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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
OCTOBER 28, 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) (via TEAMS); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
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
Chris Cauley, Economic and Community Development
Andrew LaGala, Airport Director
Lisa Harper, Senior Assistant City Attorney
Sonye' Randolph, Assistant City Attorney
Will Deaton, Planning and Zoning Division Manager
Loren Bymer, Market and Communications Director
Dereke Planter, Code Enforcement Supervisor
Craig Harmon, Senior Planner
Kim Toon, Purchasing Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Christopher Davis, Force of Life Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Colvin presented a proclamation to the educators and students of Saint Avold, France in honor of the Educational Exchange between Fayetteville, N.C. and Saint Avold, France.

Council Member Haire presented the Key to the City to Ms. Quanera Hayes, in honor of her exceptional leadership skills on and off the track.

Mayor Pro Tem Jensen stated October 28th, is the observance of Oxi Day, also known as the "Day of No." Oxi Day marks the day when the Greek Prime Minister rejected the ultimatum given by Benito Mussolini during World War II.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated the City of Fayetteville continues to support our neighbors in western North Carolina who were impacted by Hurricane Helene. The USARS team have returned home. The

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Public Services team are still in Hendersonville helping to rebuild roads and sidewalks.

The Veterans Day Parade is scheduled for November 2, 2024, starting at 10:00 a.m.

6.0 APPROVAL OF AGENDA

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

7.0A CONSENT AGENDA

MOTION: Council Member Haire move to approve the consent agenda with the exception of Item 7.0A4; pulled for presentation and separate vote.
SECOND: Council Member Greene
VOTE: UNANIMOUS (10-0)

7.0A1 Approval of Meeting Minutes:

October 7, 2024 - Work Session
October 14, 2024 - Special
October 14, 2024 - Discussion of Agenda Items

7.0A2 Adoption of Special Revenue Fund Project Ordinance and the Associated Resolution to Appropriate and Direct the Expenditure of \$201,500 of Opioid Settlement Funds

Special Revenue Fund Project Ordinance (SRO) 2025-13 and the associated resolution to appropriate and direct the expenditure of opioid settlement funds in the amount of \$201,500.00 for recovery support services for the period of November 1, 2024, through June 30, 2026.

A RESOLUTION BY THE CITY OF FAYETTEVILLE TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS. RESOLUTION NO. R2024-037

7.0A3 Adoption of Special Revenue Fund Project Ordinance to Appropriate an additional \$153,374 for the FY2024-2025 Emergency Solutions Grants Program for street outreach, emergency shelter, homeless prevention, rapid re-housing assistance, and the Homeless Management Information System.

The City of Fayetteville amended the 2020-2024 Consolidated Plan and the 2024-2025 Annual Action Plan with the U.S. Department of Housing and Urban Development (HUD) on July 7, 2024, for the inclusion of an additional annual entitlement of \$155,374.00 for services under the Emergency Solutions Grants (ESG). The Council are asked to adopt Special Revenue Fund Project Ordinance 2025-12 to appropriate the operating budgets for the ESG allocation. The ESG grant requires a dollar-for-dollar match, which shall largely be passed to nonprofit partners.

7.0A4 Pulled for Presentation and Separate Vote.

7.0A5 Uninhabitable Structures: Demolition Recommendations

112 Webb Street 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. ORDINANCE NO. NS 2024-004

1909 North Pearl Street District 2

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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. ORDINANCE NO. NS 2024-005

166 Summer Hill Road District 4

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. ORDINANCE NO. NS 2024-006

7.0A6 PWC - Bid Recommendation - Award \$332,000 1590 AAC Conductor Contract

Bids were received to award bid for the 1590 AAC Conductor Contract. The lowest responsive, responsible conforming bidder and in the best interest of PWC is American Wire Group, LLC, Miami, FL, in the total amount of \$332,000.00.

7.0A7 PWC - Bid Recommendation - Award \$1,146,202 2025 Galvanized Steel Transmission Pole Contract

Bids were received to award bid for the 2025 Galvanized Steel Transmission Pole Contract. The lowest responsive, responsible conforming bidder and in the best interest of PWC is TransAmerican Power Products, Inc., Houston, TX, in total amount of \$1,146,202.00.

7.0A8 PWC - Bid Recommendation - Award the \$169,895 purchase of Stator Vane Segments

Bids were received for the purchase of Stator Vane Segments. The lowest responsive, responsible conforming bidder and in the best interest of PWC is Sulzer Turbo Services Houston, Inc., in the total amount of \$169,895.00.

7.0A9 PWC - Recommendation - Reject the Non-Conforming bids for the 2025 Ductile Iron Transmission Pole Contract

A Bid was received for the 2025 Ductile Iron Transmission Pole Contract. The bid for the 2025 Ductile Iron Transmission Pole Contract was non-conforming and was rejected.

7.0A10 PWC - Recommendation - Reject the Non-Conforming bids for the 2025 Composite Transmission Pole Contract

A Bid was received for the 2025 Composite Transmission Pole Contract. The bid for the 2025 Composite Transmission Pole Contract was non-conforming and was rejected.

7.0A11 PWC - Adopt a Resolution Affirming the Authority of Fayetteville Public Works Commission to Seek Rezoning of Certain Real Property

RESOLUTION AFFIRMING THE AUTHORITY OF THE FAYETTEVILLE PUBLIC WORKS COMMISSION TO SEEK REZONING OF CERTAIN REAL PROPERTY. RESOLUTION NO. R2024-038

7.0B ITEMS PULLED FROM CONSENT

7.0A4 Authorization to Accept the FY2024 Historic Preservation Fund Grant for the Broadell Community National Register Nomination Project and Adoption of Special Revenue Fund Project Ordinance to Appropriate Grant Funding and the Required Match

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Mr. Nelson Soriano, Neighborhood Engagement Manager, presented this item and stated City Council is asked to authorize the acceptance of the FY2024 Historic Preservation Fund Grant to prepare a nomination to the National Register of Historic Places for the Broadell Community which was placed on the State Historic Preservation Office's (SHPO) Study list in February of 2024. The Council is also asked to adopt Special Revenue Fund Project Ordinance (SRO) 2025-11 to appropriate \$21,000.00 of federal grant funds, passed through the State Historic Preservation Office of the North Carolina Department of Natural & Cultural Resources, and the required local match of \$14,000.00, for a total project appropriation of \$35,000.00. The required local match funds will be provided by a General Fund transfer from the Economic and Community Development Department's annual operating budget.

MOTION: Council Member Haire moved to authorize the City Manager to execute the grant contract and to adopt the SRO 2025-11 as presented and appropriate the matching funds.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (10-0)

8.0 REPORTS FROM BOARDS AND COMMISSIONS

8.01 Airport Commission Annual Report

Mr. Naynesh Mehta, Airport Commission Chair presented this item with the aid of a PowerPoint presentation and provided an overview of the Terminal Renovations Phase III, Recent Routes and Jumpstart Conferences, Proposed International Arrivals Facility, Current Year Passenger Traffic, and the Fayetteville Aviation Forecast.

MOTION: Council Member Davis moved to accept the Airport Commission Annual Report

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (10-0)

9.0 STAFF REPORTS

9.01 Acceptance of the FY 2025 1st Quarter Strategic Performance Report

Mr. Chris Lowery, Strategic & Performance Analytics Manager, and Mr. Andy Brayboy, Senior Corporate Performance Analyst, presented this item with the aid of a PowerPoint presentation and stated the Fayetteville City Council is dedicated to fostering a high-performance organization by leveraging data and stakeholder input to develop a forward-thinking, progressive, and outcome-driven strategic plan for the City.

The Mayor, City Council, and City staff share a collective responsibility to ensure that the actions of public officials, employees, contractors, and volunteers align with the City's goals and values. Together, they work to implement policies, budgets, and objectives in the most effective and accountable manner.

During the annual retreat in January 2024, the City Council refined the strategic direction for the City by identifying five key priorities for FY 2025. These priorities were formally adopted at the May 2024 City Council Meeting as part of the City's FY 2025 Strategic Plan.

To ensure progress toward these priorities, the City Manager's Office has tasked the Office of Strategy and Performance Analytics with coordinating regular updates from cross-departmental teams. These updates are reported quarterly to the City Council. The 1st Quarter Strategic Performance Report, as of September 30, 2024, is now presented for Council's review in preparation for the future Council Retreat.

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This commitment to performance management and strategic planning strengthens the City's operations, ensuring excellent services and a high quality of life for residents. The alignment of long-range planning with departmental operations and performance expectations allows for effective resource allocation and fosters a culture of continuous improvement. Overall, the City of Fayetteville's dedication to forward-thinking and progressive strategies promises a vibrant and prosperous future for the community it serves.

Discussion ensued.

MOTION: Council Member Greene moved to receive the FY 2025 1st Quarter Strategic Performance Report
SECOND: Council Member Benavente
VOTE: UNANIMOUS (10-0)

10.0 PUBLIC HEARINGS (Public & Legislative Hearings)

10.01 P24-38. Rezoning from Single Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5) located at 770 Ocarina Cir (0530203374000) totaling 7.10 acres ± and being the property of James E & Jane L Wood.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the applicant has requested to rezone 770 Ocarina Circle from Single Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5). The property is located south of McArthur Road between Rosehill Road and Ramsey Street. This request was reviewed by the Zoning Commission on September 10, 2024. Following a public hearing with three speakers in favor and 15 speakers in opposition, the commission voted to recommend approval of the request (2-1). Most of the opposition's concerns centered on their perception that increased development in this area would lead to traffic issues and increased crime.

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

Mr. Jonathan Charleston, legal counsel for the property owners, 201 Hay Street, Fayetteville, NC, appeared in favor.

Ms. Christine Main, 4236 Deadwyler Drive, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

MOTION: Council Member Benavente moved to approve the map amendment to MR-5 based on the following: The proposed zoning map amendment does implement the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The uses permitted by the proposed change in zoning district classification and standards apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and There are no other factors that will substantially affect public health, safety, morals, or general welfare.
SECOND: Council Member Greene
VOTE: UNANIMOUS (10-0)

10.02 TA24-11 - Tobacco and Hemp Retail Amendment

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Mr. Will Deaton, Planning and Zoning Manager, presented this item with the aid of a PowerPoint presentation and stated included in your packet is the proposed text amendment to the Unified Development Ordinance to regulate tobacco and hemp retail products based on the recently adopted Cumberland County Ordinance.

At the City Council's January work session, a council request was made asking staff to review a proposed ordinance change by Cumberland County. The Cumberland County proposed text amendment and definition was approved by the Cumberland County Commissioners on January 16, 2024.

Upon the City Council's direction from the May 6th work session, this item went before the Planning Commission for a legislative hearing and recommendation, with a focus on regulation of tobacco and hemp retail through the principal use of the subject property. Following the Planning Commission's recommendation, the proposed text amendment will be presented to the City Council, this time for a legislative hearing, review, and decision.

The proposed amendment to the City's ordinance is similar to the text that was adopted by the Cumberland County Commissioners. However, the City's proposed ordinance change expands the separation distance to 1,000 feet and includes religious institutions. Legal provided clarification regarding the ability of local governments to provide for distance separation from specific uses as intended by the requested text amendment.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-017

MOTION: Council Member Haire moved to approval of the proposed text amendment with the modification of 1,000 feet distance of separation to include any forms of education, business owners, and community

SECOND: Council Member Davis

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Benavente, Banks-McLaughlin, and Hondros)

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
102824

MITCH COLVIN
Mayor