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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 23, 2024
6:30 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Lynne Greene (District 5); Derrick Thompson (District 6); Brenda McNair (District 7) (via TEAMS); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Lachelle Pulliam, City Attorney
Kelly Olivera, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Kemberle Braden, Police Chief
Kevin Dove, Fire Chief
Lisa Harper, Senior Assistant City Attorney
Sheila Thomas-Ambat, Public Services Director
Joshua Hall, Police Attorney
Erin Swinney, Police Attorney
Will Deaton, Planning and Zoning Division Manager
Loren Bymer, Market and Communications Director
Derrick Planter, Code Enforcement Supervisor
Kecia Parker, Real Estate Manager
Craig Harmon, Senior Planner
Kim Toon, Purchasing Manager
Jennifer Ayre, Deputy 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 Bishop E.B. Herman, Harvest Family Church provided the invocation.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Colvin and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mr. Quince Lanford, Mr. Jermaine Ford, and Ms. Latasha Weaver from the Vision Resource Center thanked City Council for their donations to the Braille Trail and announced upcoming events celebrating the 85th anniversary of the Vision Resource Center.

Council Member Banks-McLaughlin announced the FAST-hiring fair on September 24, 2024, at the Transit Center, 505 Franklin Street, 9:00 a.m. through 2:00 p.m.

Council Member Banks-McLaughlin announced on September 13, 2024, Mr. Deontae Watson, Interim Airport Director was inducted into the 43rd Air Mobility Operation Group as an Honorary Commander.

Council Member Banks-McLaughlin announced the Citizens Police Academy is now accepting applications. The Citizens Police Academy is for any resident of Fayetteville who wants to know more about the Fayetteville Police Department. The academy will provide experiences and hands-on knowledge of various divisions and units throughout the department.

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Mayor Pro Tem Jensen presented a proclamation to Ms. Brittany Day in recognition of National Stillbirth Prevention Day.

Mayor Pro Tem Jensen presented a proclamation to Ms. Jennifer Hammond, FCEDC Business Service Manager in recognition of Manufacturing Day.

Council Member Benavente presented a proclamation to Ms. Hyson Reed, President of the Korean-American Women of North Carolina in recognition of Kimchi Day.

Council Member Benavente presented a proclamation to former N.C. Representative and current N.C. Latino Affairs Council Chairman Ricky Hurtado in recognition of Hispanic Heritage Month.

Council Member Benavente presented the Order of the Long Leaf Pine award to Mr. Alfred Foote.

5.0 CITY MANAGER REPORT

Mr. Jeffrey Yates, Acting City Manager, stated the City Manager newsletter is published weekly, and residents can sign up to receive it via the City's website.

Ms. Yamile Nazar, Diversity Equity and Inclusion Director stated the Bias Incident/ Hate Crime Forum and North Carolina Chapter of the National Association of Human Rights Workers Conference, both held at Fayetteville Technical Community College September 17 - 19, 2024 were successful events. Ms. Nazar thanked the Mayor and City Council for their support and participation.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Thompson moved to approve the agenda.
SECOND: Council Member Banks-McLaughlin _____
VOTE: UNANIMOUS (10-0)

7.0A CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda, with the exception of Item 7.0A16 - PWC; table to October 7, 2024, Work Session.
SECOND: Mayor Pro Tem Jensen
VOTE: UNANIMOUS (10-0)

7.0A1 Approval of Meeting Minutes:

August 26, 2024 - Discussion of Agenda Items
August 26, 2024 - Regular Meeting
September 3, 2024 - Work Session
September 5, 2024 - Special
September 9, 2024 - Discussion of Agenda Items
September 9, 2024 - Regular Meeting

7.0A2 P24-29. Rezoning of 2.97+ acres from County Planned Commercial (C(P)) to Community Commercial (CC), located at 3895 Clinton Road (REID: 0466379825000), and being the property of 3 Happy Campers LLC, represented by Bart McClain of William G. Daniel & Associates, PA.

7.0A3 SUP24-05. Order of Approval - Findings of Fact, Special Use Permit (SUP) to allow the construction of 8 town homes (single family attached units) on 0.98 acres of property zoned Single-Family 6 Residential (SF-6) located at 1011 Cain Rd (REID #0428145182000) and being the property of Michael Pleasant, applicant George Rose, George M. Rose, P.E.

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7.0A4 Adoption of a Special Revenue Project Ordinance to appropriate \$120,000 from a North Carolina Department of Commerce Rural Economic Development Building Reuse Grant for Phillip's Towing Service, Inc.

The City has been awarded a \$120,000.00 Rural Economic Development Grant from the North Carolina Department of Commerce (NCDOC) for a Building Reuse grant for Phillip's Towing Service, Inc. The Fayetteville-Cumberland Economic Development Corporation (FCEDC), in partnership with the Economic and Community Development Department (ECD), is assisting Phillip's Towing Service, Inc. with funding for a substantial rehabilitation of an existing commercial facility. The company will undertake substantial renovations of its property at 311 Alexander Street, and in turn, guarantee the creation of 10 full-time jobs. The grant requires that the City provide a five percent (5%), or \$6,000.00, cash match for the project. The Council is asked to adopt Special Revenue Fund Project Ordinance 2025-7 to appropriate \$120,000.00 of grant proceeds and the City's \$6,000.00 match from a General Fund transfer from the existing FY25 ECD operating budget.

7.0A5 Adoption of Special Revenue Fund Project Ordinance to Appropriate \$50,000 from the North Carolina Association of Chiefs of Police Performance and Wellness Grant to provide safety and wellness software to support physically and mentally ready personnel

The City has been awarded a grant from the North Carolina Association of Chiefs of Police (NCACP) through the Performance and Wellness Grant. The Council is asked to adopt Special Revenue Fund Project Ordinance 2025-8 to appropriate \$50,000.00 of grant proceeds for enhancement and support of performance and wellness for the fiscal year 2024-2025.

7.0A6 Adoption of Capital Project Ordinance to appropriate \$1,450,000 of Public Infrastructure GO Bond funds for NCDOT Municipal Agreements

Council is asked to adopt Capital Project Ordinance (CPO) 2025-24 to appropriate \$1,450,000.00 of Public Infrastructure GO Bond funds for projects associated with NCDOT Municipal Agreements.

7.0A7 Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for Improvements on Raeford Road from East of Bunce Road to East of Glensford Drive

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF SIDEWALK, BUS STOP PADS ALONG RAEFORD ROAD. RESOLUTION NO. R2024-034

7.0A8 Adoption of Capital Project Ordinance Amendment to appropriate \$668,861.00 in Funding for Segra Stadium Improvements from the Segra Stadium Account to bring Segra Stadium into Compliance with the Latest Minor League Baseball Requirements

On April 24, 2023, the Council approved Capital Project Ordinance (CPO) 2023-18 to appropriate \$150,000.00 from the Segra Stadium Account ("Account") to begin improvements to Segra Stadium. Council's approval for construction specified that the improvements were not to exceed \$750,000.00, however the final cost is \$869,414.00. The Segra Stadium Capital Improvements Board of Advisors had previously recommended Council spend up to \$818,861 for the required Minor League Baseball (MiLB) stadium compliance improvements. The Woodpeckers (Houston Astros) agreed to pay the actual cost overage of \$50,553.00. The improvements included the following: Female Locker Room, and Visitors Commissary and Dining Area

This left \$668,861.00 remaining for the City to cover, which is the difference between the amount not paid by the Woodpeckers \$818,861.00 less the \$150,000.00 already appropriated. To cover these expenditures,

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the Council is asked to adopt Capital Project Ordinance Amendment (CPOA) 2025-30 to appropriate an additional \$668,861.00, from the Segra Stadium Account fund balance for these improvements.

7.0A9 Approve the North Carolina Airport Improvement Program (\$2,395,779) and Federal Aviation Administration AIP 56 Grant (\$5,000,000) agreements and adopt Capital Project Ordinance to appropriate \$1,300, 000 from airport operating funds for International Arrivals Facility Development

Council is asked to accept two grant awards for the development of an international arrivals facility at the Fayetteville Regional Airport and adopt Capital Project Ordinance (CPO) 2025-22 to appropriate the grant funds. The North Carolina Department of Transportation's Division of Aviation (NCDOT DOA) has awarded \$2,395,779.00 and the Federal Aviation Administration (FAA) has awarded \$5,000,000.00 for this project. Capital Project Ordinance 2025-22 will also appropriate \$1,300,000.00 from the Airport Operating Fund.

7.0A10 Approval of a \$102,740 Preliminary Engineering Agreement with CSX Transportation, Inc. for the Russell & Person Street Bridge and Stream Improvement Project

Council is asked to authorize the execution of a Preliminary Engineering Agreement (PEA) with CSX Transportation, Inc. The PEA is needed to facilitate coordination with CSX to help support the City's Russell & Person Street Bridge and Stream Improvement Project.

7.0A11 Resolution Authorizing the Conveyance of an Easement to Piedmont Natural Gas Company, Inc. for the Line 5 Segment 2 Project on Fields Road

A RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO PIEDMONT NATURAL GAS COMPANY, INC. FOR THE LINE No. 5 SEGMENT 2 PROJECT ON CITY OWNED PROPERTY LOCATED ON FIELDS ROAD. RESOLUTION NO. R2024-035

7.0A12 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 400 Buhmann Drive

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. R2024-036

7.0A13 Fayetteville Area Metropolitan Planning Organization Memorandum of Understanding (MOU) to approve the revised MOU between FAMPO and all Member jurisdictions

Approval of the revised Memorandum of Understanding between the Fayetteville Area Metropolitan Planning Organization (FAMPO) and all member jurisdictions, including the City of Fayetteville.

7.0A14 Uninhabitable Structures: Demolition Recommendations

423 Bevil Street District 2

AN ORDINANCE OF THE CITY COUNCIL OF THE 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 MININIMU STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2024-001

2036 Rosehill Road District 2

AN ORDINANCE OF THE CITY COUNCIL OF THE FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT

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CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2024-002

3248 Chandler Street District 4

AN ORDINANCE OF THE CITY COUNCIL OF THE 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. ORDINANCE NO. NS2024-003

7.0A15 Letter of Support \$180,000 and Grant Match Commitment - The Tulsa Initiative, Inc. Grant Application to the U.S. Economic Development Administration

Approval of a letter of support and grant match funding for The Tulsa Initiative, Inc. in the amount of \$180k (\$90k per year for two years) to support their competitive grant application to the U.S. Economic Development Administration (EDA). Funds would be made available through unappropriated interest earnings from the American Rescue Plan Act (ARPA) funds. Interest earnings are not Federal funds and are treated as general revenue per the U.S. Treasury's guidance on ARPA. City Council is asked to authorize the Mayor to sign the letter. Once a grant award is received, a subsequent budget action will be presented to City Council to appropriate the required grant match.

7.0B ITEMS PULLED FROM CONSENT

7.0A16 PWC - Adopt Resolution Authorizing the PWC CEO/General Manager to Seek Rezoning of Real Properties

This item was tabled to the October 7, 2024, Work Session.

8.0 REPORTS FROM BOARDS AND COMMISSIONS

8.01 Planning Commission Annual Report 2024

Mr. Victor Sharpe, Planning Commission Chair, presented this report and stated the Planning Commission holds public meetings, public hearings, and makes recommendations to City Council on proposed text amendments and area plans as components of the comprehensive plan. They also review requests for alternative sign plans and neighborhood compatibility permits (both may be appealed to City Council).

The Planning Commission was established under the authority of the State statutes, the Planning Commission is a nine-member citizen board (plus two alternates) appointed by City Council for up to two consecutive two-year terms. It meets regularly on the third Tuesday of each month.

The Planning Commission held five Public Hearings, here are the highlights of items reviewed and discussed during those meetings.

- UDO Amendments recommended by Planning Commission and adopted by City Council
 - TA24-001: Reduce the parking calculations for Adaptive sites.
 - TA24-002: Reduce the parking calculations for Infill Projects.
 - TA24-003: Further define the office-warehouse use by amending which districts they are allowed in and what the minimum ratio of office to warehouse space is appropriate.
 - TA24-004: Amend the definitions and standards to better differentiate between standard gas stations and truck stop gas stations.
 - TA24-005: Resolve the ordinance conflicts between general canopy height and canopies for gas stations.
 - TA24-006: Reduce the off-street parking standards for Industrial Uses. Currently, warehouse space requires more parking than office uses.

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- o TA24-007: Reintroduce sign height and setback standards for signs in residential districts. These standards were lost during the adoptions of the UDO.
- o TA24-008: Amend UDO to allow for backing into streets for two-to-four-family dwellings and townhomes, which is already allowed for single-family residential uses.
- o TA24-010: Amendments to the Hospital Area Overlay and Plan
- UDO Amendments under review by Planning Commission
- o TA24-009: Amendment to Uses and Standards in the UDO Requiring Special Use Permits.
- o Amendment to UDO - Tobacco and Hemp Retail Update
- Neighborhood Compatibility Permit Request approved by Planning Commission
- o Request to develop an 8-unit cottage development to support homeless veterans located at 751 Johnson Street.
- Alternative Sign Plan Request approved by Planning Commission
- ALT24-01: Alternative Sign Plan a requested by Fayetteville State University located at 1200 Murchison Road.

Discussion ensued.

MOTION: Council Member Greene moved to accept the Planning Commission report
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

8.02 Fayetteville NEXT Commission Update

Mr. Nathan Cuffee, NEXT Commission Chair, presented this item and presented a short video that highlighted NEXT events, accomplishments, and successes over the past year. This report serves to update Council on activities and initiatives since Council approved the rebranding of the Commission to include metrics, engagement and plans for future growth.

MOTION: Council Member Davis moved to accept the NEXT Commission report
SECOND: Council Member Benavente
VOTE: UNANIMOUS (10-0)

9.0 PUBLIC HEARINGS

9.01 AX24-03: 3 Happy Campers, LLC is petitioning to annex into the corporate limits of the City of Fayetteville one non-contiguous parcel totaling 2.97 ± acres. This parcel is located on the northern side of Clinton Road at 3895 Clinton Road, and can be further identified by PIN: 0466-37-9825, and REID: 0466379825000.

Mr. Craig Harmon, Senior Planner, presented this item and stated 3 Happy Campers LLC is petitioning for annexation into the corporate limits of the City of Fayetteville. They propose to initially zone one parcel, comprising approximately 2.97 ± acres, as Community Commercial (CC). This parcel is located on the northern side of Clinton Road between Bladen Circle and Burlington Drive at 3895 Clinton Road and can be further identified by PIN: 0466-37-9825, and REID: 0466379825000.

The initial zoning for this annexation was discussed during the June 11, 2024 Zoning Commission meeting. Mr. Bart McClain, the project engineer, explained that the owners plan to develop a self-storage facility on the property. Following a brief discussion, the Zoning Commission voted unanimously (4-0) to approve the rezoning request,

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based on the Consistency and Reasonableness Statement presented by City Staff.

This is the advertised date and time of the public hearing; the public hearing was opened.

Mr. Kevin Paul, 1409 Clinton Road, Fayetteville, NC., property owner and developer, appeared in favor.

Mr. Bart McClain, PA1150 SE Maynard Road, Suite 260, Cary, NC., Civil Engineer for the project, appeared in favor.

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

MOTION: Council Member Davis moved to adopt the proposed ordinance annexing the parcel with an effective date of September 23, 2024, and establish the initial zoning consistent with prior action taken by Council concerning the map amendment.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Adoption of Budget Ordinance Amendment 2025-6 to appropriate \$15,000 funding for the Fayetteville - Saint Avold Friendship Alliance Cultural and Educational Exchange

Ms. Kris Johnson, Saint Avold Friendship Alliance President, presented this item and stated the Friendship Alliance will be hosting nine high school teachers and three high school students from St. Avold. The group will be arriving on October 18, and depart October 30, the Alliance is respectfully requesting funding assistance from the City in the amount of \$15,000.00 for lodging, meals, and transportation.

MOTION: Council Member Benavente moved to table this item to the October 7, 2024, Work Session

SECOND: Council Member Banks-McLaughlin

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Jensen, Greene, and Thompson)

10.02 Consider the Annual \$210,000 annual Contract Renewal Options for Soundthinking Gunshot Detection Technology Services (ShotSpotter). The 3-year renewal will cost the City \$210,000 per year. The first year will be paid using ARPA funding, and the subsequent years will be paid for out of the General Fund operating budget.

Mr. Kemberle Braden, Police Chief, presented this item and stated The City entered into a 1-year subscription service to ShotSpotter on Sept. 26, 2023. ShotSpotter is a gunshot detection technology service that serves as a part of the Police Department's violent crime reduction multi-strategy plan and the anti-gun violence program. The initial ShotSpotter contract utilized \$197,500.00 in ARPA funding.

The City received quotes for 3-year and 1-year contract renewal options. The 3-year renewal will cost the City \$210,000.00 per year. The first year will be paid using ARPA funding, and the subsequent years will be paid for out of the General Fund operating budget. The 1-year renewal will cost the City \$210,000, which will be paid for with ARPA funding. Should the City choose to do an additional renewal for the Sept. 2025 - Sept. 2026, then there will be a 5% cost increase applied.

The current ShotSpotter coverage is set for 1 square mile in each of the 3 districts within the City totaling 3 sq. miles of coverage with the technology. Over the past year, ShotSpotter technology has significantly enhanced our ability to respond to gunfire incidents within designated neighborhoods in the City of Fayetteville. Notably, 81% of ShotSpotter alerts did not have any corresponding 911 calls from residents reporting shots fired or shootings. This technology has

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enabled officers to respond promptly to incidents that would otherwise have gone unnoticed. As a result, we have made 24 arrests and collected over 629 shell casings from these alerts. These casings have been instrumental in assisting our forensic unit, leading to 46 National Integrated Ballistic Information Network (NIBIN) leads that have advanced investigations within our jurisdiction and with surrounding agencies. ShotSpotter has provided our detectives with an invaluable investigative tool, enabling us to connect cases that might have remained unsolved due to the absence of collected evidence from scenes without initial 911 reports. This technology continues to play a critical role in enhancing public safety and supporting our mission to reduce gun violence in our community.

The current subscription expires on September 27, 2024.

Discussion ensued.

MOTION: Council Member Benavente moved to renew the contract for a period of one year, and direct staff to initiate an independent evaluation of the targets and success of the program

SECOND: Council Member Banks-McLaughlin

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Colvin, Jensen, Haire, and Thompson)

11.0 ADMINISTRATIVE REPORTS

11.01 Audit Committee Annual Report to City Council

This item was for informational purposes only and was not presented.

11.02 Property City Leases from Outside Parties and Purchase Potential

This item was for informational purposes only and was not presented.

11.03 Adoption of a Minority Women Business Enterprise Program (MWBE) Program

This item was for informational purposes only and was not presented.

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
092324

MITCH COLVIN
Mayor