

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
DECEMBER 14, 2020
7:00 P.M.**

Present: Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7) (via zoom); Courtney Banks-McLaughlin (District 8) (via zoom); Yvonne Kinston (District 9)

Absent: Mayor Mitch Colvin; Council Member Tisha S. Waddell (District 3)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Kevin Arata, Corporate Communications Director
Jay Toland, Chief Financial Officer
Scott Bullard, Emergency Management Coordinator
Pamela Megill, City Clerk
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Jensen called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Ingram.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Mayor Pro Tem Jensen congratulated Council Member Waddell on becoming a first time grandmother.

Mayor Pro Tem Jensen presented a proclamation to Kiwanis Club of Fayetteville members President George Turner, International Trustee Gary Cooper, and Past Presidents Al Broadfoot and Maurice Rim proclaiming December 1, 2020, to honor the Kiwanis Club of Fayetteville in celebrating its 100th year.

Mayor Pro Tem Jensen presented a proclamation to Mr. Robert Ray and Ms. Olivia Ray, family members of Mrs. Sylvia Gooding Ray, and Suzy Hrabovsky, CEED Director, proclaiming November 30, 2020, a Celebration of Life for the passing of Sylvia Gooding Ray.

Fayetteville State University Chancellor Valentine provided a presentation on the new Meharry Medical College Partnership with Fayetteville State University.

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

Council Member Banks-McLaughlin thanked everyone that volunteered and participated in the "Santa and Friends" Drive-through event that took place December 12, 2020.

Council Member Ingram congratulated Council Member Kinston on her son graduating Field Artillery AIT.

Council Member Ingram wished everyone a happy holiday and happy new year.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Dawkins moved to approve the agenda with the removal of Item 9.01, External Committee follow-up: Survey Consultant, ETC Institute, reviews its survey proposal and sample size questions.

SECOND: Council Member Ingram

VOTE: PASSED by a vote of 6 in favor to 2 in opposition (Council Members Wright and Banks-McLaughlin)

6.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda with the exception of Item 6.06; for presentation and separate vote.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (8-0)

6.01 Approval of Meeting Minutes:

November 23, 2020 - Discussion of Agenda Items

November 23, 2020 - Regular

December 1, 2020 - Special

December 2, 2020 - Special

December 3, 2020 - Special

December 7, 2020 - Work Session

6.02 P20-34F. A Conditional Zoning request from Heavy Industrial (HI) to Heavy Industrial/Conditional Zoning (HI/CZ), located at 245 Poe Street (Tax Map # 0437-40-0221), totaling 2 acres ± and being the property of Ronald Green, represented by Lonnie Player.

6.03 P20-42F. An Initial Zoning request from Cumberland County Agricultural (A1) to Community Commercial (CC), located on Judson Church Road, near its intersection with Cedar Creek Road (Tax Map # 0455-48-7292), totaling 0.49 acres ± and being the property of Nick Patel, Naman Hotels.

6.04 P20-44F. A Conditional Zoning request from Agricultural-Residential (AR) to Single-Family Residential 15/Conditional Zoning (SF-15/CZ) for the purposes of operating a Child Care Center, located at 8926 Cliffdale Road (Tax Map # 9487-02-5349), containing 0.51 acres ± and being the property of Eva Gatlin, represented by Deborah Evans.

6.05 P20-45F. A Rezoning request from Heavy Industrial (HI) to Community Commercial (CC), located on Judson Church Road, near its intersection with Cedar Creek Road (Tax Map # 0455-58-0008), totaling 2.89 acres ± and being the property of Nick Patel, Naman Hotels.

6.06 This item was pulled from the consent agenda for presentation and separate vote.

6.07 Adoption of Budget Ordinance Amendment 2021-5 (Stormwater Management Fund) to Provide Funding for Legal and Consulting Services

Budget Ordinance Amendment (BOA) 2021-5 will appropriate \$400,000.00 from Stormwater Management Fund net assets to provide \$250,000.00 funding for ongoing legal services for the Liberty Hills and Devonwood-Loch Lomond lawsuits and \$150,000.00 for related consulting services.

6.08 Adoption of Budget Ordinance Amendment 2021-6 for the General Fund

Council is asked to adopt Budget Ordinance Amendment (BOA) 2021-6 to appropriate \$353,166.00 from General Fund fund balance to provide funding needed for items, which will enhance the daily operations of the City.

6.09 Addition of Certain Streets to the City of Fayetteville System

The Fayetteville street system includes 745.96 center line miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance with the City's standards and can be designated for private or public ownership and maintenance. When streets are constructed to City standards, it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major city streets.

Staff has identified nine (9) recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets. These streets and drainage systems within the street rights-of-way have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 1.13 mile addition will bring the City's street system total to 747.09 miles.

6.010 Request for Legal Representation of City Employee

Authorization to provide legal representation for City employee Patrick Guilette in the matter of Robert Earl Edwards. The employee was acting within the scope and course of his employment with the City when the alleged incident occurred.

6.011 Council Approval to Waive Landing Fees for Signatory Airlines for Six Months

Approval to approve a waiver of landing fees for signatory airlines for the period from January 1 to June 30, 2021, to help mitigate the financial impact of the COVID-19 pandemic.

6.06 P20-46F. A Rezoning request from Neighborhood Commercial Conditional Zoning (NC/CZ) to Limited Commercial (LC), located at 1501 Pamalee Drive (Tax Map # 0428-27-0276), totaling 0.65 acres ± and being the property of Rhudys Inc., represented by Chris Phillips.

This item was pulled for discussion and separate vote.

MOTION: Council Member Haire moved to have this item moved to a public hearing in January 2021.

SECOND: Council Member Davis

VOTE: UNANIMOUS (8-0)

7.0 PUBLIC FORUM

Mr. Michael Pinkston, 436 West Russell Street, Fayetteville, NC, expressed concerns regarding the Market House.

Ms. Kathy Greggs, 4607 Woodline Drive, Fayetteville, NC, expressed concerns regarding the establishment of a Civilian Review Board for the Police Department.

Ms. Carolyn Hamilton, 363 Tuscon Drive, Fayetteville, NC, expressed concerns regarding not being invited to a Community Watch Group Christmas party.

Imam Eronomy Mohammad, 2700 Murchison Road, Fayetteville, NC, presented on the state of the community.

Mr. Shaun McMillan, 6024 Goldenrain Drive, Fayetteville, NC, expressed concerns regarding implementing a civilian police oversight board.

8.0 PUBLIC HEARINGS

8.01 P20-41F. A Special Use Permit request to operate a Child Care Center at 1208 Cedar Creek Road (Tax Map # 0446-63-9772), zoned as Single-Family 6 (SF-6), being 3.03 acres ± and being the property of Len-Care Rest Home, Inc., represented by Evelyn Clark.

Ms. Jennifer Baptiste, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the applicant is requesting a Special Use Permit to operate a Child Care Center at 1208 Cedar Creek Road. This property is currently zoned Single-Family Residential 6 and a Special Use Permit is required to locate a Child Care Center in this zoning district.

On November 10, 2020, the Zoning Commission voted 5 to 0 to recommend City Council approve the Special Use Request (SUP) to allow a Child Care Center at 1208 Cedar Creek Road. The SUP is consistent with applicable plans because (1) the City's Unified Development Ordinance and 2040 Future Land Use Plan both support this type of business in this location; (2) the uses surrounding this property are a mix of uses which are compatible with the proposed SUP; and (3) the proposed SUP is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

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

Ms. Lathesia Everett, 4523 Ruby Road, Fayetteville, NC 28311, appeared in favor and stated she is the Child Care Center Director. Ms. Everett provided testimony that evidenced the applicant is in compliance with meeting the eight (8) findings of fact.

Ms. Evelyn Clark, 1504 Royal Spring Street, Fayetteville, NC 28312, appeared in favor and stated she is the applicant, and present to answer any questions.

Mr. Victor Clark, 1504 Royal Spring Street, Fayetteville, NC 28312, appeared in favor and stated he is present to answer any questions.

The SUP must meet the following findings of facts:

- (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.

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

Discussion ensued.

MOTION: Council Member Ingram moved to approve the requested Special Use Permit (SUP) to operate a Child Care Center on the parcel currently zoned Single-Family Residential 6 (SF-6), as presented by staff and based on the information provided. The SUP is consistent with applicable plans because (1) the City's Unified Development Ordinance and 2040 Future Land Use Plan both support this type of business in this location; (2) the uses surrounding this property are a mix of uses which are compatible with the proposed SUP; and (3) the proposed SUP is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

8.02 AX20-003: An Annexation located on Judson Church Road, near its intersection with Cedar Creek Road (Tax Map # 0455-48-7292), totaling 2.89 acres ± and being the property of Nick Patel, Naman Hotels; related to P20-42F: Initial Zoning

Mr. David Nash, Senior Planner, presented this item and stated a developer has proposed to build a new Springhill Suites motel along the eastern side of Judson Church Road, east of Interstate-95. Most of the development site is within the incorporated limits of the City. However, one small parcel along Judson Church Road is not, and the annexation provides access to the larger parcel, Tax Map # 0455-58-0008, which is landlocked. The owner has requested that this parcel be annexed.

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

Mr. James Futter, 7 Cluster Court, Columbia, SC 29210, appeared in favor and stated he is available to answer any questions.

Mr. Nick Patel, 2201 Duck Hunter Point, Florence, SC 29501, appeared in favor and stated he is available to answer any questions.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (Part of the Development Site for a Proposed Springhill Suites Motel-One Parcel on the Eastern Side of Judson Church Road PIN: 0455-48-7292/ REID: 0455487292000). ANNEXATION ORDINANCE NO. 2020-12-574

MOTION: Council Member Ingram moved to adopt the Annexation Ordinance with an effective date of December 14, 2020, and include approval of the final action consistent with the prior action on the zoning.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (8-0)

9.0 OTHER ITEMS OF BUSINESS

9.01 External Committee follow-up: survey consultant, ETC Institute, reviews its survey proposal and sample size questions

This item was removed from the agenda.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:33 p.m.