FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL, 433 HAY STREET
SEPTEMBER 26, 2022
7:00 P.M.

Present: Mayor Mitch Colvin

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Kelly Olivera, Interim Assistant City Manager
Gerald Newton, Development Services Director
Robert Stone, Construction Management Director
Jodi Phelps, Chief of Staff
Jennifer Baptiste, Planning and Zoning Manager
Craig Harmon, Senior Planner
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Michael Mathis, Mission Field Ministries.

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

Council Member Haire offered condolences for the passing of Dr. Wilson Lacy.

Council Member Ingram thanked the Arts Council for the International Folk Festival.

Council Member Ingram presented Kelsey and Shannon Battle with a certificate of recognition for all their work in the community.

5.0 CITY MANAGER REPORT

Mr. Hewett stated he does not have a report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Ingram moved to approve the agenda, with the modification to move Item 10.03 to Item 8.01A.
SECOND: Council Member Benavente
VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda, with the exception of Items 7.01, 7.02, and 7.04; pulled for public hearings to be held on October 10, 2022.
SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (10-0)

7.01 P22-30. Rezoning from Mixed Residential 5 (MR-5) to Limited Commercial (LC) of 5.91 acres ± located to the north of Raeford Road and east of Cliffdale Road (REID # 9476879366000), being the property of Robert Gregory Family LLLP, represented by Charles Morris.

This item was pulled from the consent agenda to be placed on the October 10, 2022, City Council agenda as a public hearing item.

7.02 P22-33. Rezoning from Agricultural Residential (AR) to Limited Commercial (LC) of 1.94 acres ±, to be rezoned, located to the north of Raeford Road and west of Hoke Loop Road (REID #s 9476572873000 and 9476574127000), and being the property of Palmer Williams of Sycamore Corner LLC and represented by Lori Epler, Larry King & Associates

This item was pulled from the consent agenda to be placed on the October 10, 2022, City Council agenda as a public hearing item.

7.03 P22-35. Rezoning from Single-Family Residential 6 (SF-6) to Mixed-Residential 5 (MR-5), located at the intersection of 712 Miller Avenue (REID # 0416681081000), containing 1.57 acres ± and being the property of Miller Apartment LLC and represented by R. Jonathan Charleston, Esq.

7.04 P22-36. Conditional rezoning from Single-Family 6 (SF-6) to Mixed-Residential 5 Conditional Zoning (MR-5/CZ), for no more than 160 units, located at the following properties: 7009 Fillyaw Road (REID # 9499918931000), containing a total of 15.14 acres ± and being the property of Alternative Investment Holdings, INC and represented by R. Jonathan Charleston, Esq.

This item was pulled from the consent agenda to be placed on the October 10, 2022, City Council agenda as a public hearing item.

7.05 Adoption of Capital Project Ordinance Amendments 2023-12 and 2023-13 to Transfer funds for Projects Resulting from Watershed Studies between the Specific Watershed Studies Capital Project and the FY23 Stormwater Drainage Improvement Capital Projects

Capital Project Ordinance Amendments (CPOAs) 2023-12 and 2023-13 to transfer funding allocated for projects resulting from watershed studies from the specific Watershed Studies Capital Project to the FY23 Stormwater Drainage Improvement Capital Projects. The $3.5 million appropriation was inadvertently appropriated to the incorrect capital project on July 1, 2022.

7.06 Adoption of Budget Ordinance Amendment 2023-4 and Capital Project Ordinance 2023-9 to Appropriate Funding for Rowan Park Improvement Project

Budget Ordinance Amendment (BOA) 2023-4 and Capital Project Ordinance (CPO) 2023-9 to appropriate $150,000.00 for the Rowan Park Improvement Project.

7.07 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 100 Triangle Place, 808 and Adjacent Parcel Cedar Creek Road, 1317 Jacob Street, 222 Dallas Street, 828 Little Avenue, 2220 Roosevelt Drive, 837 Deep Creek Road, 1009 College Street, 2012 and Adjacent Parcel Powell Street, and 2022 Center 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. R2022-032

7.08 Uninhabitable Structures Demolition Recommendations

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIUM STANDARDS CODE OF THE CITY COUNCIL. 5002 Collins Street, District 4. PIN 0418-59-3856. ORDINANCE NO. NS2022-030

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIUM STANDARDS CODE OF THE CITY COUNCIL. 3902 Coventry Road, District 5. PIN 0416-66-0090. ORDINANCE NO. NS2022-031

7.09 Adoption of a Resolution to Rescind Demolition Ordinance

912 Ramsey Street - District 2

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2022-024. RESOLUTION NO. R2022-033

7.010 Approval for City Manager to Execute a Construction Contract with Muter Construction for the Mazarick Park Tennis Center Building

Authorize the City Manager to execute a construction contract with the apparent lowest responsive, responsible bidder, Muter Construction, for the Mazarick Park Tennis Center Building in the amount of $2,340,525.00.

7.011 Authorization of Condemnation of Easements on the Properties Needed for North Street Drainage Project

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION ON REMAINING PARCELS FOR NEEDED STORMWATER EASEMENTS. RESOLUTION NO. R2022-034

7.012 Professional Service Contract Execution Recommendation - Locks Creek Road Drainage Improvement Project Design Services

Execution of an engineering service contract for professional services in the amount of $645,811.00 for the Locks Creek Road Drainage Improvement Project for Design Services to the consulting Gradient

7.013 Approval of Municipal Certificates with NCDOT for speed limit reduction to 35 mph on Bailey Lake Road between Strickland Bridge Road and Bingham Drive

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE. From SR 1104 (Strickland Bridge Road)eastward to NC 162. ORDINANCE NO. NS2022-032

7.014 Approval of Municipal Certificates with NCDOT for speed limit changes on Hope Mills Road to reflect the designation from NC 59 to Secondary Road (SR) 1596 within the City limits

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE. Between a point 2.48 miles south of US 401 Business (Fayetteville City Limits), and US 401 Business. ORDINANCE NO. NS2022-033

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRANCE. NC 59 from a point 2.48 miles south of US 401 Business (Fayetteville City Limits), northward to US 401 Business. ORDINANCE NO. NS2022-034

7.015 Bid Recommendation - Shadow Lawn Aerial Sewer Crossing Replacement

Approval of the bid recommendation to award the contract for the Shadow Lawn Aerial Sewer Crossing Replacement to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder, in the total amount of $2,767,010.00.

7.016 Bid Recommendation - Ann Street to Green Street Sanitary Sewer Relocation Project

Approval of the bid recommendation to award the contract for the Ann Street to Green Street Sanitary Sewer Relocation Project to T. A. Loving Company, Goldsboro, NC the lowest responsive, responsible bidder, in the total amount of $1,275,000.00.

7.017 Adoption of Budget Ordinance Amendment 2023-5 to Appropriate $50,000.00 of General Fund Fund Balance for the Fayetteville Forward General Obligation Bond Information and Education Campaign

Budget Ordinance Amendment (BOA) 2023-5 to provide funding for the Fayetteville Forward Bond package education and information campaign. The BOA will appropriate $50,000.00 of General Fund fund balance to augment the existing education and PSA campaign.

7.018 Adoption of a Resolution of the City of Fayetteville, NC to Be Included in Applications for Funding Offered by NC DEQ Division of Water Infrastructure

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO BE INCLUDED IN APPLICATIONS FOR FUNDING OFFERED BY THE NC DEQ DIVISION OF WATER INFRASTRUCTURE. RESOLUTION NO. R2022-035

7.019 Lease of Suite 303 of R. C. Williams Building

Cape Fear Supply Company d/b/a Comtech ("Lessee") originally entered into a lease agreement with PWC for Suite 303 of the R.C. Williams Building on August 29, 2016. Lessee and PWC amended the agreement on three (3) separate occasions, with Lessee currently seeking an amendment to extend the lease one (1) additional year. Lessee has agreed to an annual rent rate of $26,981.88, which will be paid in monthly payments of $2,248.49. There are no options to extend the lease contemplated in the amendment.

8.0 LEGISLATIVE HEARINGS

8.01 P22-26. Initial Conditional zoning to Mixed Residential 5/Conditional Zoning (MR-5/CZ), for a Dwelling, Multi-Unit Single-Family, Detached on One Lot, located at 2881 Gillespie Street and the end of Bridgewood Drive (REID #s 0435156869000 and 0435155175000), containing 50.12 acres ± and being the properties of Fayetteville Memorial Cemetery Corporation, Draughton Holdings, LLC & Next Chapter Neighborhoods, represented by Andrew Malzer.

Mr. Craig Harmon, Senior Planner, presented this item and stated the applicant is seeking to initially zone 50.12 acres ±, of a total 70-acre site. The remaining acreage will be for the existing cemetery. The property is identified as being the rear portion of the cemetery. The request is to change this rear portion and separate it from the rest of the cemetery.

Currently, the parcels are zoned in Cumberland County as Residential 10, Residential 5A, and Planned Industrial District/Conditional Use (M (P) CU) to the City of Fayetteville's Mixed Residential 5 Conditional (MR-5/CZ). Under the County's present zoning, a mix of approximately 159 single-family and 184 multi-family

dwellings (343 total) could be built. The owner of the property in question has conditioned this request to no more than 300 units.

This case was initially heard as a legislative hearing by the Zoning Commission on June 14, 2022. The staff report submitted to the Zoning Commission was prepared by staff and submitted for approval on June 3, 2022. The report was made agenda ready on June 6, 2022, and was printed and distributed on June 7, 2022.

Staff received email correspondence from Dr. Toney Coleman, Airport Director, regarding his concerns with the project on June 7, 2022. Dr. Coleman's emailed concerns were based on information obtained from Cumberland County's Ordinance Airport Overlay section. This information was given to the Zoning Commission members during the June 14, 2022, meeting. Despite receiving the information, the Zoning Commission held a legislative hearing regarding this case and voted 5 to 0 to recommend approval. There were no speakers in opposition and one speaker in favor.

Chapter 30 of the City Code of Ordinances (commonly referred to as the Unified Development Ordinance) contains specific wording cautioning those involved in developments under the Airport Overlay Zoning District to consider the guidance of the Airport Director. The Airport Director opposed the project due to its location in flight patterns and the density of the housing underneath.

In light of the Airport Director's opposition, staff advised the City Council to remove this item and the associated annexation from the August 22, 2022, consent agenda and set it for a hearing on September 26, 2022. Council followed the staff's recommendation and moved both items to the last September meeting as a public and legislative hearings respectively.

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, attorney representing the applicants, appeared in favor.

Mr. Charles Smith, 2639 Mirror Lake Drive, Fayetteville, NC, appeared in favor.

Mr. Mark Lynch, 833, Bragg Boulevard, Fayetteville, NC, Airport Commission Chair, appeared in opposition.

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

Discussion ensued.

MOTION: Council Member Ingram moved to deny the request for Initial Conditional zoning to Mixed Residential 5/Conditional Zoning (MR-5/CZ).
SECOND: Council Member Benavente
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Colvin, Dawkins, Haire and Thompson)

8.01A TA22-02: Text Amendments to Article 30 of the Unified Development Ordinance to develop a University and College Zoning District. This case is related to rezoning case P22-15.

This item was moved from Item 10.03.

Ms. Jennifer Baptiste, Planning and Zoning Manager, introduced this item and Mr. Chester Green, Senior Planner, provided an overview of each proposed ordinance and stated, due to recommendations identified as part of both the Murchison Road/Bragg Boulevard Plan and the Future Land Use Plan and Map, staff is preparing to rezone properties identified as being owned and associated with local

universities and colleges. Specifically, the rezonings will cover properties associated with Fayetteville State University (FSU), Methodist University (MU), and Fayetteville Technical Community College (FTCC).

Staff has examined the Unified Development Ordinance for items that could be amended to assist with the growth and development of our local universities and colleges. These updates are guided by specific recommendations from representatives of the schools and best practices.

At the December 13, 2021, City Council regular meeting, the City Council directed Planning staff to draft proposed changes to the Unified Development Ordinance (UDO) and the City's Official Zoning Map to support local universities and colleges.

On March 1, 2022, Planning staff held a virtual public meeting (via Zoom) to engage stakeholders and solicit feedback on proposed modifications to the UDO and introduce the concept of the new Universities & Colleges (UC) zoning district.

These proposed text amendment changes received an unanimous recommendation of approval from the Planning Commission on March 15, 2022.

The map amendments were heard by the Zoning Commission on April 12, 2022. The Commission recommended unanimously to approve the proposed map amendment as presented.

This staff report covers only the text amendment aspect of the process and is related to P22-15. P22-15 is the staff report regarding the rezoning portion of this case.

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 OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-1, GENERAL PROVISION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-027

MOTION: **Council Member Ingram moved to adopt all recommended text amendments.**
SECOND: **Council Member Haire**
VOTE: **UNANIMOUS (10-0)**

8.02 P22-15. Rezoning of several properties associated with Fayetteville Technical Community College, Fayetteville State University, and Methodist University from various zoning districts to a newly written district, University and Colleges (UC), represented by the City of Fayetteville. This rezoning is related to Text Amendment TA22-02.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated due to recommendations identified as part of both the Murchison Road/Bragg Boulevard Plan and the Future Land Use Plan and Map, staff is preparing to rezone properties identified as being owned and associated with local universities and colleges. Specifically, the rezonings will cover properties associated with Fayetteville State University (FSU), Methodist University (MU), and Fayetteville Technical Community College (FTCC).

Staff has examined the Unified Development Ordinance for items that could be amended to assist with the growth and development of our local universities and colleges. These updates are guided by specific recommendations from representatives of the schools and best practices.

At the December 13, 2021, City Council regular meeting, the City Council directed Planning staff to draft proposed changes to the Unified Development Ordinance (UDO) and the City’s Official Zoning Map to support local universities and colleges.

On March 1, 2022, Planning staff held a virtual public meeting (via Zoom) to engage stakeholders and solicit feedback on proposed

modifications to the UDO and introduce the concept of the new Universities and Colleges (UC) zoning district.

The proposed text amendment changes received unanimous recommendation of approval from the Planning Commission on March 15, 2022. The map amendments were heard by the Zoning Commission on April 12, 2022. The Commission recommended unanimously to approve the proposed map amendment as presented.

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.

MOTION: Council Member Benavente moved to approve the map amendment to UC.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (10-0)

9.0 EVIDENTIARY HEARINGS

9.01 SUP22-06. Special Use Permit to allow three Two-Family Dwellings (duplexes units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 2417 and 2421 Colgate Drive (REID #s 0426650150000 and 0426558132000), totaling 1.94 acres ± and being the property of Military Standard Construction, LLC.

Mr. Craig Harmon, Senior Planner, presented this item and stated the applicant is requesting a Special Use Permit to construct three duplexes on properties located on Colgate Drive. The attached site plan shows the layout of the six units. According to the owner, the proposed use will comply with all of the City's Dwellings, Two-to Four-Family standards and will be a self-contained complex that will not interfere with the adjoining properties. The application is only to address the construction of the three duplex sites.

Land within the City is generally classified by the Unified Development Ordinance (UDO) 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 fact:

(1) The special use complies 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 districts(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.

The applicant will be required to meet all applicable standards.

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

Mr. Mark Mayoras, 446 Willowbend Lane, Fayetteville, NC, the applicant, appeared in favor.

Mr. James Depree, 2415 Colgate Drive, Fayetteville, NC, appeared in opposition.

Ms. Mary Kennedy, 2356 Rolling Hills Road, Fayetteville, NC, appeared in opposition.

Ms. Karen Ewart, 1657 Banbury Drive, Fayetteville, NC, appeared in opposition.

Ms. Amanda Wynn, 2425 Colgate Drive, Fayetteville, NC, appeared in opposition.

Mr. Ronald Vance, 2416 Colgate Drive, Fayetteville, NC, appeared in opposition.

Mr. Matthew McLean, 2307 Vandemere Avenue, Fayetteville, NC, appeared in opposition.

Mrs. Ellen Brantley, 2705 Colgate Drive, Fayetteville, NC, appeared in opposition.

Mr. Bill Vurnakes, 2413 Torcross Drive, Fayetteville, NC, appeared in opposition.

Ms. Denise Jasienowski, 2613 Sydney Drive, Fayetteville, NC, appeared in opposition.

Mr. Clayton Gillyard, 2406 Colgate Drive, Fayetteville, NC, appeared in opposition.

Mr. Michael Hall, 2003 Bismark Court, Fayetteville, NC, appeared in opposition.

Mrs. Nicole Graham, 2600 Cottingham Court, Fayetteville, NC, appeared in opposition.

Mr. Chris Herring, 2421 Torcross Drive, Fayetteville, NC, appeared in opposition.

Discussion ensued.

MOTION: **Council Member Benavente moved to disapprove the Special Use Permit (SUP) for the construction of three Two- to Four-Family Dwellings (three duplexes for a total of six housing units) as depicted on the site plan, 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 does not meet the findings of fact. More specifically findings 2, 5, and 7.**
SECOND: **Council Member Thompson**
VOTE: **PASSED by a vote of 8 in favor to 2 in opposition (Council Members Banks-McLaughlin and Hondros)**

10.0 PUBLIC HEARINGS

10.01 AX22-07: Annexation request located along the Southeastern side of Ivan Drive and Gillespie Street, consisting of 50.12 ± acres and being the property of Fayetteville Memorial Cemetery

Corporation and Draughon Holdings, LLC; related to P22-26: Initial Zoning.

MOTION: **Council Member Ingram moved to remove this item from the agenda at the request of the applicant.**
SECOND: **Council Member Benavente**
VOTE: **UNANIMOUS (10-0)**

10.02 TA22-04: Proposed Text Amendments to amend Sections 30-2.A, 30.2.B, and 30.2.C of the Unified Development Ordinance regarding the Special Use Permit process, requested by the City of Fayetteville.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the City of Fayetteville has used Special Use Permits since at least 1964 when the City's Zoning Ordinance began folding in some uses that were allowed in a zoning district if they "fit in with the character of the area in which such use is to be located and that such use is not detrimental to the surrounding neighborhood (Ordinance No.1964-10).

Over the years, the standards and North Carolina Statutes continued to allow uses when they met certain standards. North Carolina case law has also created refinements to the way Special Use Permits are handled. In 2020, the state adopted a consolidated land use statute, 160D with different effective dates for changes to be made locally, all of which Fayetteville did. A significant point was to move the SUP process into the newly named "Evidentiary Hearing" that was not significantly different than the Quasi-Judicial Hearings that the City Council held for cases.

A few primary points of the new Evidentiary Hearing were presented by the professional staff that included prima facia entitlement to approve uses where competent, substantial, material evidence is presented by the applicant for a use identified as a "special use" under the city ordinance. Another part of the process change involved the City Council meeting being the only time that the evidence is presented and no recommendations be made from an advisory board or the city staff. These process revisions on April 2021, along with a generic Fayetteville City Council Special Use Permit Evidentiary Hearing outline continue to be used.

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.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-2.C., STANDARDS AND REQUIREMENTS FOR DEVELOPMENT APPLICATIONS, OF ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-030

MOTION: **Council Member Dawkins moved to adopt the three proposed text amendments.**
SECOND: **Council Member Haire**
VOTE: **UNANIMOUS (10-0)**

11.0 OTHER ITEMS OF BUSINESS

11.01 Reconsideration of the Execution of a Contract for Gunshot Detection Technology Services

MOTION: **Council Member Benavente moved to table this item to the October 2022 work session.**
SECOND: **Council Member Hondros**
VOTE: **FAILED by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Thompson, and McNair)**

MOTION: **Council Member Thompson moved to approve the Execution of a Contract for Gunshot Detection Technology Services.**
SECOND: **Mayor Pro Tem Dawkins**
VOTE: **FAILED by a vote of 5 in favor to 5 in opposition (Council Members Ingram, Benavente, McNair, Hondros, and Banks-McLaughlin**

12.0 ADMINISTRATIVE REPORTS

12.01 Retirement for City Council

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

12.02 Federal and State Advocacy Program Update

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

13.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:06 p.m.