

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
OCTOBER 27, 2014
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Lawrence O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Randy Hume, Transit Director
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Manager
Craig Harmon, Senior Planner
David Nash, Planner II
Greg Caison, Stormwater Manager
Gloria Wrench, PWC Purchasing Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Terry Alston, Abundant Faith Fellowship Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITION

North Carolina State Representative Rick Glazier presented the Ol' North State Award for Service and Commitment to the State to Police Officer Stacey Sanders for her tireless efforts working with the homeless in the City of Fayetteville; going way above the call of duty.

Council Member Wright presented a Certificate of Recognition to Mr. Rodrick Barker, Homeless and Hunger Stand Down Committee Chair, for outstanding service to those less fortunate in our community through commitment to the Homeless and Hunger Stand Down. Certificates were also presented to all committee members.

Council Member Jensen presented a Certificate of Recognition to Ms. Jennifer Lescalet for civic excellence and dedication to make the City of Fayetteville a better place for future generations.

Council Member Crisp announced the Army Ground Forces Band "Salute to Veterans" event was taking place on Sunday, November 9, 2014, at 3:00 p.m. in the Seabrook Auditorium at Fayetteville State University.

6.0 PUBLIC FORUM

Mr. Lawrence Frawley, 639 Rock Spring Road, Fayetteville, NC 28314, expressed concerns regarding the poor condition of streets in the Montclair subdivision.

Mr. Hunter Evans, 2974 Evans Dairy Road, Fayetteville, NC 28312, expressed opposition to the proposed Sanderson Farms locating in Cumberland County.

Mr. Prince Tutman, 1532 Laurel Oak Drive, Fayetteville, NC 28314, announced the "Feed the Homeless" charity event was taking place on Saturday, November 1, 2014, at 328 Person Street, Fayetteville, NC.

Mr. Ronnie Peele, 210 Rivenoak Drive, Fayetteville, NC 28303, expressed his disappointment with the City and PWC.

Mr. James Popp, 101 Goodyear Avenue, Fayetteville, NC 28303, stated crime is out of control in his neighborhood park; Roy Turner Jr. Park.

Mr. Donovan McGeachy, 608 Duggins Way # G, Fayetteville, NC 28312, stated his reputation has been tarnished after being labeled a gang member by the Police Department.

Ms. Betty Jo Smith, 4340 Sids Mill Road, Fayetteville, NC 28312, expressed opposition to the proposed Sanderson Farms locating in Cumberland County.

Mr. Bill Hurley, 313 Kirkwood Drive, Fayetteville, NC 28303, expressed opposition to the proposed site for Sanderson Farms locating in Cumberland County.

Mr. Iman Eronomy Mohammed, 1200 Murchison Road, Fayetteville, NC 28301, announced the upcoming Fayetteville State University Homecoming and expressed the urgency to build the Multi-Modal Transportation Center.

Ms. Tina Stoddard, 5111 Haddock Street, Fayetteville, NC 28303, expressed opposition to the proposed demolition of her property located at 5111 Haddock Street.

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.1 Residential Rental Property Review Board Annual Report

Mr. Chester G. Oehme, Jr., Residential Rental Property Review Board Chair, presented the Residential Rental Property Review Board Annual Report.

8.0 CONSENT

MOTION: Council Member Arp moved to approve the consent agenda, with the exception of the first three demolitions (415 Cedrick Street, 439 Cedrick Street, and 5111 Haddock Street) under Item 8.24 being tabled to November 10, 2014, and moving Item 10.2 to the consent agenda.

FRIENDLY AMENDMENT: Council Member Wright made a friendly amendment to pull Items 8.11, 8.14, and 8.15 for consideration at a future meeting.

Council Member Arp accepted the friendly amendment.

SECOND: Council Member Jensen

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

8.1 Approval of Minutes:

August 11, 2014 - Discussion of Agenda Items

August 20, 2014 - Agenda Briefing

September 2, 2014 - Work Session

September 8, 2014 - Discussion of Agenda Items

September 17, 2014 - Agenda Briefing

September 22, 2014 - Discussion of Agenda Items

September 29, 2014 - Special Meeting

8.2 P14-32F. The rezoning of property from SF-6 Single Family Residential District to LC Limited Commercial Zoning District located at 1722 Sapona Road, and being the property of Tommy Kinlaw.

8.3 P14-35F. The rezoning of property from MR-5 Mixed Residential District to OI/CZ Office & Institutional Conditional Zoning District located at 107 Woodside Avenue, and being the property of Christopher J. Ketchman.

8.4 Special Revenue Fund Project Ordinance 2015-6 (FY 14 Gang and Gun Crime Reduction Program)

The City was awarded a grant for \$298,132.00 from the US Department of Justice.

8.5 Special Revenue Fund Project Ordinance Amendment 2015-2 (Fayetteville Family Justice Center)

In September 2012 the City was awarded a grant for the 2012 Fayetteville Family Justice Center project to fund payroll, equipment and supplies for an intake coordinator to assist Domestic Violence and Rape Victims through June 30, 2013. All of the awarded funds were not expended during the grant period. The Department of Public Safety Governor's Crime Commission, the granting agency, has extended the grant period to March 30, 2015, and amended the allowable expenses to permit the remaining funds to be expended.

8.6 Special Revenue Fund Project Ordinance Amendment 2015-4 (Appropriation of Federal Forfeiture and State Controlled Substance Tax Funds)

Special Revenue Fund Project Ordinance Amendment 2015-4 will appropriate \$22,488.00 in controlled substance tax revenues and, investment income associated with these revenues and federal forfeiture funds to increase resources for law enforcement purposes.

8.7 Special Revenue Fund Project Ordinance Amendment 2015-3 (2012 Prescription Drug Initiative)

The North Carolina Department of Public Safety Governor's Crime Commission has authorized a \$7,266.00 increase in funding for the 2012 Prescription Drug Initiative grant.

Special Revenue Fund Project Ordinance Amendment 2015-3 will increase the total project budget to \$67,202.00, with \$50,401.00 provided by the grant and a total required local match of \$16,801.00. This will require an additional local match of \$1,817.00.

8.8 Capital Project Ordinance 2015-13 (Winslow Street Railroad Cabinet Relocation) and Capital Project Ordinance Amendment 2015-18 (Municipal Agreements)

The City has several projects that are currently planned for the Winslow and Franklin Streets corridor. CSX Transportation (CSX) has a railroad signal cabinet positioned at the corner of Winslow and Franklin Streets. The City has requested CSX to relocate this signal cabinet to the opposite corner. The initial cost to the City for CSX to prepare engineering and design plans, specifications, construction cost estimates, surveys and other work in connection with the design phase of the project will be \$15,000.00. Construction costs will not be known until the design phase is complete. Remaining unused funds budgeted for a municipal agreement for railroad crossing improvements, in the amount of \$46,744.00, will be used to fund the initial design and future tentative construction costs.

8.9 Capital Project Ordinance 2015-14 (Deployed Logix Shelter Project)

The City has been awarded a \$25,000.00 grant to purchase a shelter system for field operations for the Domestic Preparedness Region 2 (DPR-2) from the Homeland Security Grant Program through the North Carolina Department of Public Safety, Emergency Management.

The addition of this equipment will assist the DPR-2 and the Urban Search and Rescue taskforces in being deployment ready.

8.10 Capital Project Ordinance 2015-15 (Hazardous Materials Response Equipment)

The City has been awarded a \$27,400.00 grant to purchase equipment for the Hazmat Regional Response Team from the FY 2014 Homeland Security Grant Program through the North Carolina Department of Public Safety, Emergency Management Division.

8.11 Capital Project Ordinance Amendment Change 2015-19 (Annexation Phase V-Areas 16 through 17 Capital Project Fund)

This item was pulled from the agenda for consideration at a future meeting by Council Member Wright.

8.12 Budget Ordinance Amendment 2015-3 - Carryover of Encumbered, Assigned and Donated Funds from Fiscal Year 2014 and Other Items

Budget Ordinance Amendment 2015-3 will appropriate \$3,375,829.00 across several annually budgeted funds for outstanding purchase orders and contracts, \$21,972.00 in the General Fund for unspent donation or grant proceeds, and \$399,814.00 for specific items for which funding was assigned (designated) at the close of fiscal year 2013-2014. Funding for these expenditures was included or available in the fiscal year 2013-2014 budget. With the exception of the Parking Fund, the appropriations are being funded from fund balance or net

assets in the various funds. The General Fund will transfer \$2,700.00 to the Parking Fund to fund its carryover encumbrances.

8.13 Award Bid to TESCO, the Eastern Specialty Company, lowest responsive, for the Meter Test and Inventory System (Lab Track System) in the amount of \$148,000.00.

Bids were received as follows:

TESCO-The Eastern Specialty Company, Bristol, PA... \$148,000.00

8.14 Bid Recommendation - Annexation Phase V, Project VII, Area 17, Section 1 - Blue Spring Woods, Beacon Hill and Emerald Gardens Subdivisions

This item was pulled from the agenda for consideration at a future meeting by Council Member Wright.

8.15 Bid Recommendation - Annexation Phase V-Project VII, Area 17, Section II-Blue Spring Woods, Beacon Hill and Emerald Gardens Subdivisions

This item was pulled from the agenda for consideration at a future meeting by Council Member Wright.

8.16 Award Bid to Pike Electric, LLC, lowest responsive, responsible bidder for LED Street Light Conversion Project for FY 2015 in the amount of \$1,908,434.50

Bids were received June 19, 2014, as follows:

Pike Electric, LLC, Mount Airy, NC..... \$1,908,434.50
Mastec North America, Inc., Roxboro, NC..... \$2,401,250.00
M-W Electric, Red Springs, NC..... \$2,987,629.00
Sumter Utilities, Inc., Sumter, SC..... \$3,339,652.00
King Electric, Fayetteville, NC..... \$4,724,900.00
Lee Electric, Aberdeen, NC..... \$6,903,800.00

8.17 Award Bid to Heitkamp, Inc., lowest responsive, responsible bidder for Water Main Rehabilitation Work for FY 2015 in the amount of \$2,051,370.00

Bids were received as follows:

Heitkamp, Inc., Watertown, CT..... \$2,051,370.00

8.18 Approval of No Parking Ordinance on Coley Drive

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2014-035

8.19 Approval of a Supplemental Municipal Agreement with NCDOT for the Cape Fear River Trail

This agreement is a supplement to the existing agreement for the design and construction of the Cape Fear River Trail. The current agreement did not reflect current estimates or timelines.

This agreement amends the existing agreement by revising the estimated completion dates and changes the estimated costs per section.

8.20 Request for Legal Representation of City Employee

Authorizes the City to provide legal representation for Alan Comer in the matter of *Patricia Gregory v. Alan Comer and City of Fayetteville*.

**8.21 Adopt Resolution Accepting High Bid for Property Located at 1048 Progress Street
A RESOLUTION ACCEPTING HIGH BID FOR PROPERTY – 1048 PROGRESS STREET.
RESOLUTION NO. R2014-047**

8.22 ESRI ELA Contract

The ELA Fee is \$525,000.00 and is spread over the three year agreement period (\$175,000.00/year). The ELA fee is in consideration of the ELA Products, ELA Maintenance, and ESRI International User Conference registrations.

8.23 Approve Purchase of Wireless Cameras and Associated Infrastructure

Approves the purchase of 25 wireless cameras and associated infrastructure in the amount of \$104,981.00 from Wildfire Camera Networks, Charlotte, NC, in accordance with the "sole source" bidding exception found in N.C.G.S. 143-129(e)(6). Approves the purchase of additional cameras for the network using this "sole source" exception as funding becomes available.

8.24 Uninhabitable Structures Demolition Recommendations

The first three demolitions (415 Cedric Street, 439 Cedric Street, and 5111 Haddock Street) were pulled from the agenda and tabled to November 20, 2014, by Council Member Arp.

415 Cedric Street District 4

439 Cedric Street District 4

5111 Haddock Street District 4

2105 Sapona Road District 2

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 MINIMUM STANDARDS CODE OF THE CITY (2105 Sapona Road, PIN # 0446-78-8200). ORDINANCE NO. NS2014-024

10.2 NC Governor's Highway Safety Program - FY 2014 Traffic Enforcement Grant for 4 new traffic officers.

This item was moved from Other Items of Business to the consent agenda by Council Member Arp.

The approved federal grant will provide funding of \$353,219.00 and as agreed the City will provide a cash contribution of \$62,333.00 as required by the project contract.

9.0 PUBLIC HEARINGS

9.1 New Transit Route #11

Mr. Randy Hume, Transit Director, presented this item with the aid of a PowerPoint presentation and stated the Transit Development Plan Update approved by City Council in March 2014 set out a near-term objective to develop a mutually beneficial partnership with Fayetteville State University (FSU). Staff presented such partnership to City Council at the September 2, 2014, work session. A budget ordinance amendment was approved on September 8, 2014, to include the revenues and expenditures related to a new route connecting FSU to both Cross Creek Mall and north Ramsey Street. This route is consistent with the updated Transit Development Plan and allows FAST to fill a critical gap in its system along Country Club and Pamalee Drives. The route would operate with one bus and a two-hour frequency from 6:30 a.m. until 2:00 p.m. on weekdays. Service would begin at 8:30 a.m. on Saturdays. An additional bus would be added beginning at 2:00 p.m. to provide 60 minute service until 8:30 p.m. Monday through Thursday with service extended until 10:30 p.m. on Friday and Saturday evenings. It is the policy of FAST that no significant changes in service or fares shall be made without having afforded an adequate opportunity for the public to express views regarding such changes. Notices for this public hearing were advertised in both English and Spanish in the Fayetteville Observer and the Acento Latino. Notices of the change were also made available at the Transfer Center, on buses, at FSU, at Miller-Motte College and on the FAST website. Two other public workshops were held at Miller-Motte College and Fire Station #14 near FSU. Feedback received from these meetings as well as from face-to-face customer contact at the Transfer Center will be presented at the Council meeting.

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.

Council Member Colvin asked what the plan for additional seating and shelters is. Mr. Hume responded there are standards to follow particularly for ADA requirements; several new shelters and benches are ready to go out for bid. It is an ongoing process.

Council Member Arp asked for an update on the high school passes. Mr. Hume responded that the information has been forwarded to the high schools and information is posted on the City website.

Council Member Crisp stated many citizens do not understand the cost and legality of placing benches and shelters, especially when dealing with right-of-way.

Council Member McDougald asked the reason for not bringing the bus down to Coley Road, and asked if it was due to the delay in the light. Mr. Hume stated the difficulty is there are residential properties and the light delay; staff will continue to explore that option.

MOTION: Mayor Pro Tem Davy moved to approve the new transit route #11.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

9.2 P14-34F. The issuing of a Special Use Permit to allow for a Daycare Center in a SF-6 Single-Family Residential district, located at 1719 Powell Street, and being the property of Greater Faith & Love.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation. Mr. Harmon stated this property was formerly operated as a Daycare owned by a church. This application will allow a private individual to open a facility at this same location.

While the address and driveway for this property is off of Powell Street, this lot actually has double frontage on Gillespie Street as well. According to the planning files, there are no other daycares within 500 feet and no bars or night clubs within 1,000 feet, as required by the ordinance. The new facility would house no more than 25 children at one time. This property has commercial zoning and uses on three sides. On September 9, 2014, the Zoning Commission held a public hearing regarding this case. There were no speakers in favor or opposition of this case. The Commission voted 5 to 0 to recommend approval of this application. The conditions of approval were as follows:

1. Operating schedule Monday - Friday all shifts and weekends.
2. No more than 25 children at any one time.
3. No more than 10 total employees.
4. Removal of front fencing to comply with the UDO.

The Zoning Commission and City staff recommends approval of the proposed SUP based on:

1. This property has served as a daycare in the past.
2. This property is located along a major thoroughfare.
3. This property meets the distance requirements set by the UDO.
4. There are heavy commercial uses and zoning on three sides of this property.

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

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

MOTION: Mayor Pro Tem Davy moved to approve the Special Use Permit for a Daycare Center, as presented by staff, with the conditions listed above and based on the findings of fact.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.3 P14-31F. The rezoning of property from SF-10 Single-Family Residential District to LC/CZ Limited Commercial Conditional Zoning District, located at the southwest corner

of the intersection of Fisher Road and Lakewood Drive, and being the property of Deborah Strickland, Steven and Jacqueline Riley, James and Berlene Riley, and R.B. and Ethyl Riley.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the properties in question are located at the intersection of Fisher Road and Lakewood Drive. To the east of this property across Lakewood Drive is E. Melvin Honeycutt Elementary School. The developer of these properties wishes to build a mixed use development with commercial retail (with the possibility of including a grocery store), offices and multi-family. During the review of this case, it was determined that there are several retail shopping centers, anchored by grocery stores, already in existence in close proximity to this site. There are three centers located within a two-mile radius. These properties are in a mainly residential area. For this reason it is staff's opinion that any commercial development on this property should be built at a neighborhood scale to develop a sense of place, and not as a typical strip commercial center. Moving buildings closer to the road right-of-way would help frame the street, calm traffic and make the development look and feel much more like what is required under the City's NC Neighborhood Commercial District. On October 14, 2014, the Zoning Commission held a public hearing regarding this case. There were six speakers signed up in favor and one in opposition. Issues such as staff communications, allowed uses in the LC District (especially gas stations) and site design were the main issues discussed. The Zoning Commission voted 3 to 2 to recommend approval of this request with the following conditions of approval offered by the applicant:

1. The sketch plan showing how different parts of this property would be developed.
2. The following types of businesses would be omitted from the allowed uses in this conditional district:
 - Rooming or boarding house
 - Drug or alcohol treatment facility
 - Tattoo Parlor/body piercing establishment
 - Electronic gaming operation
 - Tobacco Shops
3. With the exception of installing utilities (sewer, water, storm drainage, etc.), the applicant agrees to not clear the multi-family or commercial/professional areas until he is ready to develop them.

The following additional conditions are required for approval by staff and must be accepted by the applicant:

1. If approved, roads and sidewalks should have the characteristics described in the Southwestern Cumberland and Northeastern Hoke Multi-Modal Congestion Plan.
2. Exclude gas stations from the list of allowed uses.
3. Add an alternative sign package for coordinated signage and limit the number of single tenant pole signs.
4. Limit Parking areas along the Fisher Road and Lakewood Drive frontages to no more than 50% inclusive of access drive widths.

The Zoning Commission recommends approval based on the following:

1. The conditions offered by the owner above only.
2. The City's current development standards.

The City staff recommends approval only if all conditions offered by the applicant and staff are included and based on the following:

1. The conditions offered by the owner and those required by the City staff.
2. While the Land Use Plan calls for low-density residential on this property, an electric transmission line crosses this property and makes it less desirable for single-family residential development.
3. The proposed multi-family sections of this development would help buffer the surrounding single-family residential from the retail and office uses.

4. The immediate area is currently almost entirely residential or institutional (schools). Unless this development is done consistent with a mixed use, pedestrian-oriented, neighborhood form it should not be approved.

5. With the additional conditions the development would have most of the flexibilities of LC zoning with a few key characteristics that would help protect the values and stability of adjacent residential areas.

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

Mr. Steven Riley, 5849 Fisher Road, Fayetteville, NC 28304, appeared in favor and stated he is one of the property owners and intends to sell the property.

Ms. Lori Epler, 1333 Morganton Road, Fayetteville, NC 28305, appeared in favor and stated she is representing Larry King and Associates, R.L.S., P.A. She also stated Mr. Riddle has gone above and beyond trying to satisfy staff with the conditions, and this has been an arduous process.

Mr. Jonathan Charleston, 201 Hay Street, Fayetteville, NC 28301, appeared in favor and stated he is representing the property owners and developers, and requested Council approve the rezoning request with the conditions set forth by the applicant; the additional conditions as set forth by staff are unrealistic.

Mr. Lonnie Player, 400 Westwood Shopping Center, Suite 210, Fayetteville, NC 28314, appeared in favor and stated he is representing the developer, and asked Council to approve the rezoning request.

Mr. Joe Riddle, 238 N. McPherson Church Road, Fayetteville, NC 28303, appeared in favor and stated the Unified Development Ordinance (UDO) protects neighborhoods; although sometimes it is arduous to follow and obey the ordinance. Mr. Riddle requested Council approve the request for rezoning.

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

Council Member Crisp stated this area would not be suitable for residential properties due to the power lines.

Council Member Colvin asked what the issue is with new setback requirements, as the City is making very good attempts to beautify our City. Ms. Epler responded the condition would require the commercial buildings to be pulled closer to the road. Lakewood and Fisher Drives both have the potential to become major thoroughfares, and if NCDOT wanted to widen the roads, those buildings would then have to be condemned.

Council Member Wright asked what Mr. Riddle's vision is for this property. Mr. Wright responded this is a front door, and stated he wants to build something that everyone can be proud of. Mr. Riddle stated the UDO requires landscaping (maybe too many plants in too close proximity), but it will look nice.

Council Member Mohn asked Mr. Harmon if this intersection is listed in the FAMPO long-range vision. Mr. Harmon responded they are not.

MOTION: Council Member Crisp moved to approve the rezoning to LC/CZ Limited Commercial Conditional Zoning District with an effective date of October 27, 2014; with the conditions (1-3) as stated by the applicant effective October 27, 2014.

SECOND: Council Member Jensen

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Colvin and Hurst)

9.4 P14-33F. The rezoning of property from MR-5 Mixed Residential district to NC Neighborhood Commercial Zoning District, located at 715 Locust Street, and being the property of C&N Investments, LLC. (On appeal)

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated this property is located on Locust Street between South Eastern Boulevard and King Street. The property is bordered by industrial, commercial and residential zoning and uses. The Land Use Plan designates this property as part of the Downtown District. This district allows for a wide variety of uses, including industrial, commercial and residential.

Since this property is between three different types of zoning districts, it is a good candidate for a buffer district such as NC Neighborhood Commercial. On September 9, 2014, the Zoning Commission held a public hearing regarding this case. There were no speakers in favor and two in opposition of this request. The Commission denied this application 5 to 0. The Zoning Commission recommends denial of the proposed rezoning based on the following:

1. Proximity to residential properties.
2. Among the allowed uses in NC district are restaurants which could have alcohol sales.

The City staff recommends approval of the proposed rezoning based on the following:

1. A NC district will serve as a buffer between three different types of zoning.
2. The City's Land Use Plan shows this property within its Downtown district, which allows for a wide variety of uses.
3. With heavy commercial and industrial properties around this one and because of its size, it is no longer viable as a residential lot.
4. The 2030 Growth Management Plan says that new developments should occur in places where the necessary infrastructure is already in place.

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

Mr. Ranny Nimocks, 2808 Skye Drive, Fayetteville, NC 28303, appeared in favor and stated he is one of the property owners. He also stated no residential buildings have been constructed in this area in the past 65 years.

Ms. Rebecca Arrington, 4421 Atlantic Drive, Fayetteville, NC 28306, appeared in opposition and stated she owns properties located on King Street. She expressed concerns regarding what types of businesses may locate in the area, and requested alcohol sales not be permitted.

Mr. Mike Thompson, 727 Three Wood Drive, Fayetteville, NC 28312, appeared in opposition and stated he owns properties on King Street. He stated the proposed rezoning would allow for alcohol sales and expressed concerns regarding crime and other negative activities. He stated even though the homes in the area are older homes, they have been well maintained.

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

Council Member Mohn asked if Council could add conditions to the rezoning. Mr. Harmon responded the item would have to go back before the Zoning Commission before Council could take that type of action.

Mr. Nimocks stated he is totally agreeable to no alcohol sales.

Ms. Arrington and Mr. Thompson said they would be in agreement with the rezoning if alcohol was not permitted.

MOTION: Mayor Pro Tem Davy moved to deny the rezoning and to send this item back to the Zoning Commission for further review of conditions with no additional fees required.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.5 Amendment to Chapter 30 to create a new overlay district, the Suburban Area Commercial Overlay

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation and stated the Unified Development Ordinance became effective August 1, 2011. This amendment creates a new overlay district designed to support concentrated nodes of activity on the major arterial roads. The Suburban Activity Center Overlay District is an outgrowth of the recommendations in phase 2 of the Ramsey Street Corridor Plan completed in 2012. Phase II concluded with focused work on the possible redevelopment patterns of one of the older commercial nodes on Ramsey Street, evaluating the market capacity and illustrating the character of redevelopment in similar locations in other communities. The final stage of work was to update the market characteristics, provide draft regulations, and illustrate the potential redevelopment patterns. With that work as the basis, staff prepared a more generalized overlay that could be applied in various locations along other major corridors and particularly Murchison Road or Bragg Boulevard, both of which have

relatively recent corridor studies that identified similar economic centers of activity on the corridors. While new areas could be appropriate for the overlay, the emphasis is on encouraging more intense, dense urban form in existing commercial areas as redevelopment or new investment occurs. Incentives include the opportunity for higher density in residential portions of the activity node and for more intense commercial and office uses as well as relaxed standards on transitional areas and certain landscaping requirements. There is also more administrative flexibility in other aspects, such as open space and parkland, in the context of a master plan. The key to the success of such activity centers is the positioning, character and quality of the buildings and circulation areas. The standards in the overlay establish a form that invites extended shopping with a mix of uses and comfortable pedestrian walks throughout.

The Planning Commission held an open, informational discussion on August 19, 2014, and a public hearing on September 16, 2014. The Commission voted unanimously to recommend approval based on the following:

1. Feedback from the development community;
2. Economic analyses regarding development patterns on local corridors;
3. Encouragement of a more efficient development pattern supporting both private investment and provision of public services;
4. Meeting the evaluation criteria for a text amendment; and
5. Promotion of high quality, economically viable development.

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.

MOTION: Council Member McDougald moved to approve the amendment to create a Suburban Activity Center Overlay (SACO).

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.6 Amendment to City Code Chapter 30-3 to create a new Regional Activity Center Overlay (RACO)

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation and stated the Unified Development Ordinance became effective August 1, 2011. It contained provisions for establishing overlay districts for various areas and purposes. The proposed Regional Activity Center Overlay is a generic overlay--a template--for a variety of potential applications ranging from a recognized concentration of restaurants to the Cross Creek mall area or one of the areas anchored by a hospital. The primary objective is to offer a tool that can protect and strengthen existing (or new) activity areas that have a common, economically significant contribution to the community. While new areas could be appropriate for the overlay, the most frequent application is expected to be the identification of existing activity areas poised for infill, redevelopment or expansion and that already demonstrate a common theme or cohesiveness. Examples of such areas could include the Cross Creek Mall, the Crown Coliseum, hospitals and VA centers, or a concentration of restaurants. The range of uses and standards should be unique to the character of the center envisioned and concentration of uses defining the area. Many such centers will have some common development features, as well, that should be reinforced by an overlay specific to that area. Incentives can be provided in the form of additional densities/intensities and relaxed standards through the master plan for a proposed overlay. The overlay provides the framework for speedier and more flexible administrative processing within predictable standards that help assure a high quality built environment. Key to the success of such areas would be the clarity of vision and master plan for the proposed activity center focused on complementary uses and features that establish a sense of place and reinforce the economic "theme" or common thread for development concentrated in the overlay. The Planning Commission held an open, informational discussion on August 19, 2014, and a public hearing on September 16, 2014. The Commission voted unanimously to recommend approval based on the following:

1. Feedback from the development community.

2. Economic analyses regarding such development patterns on Ramsey Corridor as a specific example.
3. Encouragement of a more efficient development pattern supporting both private investment and provision of public services
4. Meeting the evaluation criteria for a text amendment.
5. Promotion of high quality, economically viable development.

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.

MOTION: Council Member Wright moved to approve the text amendment to City Code Chapter 30-3 and related sections to create a new Regional Activity Center Overlay (RACO) as presented by staff.

SECOND: Council Member McDougald

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Mayor Robertson)

MOTION: Council Member Colvin move to reconsider consent Item 8.24.

SECOND: Council Member Wright

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

MOTION: Council Member Arp moved that 415 Cedric Street, 439 Cedric Street, and 5111 Haddock Street under consent Item 8.24 be reconsidered at the November 3, 2014, work session.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.1 National League of Cities Annual Business Meeting – Voting Delegate

Mr. Theodore Voorhees, City Manager, stated each year one voting delegate and one alternate voting delegate may be selected to represent the City of Fayetteville at the National League of Cities (NLC) Annual Business meeting. He stated Council Members Davy, Colvin, McDougald, and Wright will be attending the NLC conference.

MOTION: Mayor Pro Tem Davy moved to nominate Council Member Colvin as the Voting Delegate.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

MOTION: Council Member McDougald move to nominate Council Member Wright as the Alternate Voting Delegate.

SECOND: Mayor Pro Tem Davy

VOTE: UNANIMOUS (10-0)

10.2 NC Governor's Highway Safety Program - FY 2014 Traffic Enforcement Grant for 4 new traffic officers.

This item was approved on the consent agenda.

10.3 FY 2014 Strategic Performance Report

Ms. Rebecca Rogers-Carter, Strategy and Performance Analytics Director, presented this item with the aid of a PowerPoint presentation and stated City Council has developed a sustainable strategic planning model that assists Council, as representatives of the community, to plan for our community's future and to lead with vision. The City is committed to advancing the strategic priorities articulated in the City's strategic plan. To that end and in an effort to promote greater accountability for results, City staff prepares a semiannual report that details the progress made toward achieving the goals articulated in the City's strategic plan. The strategic plan performance report reinforces transparency and clarifies Council's vision for our community.

Ms. Rogers-Carter stated as the City of Fayetteville continues to grow and thrive, the City Council looks to chart a course with a strategic plan which articulates a vision for our community's future that will ensure vitality and sustainability. This model aligns City programs and spending with long-term goals, brings critical needs into focus and provides an organizational roadmap for success. The City's strategic plan is a critical component of a larger

system of planning, which includes the annual budget process, citizen input, capital and technology prioritization and financial planning. The City's strategic planning process is designed to build upon past successes, yet also accommodates our proactive response to the changing environment. The framework incorporates input from staff and citizens to shape the priorities of the plan and focuses on areas of unity and common interests among the City Council.

MOTION: Council Member Arp moved to accept the report as presented.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

11.0 ADMINISTRATIVE REPORTS

11.1 Tax Refunds Less Than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Always Flowers	2013	Corrected Assessment	\$23.73
TOTAL			<u>\$23.73</u>

11.2 Monthly Statement of Taxes - September 2014

2014 Taxes.....	\$3,332,564.09
2014 Vehicle.....	1,444.63
2014 Taxes Revit.....	10,869.02
2014 Vehicle Revit.....	00.00
2014 FVT.....	80.00
2014 FTT.....	80.00
2014 Storm Water.....	163,358.93
2014 Fay Storm Water.....	294,046.07
2014 Fay Solid Waste Fee.....	138,462.62
2014 Annex.....	0.00
2013 Taxes.....	38,585.16
2013 Vehicle.....	42,197.99
2013 Taxes Revit.....	174.85
2013 Vehicle Revit.....	6.84
2013 FVT.....	5,054.83
2013 FTT.....	5,054.83
2013 Storm Water.....	1,065.44
2013 Fay Storm Water.....	2,130.87
2013 Fay Recycle Fee.....	3,081.20
2013 Annex.....	0.00
2012 Taxes.....	6,022.75
2012 Vehicle.....	3,264.18
2012 Taxes Revit.....	1.84
2012 Vehicle Revit.....	0.00
2012 FVT.....	546.47
2012 FTT.....	546.49
2012 Storm Water.....	162.63
2012 Fay Storm Water.....	325.27
2012 Fay Recycle Fee.....	249.00
2012 Annex.....	0.00
2011 Taxes.....	1,058.45
2011 Vehicle.....	618.09
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	212.21
2011 FTT.....	212.20
2011 Storm Water.....	20.21
2011 Fay Storm Water.....	40.42
2011 Fay Recycle.....	64.00

2011 Annex.....	0.00
2010 and Prior Taxes.....	643.92
2010 and Prior Vehicle.....	1,544.67
2010 and Prior Taxes Revit.....	0.00
2010 and Prior Vehicle Revit.....	0.00
2010 and Prior FVT.....	355.22
2010 and Prior FTT.....	224.36
2010 and Prior Storm Water.....	18.06
2010 and Prior Fay Storm Water.....	36.12
2010 and Prior Fay Recycle Fee.....	57.19
2010 and Prior Annex.....	14.01
Interest.....	11,863.26
Revit Interest.....	7.29
Storm Water Interest.....	126.23
Fay Storm Water Interest.....	252.54
Annex Interest.....	0.61
Solid Waste Interest.....	333.29
Fay Transit Interest.....	841.60
Total Tax and Interest.....	\$4,067,919.95

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:18 p.m.