

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
FAST CONFERENCE ROOM
MARCH 28, 2022
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Antonio Jones (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Rebecca Jackson, Chief of Staff
Gina Hawkins, Police Chief
Mike Hill, Fire Chief
Dwayne Campbell, Information Technology Director
Chris Cauley, Economic and Community Development Director
Rob Stone, Construction Management Director
Jodi Phelps, Corporate Communications Director
Yamile Nazar, Diversity, Equity and Inclusion Director
Lisa Harper, Assistant City Attorney
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 Father Alex Papagikos, Saints Constantine and Helen Greek Orthodox Church.

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 Banks-McLaughlin presented a Proclamation to Mrs. Demetria Davis proclaiming April 30, 2022, in honor of her winning the North Carolina Mother of the Year award.

Mayor Colvin presented a Proclamation proclaiming March 25, 2022, Greek Independence Day.

Mayor Colvin presented a Proclamation proclaiming March 29-April 4, 2022, Community Based Doula Week.

Council Member Banks-McLaughlin presented Certificates of Appreciation to District Eight Community Watch Leaders Mr. Monte Harris, Mr. John Wells, Dr. Lionel Cartwright, Mr. Herbert Scott, and Mr. Garbin.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated he does not have a report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Jensen moved to approve the agenda, with the addition of Items 7.013, Sole Source Purchase Recommendation - Fuel Cell Generation System and Ancillary Equipment, and 7.014, Dismas Charities, Inc. v. City of Fayetteville, Remand Order and Issuance of Special Use Permit.

SECOND: Council Member Ingram

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

7.0 CONSENT AGENDA

MOTION: Council Member Wright moved to approve the consent agenda.

SECOND: Council Member Davis

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

7.01 P22-03. Rezoning from Office and Institutional (OI) to Limited Commercial (LC), located at 307 Owen Drive (REID # 0416999603000), containing 0.3 acres ± and being the property of Jerome E. Fonke & Carolina L. Fonke.

7.02 P22-04. Initial Zoning from Commercial w/Plan [C(P)] Cumberland County to Community Commercial (CC), located at 3404 Cumberland Road (REID # 0426007605000), containing 0.47 acres ± and being the property of Kodjo Sam Kouassi.

7.03 SUP21-09. Order of Approval - Findings of Fact: Special Use Permit to allow four Single-Family Attached Dwellings (Townhome units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 611 Law Road (REID # 0439858626000), totaling 0.90 acres ± and being the property of Olajuwon Morgan, PalmHaven, LLC.

7.04 SUP22-01. Order of Approval - Findings of Fact: Special Use Permit to allow two Two- to Four-Family Dwellings (4 duplexes units) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 5473 and 5487 Grimes Road (REID #s 9495042533000 and 9495042308000), totaling 1.13 acres ± and being the property of SXANGG INVESTMENT GROUP LLC.

7.05 SUP22-02. Order of Approval - Findings of Fact: Special Use Permit to allow nine Single-Family Attached Dwellings (townhomes) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 6322 Raeford Road on Little Drive (REID # 0407305808000), totaling 2.25 acres ± and being the property of RAMSEY PLAZA LLC.

7.06 Award the Contract for the Purchase of thirty-five (35) Ford Explorer Police Interceptor Utility Vehicles

Award a contract for the purchase of thirty-five (35) Ford Explorer Police Interceptor Utility Vehicles, as described herein, from Carthage, LLC, dba Cooper Ford, Carthage, North Carolina, in the amount of \$1,492,704.25.

7.07 Resolution Providing for the Sale and Issuance of \$19,000,000 General Obligation Parks and Recreation Bonds, Series 2022

RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF \$19,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS, SERIES 2022.
RESOLUTION NO. R2022-011

7.08 Acceptance of Concessions Rent Relief Airport Rescue Grant Offer

Acceptance of Concessions Rent Relief Airport Rescue Grant Offer No. 3-37-0021-051-2022 for the Fayetteville Regional Airport and authorize the City Manager to execute the Agreement.

7.09 Authorization to Apply for North Carolina Department of Commerce Rural Economic Development Grant for Dedicated North Carolina Holding, LLC

Adoption of the resolution and authorize the Mayor and City Manager to sign the grant application for Dedicated North Carolina Holding, LLC.

RESOLUTION AUTHORIZING THE CITY MANAGER AND MAYOR OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO APPLY FOR FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF COMMERCE BUILDING REUSE PROGRAM FOR THE DEDICATED NORTH CAROLINA HOLDING, LLC BUILDING REUSE PROJECT. RESOLUTION NO. R2022-012

7.010 Adoption of Budget Ordinance Amendment 2022-7 and Capital Project Ordinance Amendment 2022-55 to Appropriate Funds for the Murchison Road Redevelopment Project (Catalyst Site - 1)

Adoption of Budget Ordinance Amendment 2022-7 to appropriate \$220,000.00 from the General Fund funding balance to support Capital Project Ordinance Amendment 2022-55 for the Murchison Road Redevelopment Project. The project, also referred to as the Catalyst Site - 1, is for the elimination of blight and the assemblage of property for development.

7.011 Adoption of Capital Project Ordinances 2022-17 through 2022-19 and Capital Project Ordinance Amendment 2022-56 to Appropriate State Direct Grant Funds

Adoption of Capital Project Ordinance Amendments (CPO) 2022-17 through 2022-19 and Capital Project Ordinance Amendment (CPOA) 2022-56 to appropriate State Direct Grant funding from the North Carolina Office of State Budget and Management for four projects. CPO 2022-17 will appropriate \$250,000.00 for renovations to Old City Hall. CPO 2022-18 will appropriate \$1,700,000.00 for upgrades to the City's trails and greenways. CPO 2022-19 will appropriate \$2,700,000.00 for renovations to historic buildings and sites. CPOA 2022-56 will appropriate \$1,000,000.00 for the Homeless Day Resource Center.

7.012 Revisions to City Seal

Council selected Option A which would provide for maximum branding impact with high contrast and aesthetic elements in line with the overall City brand and best practices.

7.013 Sole Source Purchase Recommendation - Fuel Cell Generation System and Ancillary Equipment

Approval of sole source purchase of fuel cell generating system and ancillary gas conditioning equipment pursuant to the contract for bid recommendation to award the purchase of Boiler Tube Replacement Equipment and Installation for \$8,887,770.00 as sole source purchase.

7.014 Dismiss Charities, Inc. v. City of Fayetteville; Remand Order and Issuance of Special Use Permit

City Council comply with the Court's Order and issue the corresponding Special Use Permit.

8.0 STAFF REPORTS

8.01 United States Department of Justice Report for Repurposing the Fayetteville Market House

Ms. Yamile Nazar, Diversity, Equity and Inclusion Director, introduced Mr. Dion Lyons, DOJ Conciliation Specialist, and Ms. Semone Pemberton, Human Relations Commission Chair.

Ms. Nazar stated at the request by City Council on April 15, 2021, the Fayetteville-Cumberland Human Relations Commission was directed to implement the United States Department of Justice (USDOJ) City SPIRIT community engagement module. Its purpose was to host events where Fayetteville residents could share ideas on how to repurpose the Market House. Two community events were held--one in October 2021 and the second in January 2022.

Mr. Lyons stated that following the two events, USDOJ collected all information provided and a report was finalized with recommendations received. The content of the report will be shared with City Council by USDOJ Representative Dion Lyons, and members of the Fayetteville-Cumberland Human Relations Commission.

If strategically repurposed, the historic Market House has the potential to make a significant contribution to local and regional African-American history, positive community race and human relations, residents' quality of life, as well as municipal tourism and the regional economy.

The community groups were comprised of diverse individuals, age, race, gender, who represented the civic, business, religion, higher education sectors, the Human Relations Commission, and others, to include, but not limited to, City government staff.

The initial top five overarching options are as follows:

Top Four Responses in Order:

1. Structural Modification - Inside lane of the traffic circle bricked in to create a larger footprint for outside activities.
2. Art Exhibits - Activate the four sidewalk corners to speak to the diversity of the community (not just Black history). Corners can host temporary art. Make it active space that people can engage with.
3. Art Exhibits - In depth with the emotional connectivity associated with the history of Fayetteville and the Market House highlighting successful Black contributors to the structure. Upstairs - present/future. Downstairs - past.
4. Themed Events - Destination visit for education of the student community (Pre-K through 12 and college/university) with a combination of static displays, plays, volunteer opportunities, master classes.

The City SPIRIT community event attendees were tasked with developing greater details on how to accomplish the above-referenced.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to remit this item back to staff, and open the discussion to everyone in the community; not hand-picked, and make the process community-wide at different locations. Options to be brought back to the City Council no later than July 2022.

SECOND: Council Member Kinston

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

MOTION: Council Member Ingram moved to direct staff to remove the fence around the Market House as soon as staff can.

SECOND: Council Member Dawkins

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

8.02 City Sponsored Juneteenth Celebration - Update

Ms. Bianca Shoneman, Cool Springs CEO, presented this item and provided an overview of the schedule of events for the Juneteenth Celebration, taking place June 18-19, 2022, in the Downtown vicinity.

Ms. Bianca Shoneman stated Cool Spring is requesting a budget proposal of \$145,000.00.

Discussion ensued.

MOTION: Council Member Ingram moved to approve appropriating \$145,000.00 to Cool Springs for the City-sponsored Juneteenth Celebration.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.0 PUBLIC HEARINGS

9.01 TA21-17: Proposed Text Amendments to the Unified Development Ordinance to allow a Dwelling, Multi-Unit Single-Family, Detached on one lot. Applicant Next Chapter Holdings, represented by Jonathan Charleston of the Charleston Group.

Mr. Craig Harmon, Planner II, presented this item and stated since the start of the City of Fayetteville Zoning (March 13, 1961) through now, the City ordinances do not allow more than one single-family detached dwelling (primary structure) on one lot. In order to allow this concept of multiple single-family dwellings on one parcel, a change must be made to the current ordinance. Consideration of this change is a significant policy issue that appears workable.

According to the applicant and some research, the national demand for single-family detached rental units is on the rise. This Text Amendment Application has been submitted by The Charleston Group, Attorneys on behalf of New Chapter Holdings, LLC. The applicant is requesting a change to the City's Unified Development Ordinance (UDO) to allow multiple single-family detached dwellings (primary structures) to be built on one lot.

The applicant is requesting the ability to construct multiple single-family detached dwelling units on one parcel. The concept is to design the units as single-family dwellings, but rent the units as opposed to selling the individual units. This concept has grown in popularity across the country and is gaining traction in North Carolina. So much so that this is the third developer to approach the City in the last two years about constructing this type of development.

This item was introduced to the Planning Commission at their January meeting. After a brief presentation, the item was tabled to the February meeting by the Commission.

On February 15, 2022, the Planning Commission held a public hearing regarding this case. There were no speakers in opposition. The Commission voted 9 to 0 to recommend approval of the text amendment as prepared by staff.

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

Mr. Johnathan Charleston, Attorney, representing Next Chapter Holdings, appeared in favor, and provided testimony in support of the three proposed text amendments to the Unified Development Ordinance.

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

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.A., USE TABLE, OF ARTICLE 30-4, USE STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-9.D., DEFINITIONS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-005

MOTION: Council Member Ingram moved to adopt the proposed text amendments, as written.

SECOND: Council Member Jones

VOTE: UNANIMOUS (10-0)

9.02 SN22-001. Consideration of Renaming a portion of Coalition Boulevard to Beaver Street

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the County's staff received a request to rename a portion of Coalition Boulevard to Beaver Street within the City Limits of Fayetteville.

With the construction of the new Amazon warehouse (Project Bronco) positioned in the center of Coalition Boulevard off Bragg Boulevard, Coalition Boulevard will now be two dead-end streets. Each street will end at the warehouse with no pass-through access permitted. With the implementation of the Next Gen E911 standards, you cannot have two streets with the same name. Staff contacted Ryan Company, Senior Vice President of Development, and informed him that renaming for the street leading up to the warehouse off Bragg Boulevard would be required.

The County has evaluated the petition and has not found any conflicts or duplications with the proposed name and recommends approval of the name change.

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, NORTH CAROLINA, TO RENAME A PORTION OF COALITION BOULEVARD TO BEAVER STREET. ORDINANCE NO. NS2022-010

MOTION: Council Member Jones moved to approve the renaming of a portion of Coalition Boulevard to Beaver Street as requested by the applicant.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.03 AX22-02: Annexation request located at 3404 Cumberland Road of one parcel (REID # 0426007605000), consisting of 0.47 ± acres and

being the property of Kodjo Sam Kouassi; related to P22-04: Initial Zoning.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the applicant, Kodjo Sam Kouassi, submitted a petition requesting annexation of 0.47 acres ± on the northern side of Cumberland Road, approximately 91 feet from the current City Limit line. This would be a satellite annexation consisting of one parcel, the applicant has submitted plans to the City's Technical Review Committee (TRC). The site is developed and is the location of Sam's Towing. The applicant is requesting annexation due to desire to be placed on the City of Fayetteville Police Department Wrecker Rotation.

The applicant has requested an initial zoning of the area to Community Commercial (CC). The Zoning Commission recommended approval of the zoning request on February 8, 2022.

Professional Planning staff recommends approval of the annexation and initial zoning request.

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 TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. AX 22-04: South side of Cumberland Road. ANNEXATION ORDINANCE NO. 2022-03-583

MOTION: Council Member Dawkins moved to adopt the proposed ordinance annexing the area effective March 28, 2022, and establish the initial zoning consistent with the Zoning Commission recommendation.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

9.04 Public Hearing on a Proposed Installment Financing Agreement for a New Fire Station) for the City, Resolution Making Certain Findings, and Request the Local Government Commission to Approve the Financing

Mr. Jay Toland, Assistant City Manager, presented this item and stated City Council will conduct the public hearing on an installment financing agreement in an amount not to exceed \$9,000,000.00. The purpose of the financing will be to pay the costs of constructing and equipping a new fire station (Fire Station 4) for the City.

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.

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE PROPOSED FINANCING BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA OF THE CONSTRUCTING AND EQUIPPING OF A NEW FIRE STATION FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT. RESOLUTION NO. R2022-010

MOTION: Council Member Dawkins moved to adopt the preliminary resolution and authorize and approve the filing of an application with the Local Government Commission for approval of the agreement, and request the Local Government Commission approve the proposed financing.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:09 p.m.