Process.

6.07 Budget Ordinance Amendment 2019-4 to Update the Fee Schedule to Adjust Fees for Purchase of Transit Passes by Cumberland County Court Programs and the Fayetteville Police Department Homeless Prevention Program

Adopt Budget Ordinance Amendment 2019-4 to authorize an update of the fee schedule, which is set with the annual operating budget ordinance. The update would increase the purchase cost for One-Day Passes by Cumberland County Court Programs and the Fayetteville Police Department Homeless Prevention Program from \$0.25 per one-day pass to \$0.40 per one-day pass. This increase is needed to fund increased costs of producing the passes.

6.08 Adoption of Special Revenue Fund Project Ordinance Amendments 2019-1 and 2019-2 for the funding of the CDBG and HOME FY 2018-2019 programs per the Economic and Community Development's Annual Action Plan and Notice of Grant

The U.S. Department of Housing and Urban Development has approved the Economic and Community Development Department's 2018-2019 Annual Action Plan, as adopted by City Council on April 23, 2018. Funding was approved on August 29, 2018, and will support activities identified in the approved Annual Action Plan. Special Revenue Fund Project Ordinance Amendments 2019-1 and 2019-2 will appropriate the full amount of funding per the notice of grant award received by HUD.

6.04 Adoption of Special Revenue Fund Project Ordinance 2019-4 to Appropriate the 2018 Healthy Out-of-School Time Program Grant

This item was pulled for an explanation and a separate vote.

Council Member Crisp stated the National Recreation and Parks Association, in partnership with the Walmart Foundation, created the Healthy Out-of-School Time Grant Program to increase the number of healthy meals served to children during out-of-school times under three separate United States Department of Agriculture (USDA) meal programs. In addition, the program provides evidence-based nutrition education to children and families, and implements healthy eating and physical activity standards. Fayetteville-Cumberland Parks & Recreation (FCPR) opened 15 facilities as host sites for the program from June 11 through July 27, 2018. A total of 21,331 meals were served at FCPR facilities, averaging over 600 meals for each day of the program. Funding from the grant award will be utilized for the purchase of new tables and chairs for the recreation centers designated as host sites for the program.

MOTION: Council Member Crisp moved to adopt Special Revenue Project Ordinance 2019-4 as presented.
SECOND: Council Member Culliton
VOTE: UNANIMOUS (10-0)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Public Arts Commission Annual Report FY 17-18

Ms. Cathy Greggs, Public Arts Commission Chair, presented this item with the aid of a PowerPoint presentation and stated the Public Arts Commission meets to consider acceptance and placement of public art by making recommendations to the City Manager and City Council. Below are their activities during fiscal year 2017-2018. The Public Arts Commission is a six-member citizen board--three members are appointed by City Council and three members are appointed by the Arts Council. The Commission meets as needed. The Public Arts Commission met three times during FY 17-18 as follows:

- August 15, 2017 - Review and Recommend Approval of Phase II Work in Progress Exhibition (temporary sculptures located in the downtown area and an Introduction to the new) - Cool Springs Art and Entertainment District
- October 26, 2017 - Revision to the Phase II Work in Progress Exhibition
- November 9, 2017 - Review of the Fayetteville Public Arts Master Plan by the Arts Council Committee

MOTION: Council Member Crisp moved to accept the Public Arts Commission Annual Report.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARINGS

8.01 Review of the proposed Development Agreement between the City and Broadwell Land Company for the proposed 254-acre development

located on the southwest quadrant of Elliot Bridge Road, Elliot Farm Road, and Ramsey Street.

Mr. Gerald Newton, Development Services Director, presented this item with the aid of a PowerPoint presentation and stated the Broadwell Land Company has petitioned for annexation of 254 acres, located approximately 3 miles north of the current City limits. The projected time frame for development spans 20 years. To protect the City and the developer's interest, the developer is asking to enter into a Development Agreement with the City as well as a separate agreement with the Fayetteville Public Works Commission (PWC) in conjunction with the annexation. The property is located within the City's Municipal Influence Area (MIA) and is the northern most property in the area. The property and the MIA boundaries are one in the same. The MIA is an area around the City limits that has been identified as land that when developed should be considered for annexation. The area north of this property, across from Elliot Bridge Road is located within Spring Lake's MIA. State Statutes and the Unified Development Ordinance (UDO) allows for development agreements. Article 30-2.C.20 establishes standards and procedures for long-term, large-scale developments to enter into a development agreement with the City. The code indicates that the Planning Commission shall review and make a recommendation to City Council; afterwards, City Council shall conduct a public hearing prior to taking action on the agreement. The Planning Commission discussed the item at their regular meeting on September 25, 2018, and voted to recommend approval of the Development Agreement as presented by a vote of 4 to 3. The Development Agreement is for 254 acres of vacant property located on the western side of Ramsey Street and south of Elliot Bridge and Elliot Farm Roads. The owner, Broadwell Land Company, proposes a 254-acre mixed-use development that consist of approximately 133 acres for 350 single-family residential units; 37 acres for 350 multi-family residential units; 24 acres for commercial development and approximately 58 acres for green space/open space area. In September 2015, a development plan and rezoning to MU/CZ (Mixed Use/Conditional Zoning) were approved by the Cumberland County Planning Department and the Cumberland County Board of Commissioners. At that time, the developer planned to obtain water and sewer services from Harnett County. After multiple meetings between the City, PWC management and the developer, the proposed development agreement was created by the developer. Broadwell Land Company agreed to petition for annexation into the City and develop in accordance with the plan and the conditions already established by Cumberland County as well as City standards to include the UDO and stormwater regulations. A Letter of Intent was issued by PWC on September 28, 2018. If the Development Agreement and the annexation is approved, the property will be initially zoned. Staff is recommending to zone the property to the same zoning that was approved by Cumberland County in 2015, MU/CZ (Mixed-Use/Conditional Zoning) and to accept the conditions that were approved by Cumberland County. These conditions would be in addition to all applicable City regulations. The mixed-use plan has been preliminary reviewed by the City's Technical Review Committee (TRC) to ensure compliance. The developer will be required to formally submit plans to the City for review and approval prior to the issuance of City building permits.

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

Mr. Johnathan Charleston, 201 Hay Street, Fayetteville, NC, appeared in favor and stated he is the attorney representing Broadwell Land Company.

Mr. Jimmy Jones, 106 Bienville Drive, Fayetteville, NC, appeared in opposition.

Mr. Dennis DeLong, 7571 Ramsey Street, Fayetteville, NC, appeared in opposition.

Mr. Paul Bracewell, 7028 Lure Court, Fayetteville, NC, appeared in opposition.

Mr. Waverly Sledge, 160 Bienville, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

MOTION: Council Member Jensen moved to approve the development agreement between the City and Broadwell Land Company for the proposed 254-acre development located on the southwest quadrant of Elliot Bridge Road, Elliot Farm Road, and Ramsey Street and to authorize the City Manager to execute the development agreement.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

8.02 Consideration of a Petition of Annexation from Broadwell Land Company

Mr. Gerald Newton, Development Services Director, presented this item and stated the Broadwell Land Company has petitioned for annexation of 254 acres, located approximately three miles north of the current City limits. The projected time frame for development spans 20 years. The property is located within the City's Municipal Influence Area (MIA) and is the northern most property in the area. The property and the MIA boundaries are one in the same. The MIA is an area around the City limits that has been identified as land that when developed should be considered for annexation. The area north of this property, across from Elliot Bridge Road is located within Spring Lake's MIA.

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

Mr. Johnathan Charleston, 201 Hay Street, Fayetteville, NC, appeared in favor and stated he is the attorney representing Broadwell Land Company.

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

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, THE BROADWELL LAND COMPANY PROPERTY SOUTHWEST QUADRANT OF ELLIOT BRIDGE ROAD AND RAMSEY STREET. ANNEXATION ORDINANCE NO. 2018-10-568

MOTION: Council Member Jensen moved to adopt the proposed ordinance annexing the area effective October 22, 2018, and establish the initial zoning consistent with the prior action on the zoning case, and enter into the development agreement consistent with the prior action on the development agreement.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

8.03 P18-30F. The issuing of a Special Use Permit to allow a Communications Tower to be located in a Community Commercial (CC) Zoning District at 1876 Bureau Drive (Tax Map # 0455-17-6410) near the intersection of Bureau Drive and Cedar Creek Road, and is the property of BEASLEY MEDIA GROUP.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the Beasley Media Group

looks to install a 195-foot communications tower at 1876 Bureau Drive, just south of Ruby Tuesday and Cedar Creek Road and across the street from the Holiday Inn. The applicant proposes a free-standing, triangular shaped lattice tower with three support legs and steel framing. The proposed tower location is within a commercial zoning district. The City's standards call for a setback of half of the tower height from each of the adjoining property lines. The applicant in this case, however, has asked for a reduction in the setback requirements through the Special Use Permit process. A tower that is 195 feet tall would require a setback of 97.5 feet. The applicant is asking for a reduction in this number for the property lines to the west (15 +/- foot reduction) and south (49 +/- foot reduction). Both of these property lines are adjacent to areas where an active farm currently is located. A SUP shall be approved only upon a finding that all of the following standards are 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; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

This SUP must comply with any and all City, State, and Federal laws and regulations to remain in business.

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

Mr. Mike Cooney, 5340 Hawthorn Woods Way, Naples, FL, appeared in favor and stated he is the engineer for the project.

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

Discussion ensued.

MOTION: Council Member Culliton moved to approve the Special Use Permit (SUP) to allow a communications tower in a CC Community Commercial 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 Heavy Commercial District, (2) this use complies with the eight findings listed above, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the

character of the area. This Special Use Permit shall become effective ten days after its approval by the City Council, which is November 1, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

8.04 Stormwater Ordinance Variance Request - Wiseman Crematorium 653, 655, and 657 Hillsboro Street (Hillsboro and Edwards Street)

Ms. Giselle Rodriguez, City Engineer, presented this item with the aid of a PowerPoint presentation and stated Wiseman Mortuary, Inc., is proposing to develop a commercial property located at 653, 655, and 657 Hillsboro Street. The City's Stormwater Ordinance requires that any redevelopment or addition to existing development that includes more than 5,000 square feet of new impervious area is not exempt from the requirement of providing stormwater management measures. The site currently contains a gravel patch, which classifies the site as existing development. Therefore, any increase over 5,000 square feet of impervious area would require installation of stormwater control measures. A variance petition has been submitted by the owner requesting that the site be considered new development, a classification which would allow the addition of up to 20,000 square feet of impervious area without providing stormwater control measures. The site consists of a 0.16-acre parcel, 0.15-acre parcel, and 0.15-acre parcel for a total of 0.46 acres. The site previously contained a house that was removed prior to the implementation of the City's Stormwater Ordinance. The property is proposed to be redeveloped into Wiseman Crematorium, with the total impervious area on the developed site being less than 20,000 square feet. In 2009, City Council adopted Article III of the Stormwater Management Ordinance (Chapter 23). It includes provisions to properly manage the quantity and quality of stormwater runoff to minimize damage to public and private property and reduce the effects of development on land and streams. One of the provisions requires that stormwater control measures be incorporated as part of the design for any redevelopment or addition to existing development that adds over 5,000 square feet of impervious area. The proposed Wiseman Crematorium site currently has approximately 5 percent gravel coverage that was left from the demolition of a house removed prior to the implementation of the City's Stormwater Ordinance. In accordance with the variance petition received, the owner is requesting that the gravel patch not be considered previous development, that the site be considered new development, and that an addition of up to 20,000 square feet of impervious area be allowed without the requirement of incorporating stormwater control measures. The site is currently credited with a very small amount of impervious area due to existing gravel left from the demolition of a house removed prior to the implementation of the Stormwater Ordinance. Due to the existing impervious area, the ordinance categorizes this as redevelopment or addition to existing development and requires stormwater control measures for 5,000 square feet of new impervious area. Several stormwater control measures have been considered to meet the requirements. The soil report states that the seasonal high water table (SHWT) is shallow and, therefore, an underground detention structure could not meet the required separation between the SHWT and the underground structure. Above ground stormwater control measures along with setbacks and additional UDO requirements reduces the available area for the actual building and parking to a point that is not feasible. The existing site sits across the street from the applicant's current business and is bounded on both sides by an existing church building which negates the ability to purchase additional land to accommodate the stormwater requirements for existing development. The site currently exists as a vacant lot with mostly grass coverage. The developer proposes the site be considered new development.

After multiple meetings, site visits, records research and thorough review of the proposed variance, staff recommends the

approval of the variance which will facilitate the economic development of this property. Detailed design plans have not yet been submitted for review. City staff will ensure to review the plans in accordance with the City's requirements and enforce Council's decision on this request. If Council approves the variance, it will allow the developer to continue with their development.

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

Mr. Tyrus Clayton, 225 Greene Street, Fayetteville, NC, appeared in favor and stated he is the engineer for the project.

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

Discussion ensued.

MOTION: Council Member Culliton moved to approve the Stormwater Ordinance Variance Request; allowing the site to be considered new development.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.01 Monthly Statement of Taxes for September 2018

2018 Taxes	2,313,300.23
2018 Vehicle,	3,390.69
2018 Taxes Revit	10,200.01
2018 Vehicle Revit	15.57
2018 FVT	235.00
2018 FTT	235.00
2018 Storm Water	466,707.15
2018 Fay Solid Waste Fee	486,806.82
2018 Annex	0.00
2017 Taxes	24,219.31
2017 Vehicle	281.39
2017 Taxes Revit	0.00
2017 Vehicle Revit	0.00
2017 FVT	35.00
2017 FTT	35.00
2017 Storm Water	2,297.20
2017 Fay Solid Waste Fee	4,410.43
2017 Annex	0.00
2016 Taxes	8,553.32
2016 Vehicle	2.30
2016 Taxes Revit	0.00
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	1,228.87
2016 Fay S Waste Fee	0.00
2016 Annex	0.00
2015 Taxes	1,213.34
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	90.00
2015 Fay Storm Water	180.00
2015 Fay S Waste Fee	176.00
2015 Annex	0.00

2014 and Prior Taxes	956.86
2014 and Prior Vehicle	924.58
2014 and Prior Taxes Revit	0.00
2014 and Prior Vehicle Revit	0.00
2014 and Prior FVT	171.83
2014 and Prior FTT	161.37
2014 and Prior Storm Water	211.04
2014 and Prior Fay Storm Water	406.27
2014 and Prior Fay S Waste Fee	168.77
2014 and Prior Annex	0.00
Interest	4,406.80
Revit Interest	0.00
Fay Storm Water Interest prior	138.38
Fay Storm Water Interest 2015	270.44
Fay Storm Water Interest 2016	391.30
Annex Interest	0.00
Solid Waste Interest	585.92
FTT Interest	126.63
Total Tax and Interest	\$3,333,293.40

9.02 NCDOT projects to install four-way stops at the intersections of Sapona Road at Plymouth Street and Clinton Road at Plymouth Street

The North Carolina Department of Transportation (NCDOT) is proposing to revise the traffic control at the intersections of Sapona Road at Plymouth Street and Clinton Road at Plymouth Street to four-way stop locations. Currently, Plymouth Street is the stop approaches at both these intersections and Sapona and Clinton Roads are not required to stop. This proposal results from an NCDOT investigation of the accident history at these locations. The recommendation to convert these intersections to four-way stops is intended to correct this accident history. Although both Sapona and Clinton Roads are NCDOT maintained streets, Plymouth Street is a City-maintained street at both these intersections. NCDOT is forwarding this information for any comments or questions Council may have regarding these proposed projects. NCDOT has coordinated with City Traffic Services staff to develop these recommendations and staff concurs the projects could improve the safety and operation of these intersections.

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

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 p.m.