

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL, 433 HAY STREET
JUNE 27, 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
Mike Hill, Fire Chief
Randy Hume, Transit Director
Gerald Newton, Development Services Director
Robert Stone, Construction Management Director
Chris Cauley, Economic and Community Development Director
Jodi Phelps, Corporate Communications Director
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 Council Member Davis.

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

Mr. Brandon Price, incoming CEO of Habitat for Humanity, provided an update on current projects, and announced the final dedication of the last home in Oak Ridge Estates.

Mayor Colvin and Mr. Hewett, City Manager, presented Mr. Randy Hume, Transit Director, a retirement plaque in recognition of his 12 years of service to the City of Fayetteville and 44 years to the Transit Service.

Council Member Haire presented the Cool Springs Heritage Award to City Council in recognition of the inaugural Juneteenth Jubilee weekend.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, announced the City will be unveiling the July 4th Celebration schedule later this week. In addition, the Woodpeckers will be playing at SEGRA stadium on July 4, 2022.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda.
SECOND: Council Member Jones
VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

June 6, 2022 - Work Session
June 9, 2022 - Budget Work Session
June 13, 2022 - Discussion of Agenda Items
June 13, 2022 - Regular

7.02 P22-02. Initial Zoning from Cumberland County's Rural Residential (RR) and Residential 10 (R10) to City of Fayetteville's Limited Commercial/Conditional Zoning (LC/CZ), located at 7605, 7625, and 7615 King Road and 7483, 7475, 7461, and 7467 Rockfish Road and 0 Barbour Lake Road (REID #s 9494487094000, 9494479506000, 9494486009000, 9494486097000, 9494581091000, 9494574949000, 9494583040000, and 9494580282000), containing 16.0 acres ± and being the properties of Robert L. Ferguson, Frances Ferguson, Betty L. Norton, Albert Kelly Jr., George E. Myers, Phillip N. Smith.

7.03 P22-20. Initial zoning from Cumberland County's Rural Residential (RR) and Residential 10 (R10) to City of Fayetteville's Heavy Industrial (HI), located at 600, 602, and 606 N. Plymouth Street (REID #s 0447961856000, 0447958702000, 0447865061000, and 0447758819000), containing 83.0 acres ± and being the property of Marie H Whisman Heirs and AOM II, LLC.

7.04 Adoption of a Resolution to Approve Submission of a Grant Application to the North Carolina Department of Transportation (NCDOT) for Urban Capital Matching Funds

PUBLIC TRANSPORTATION PROGRAM RESOLUTION, FY 2022 RESOLUTION, SECTION 5339, 5307 AND APPLICABLE STATE FUNDING, OR COMBINATION THEREOF. RESOLUTION NO. R2022-024

7.05 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction - Modular Building located at 147 Old Wilmington Road

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2022-025

7.06 Adoption of Special Revenue Fund Project Ordinance 2022-15 for the Affordable Housing Trust Fund

Special Revenue Fund Project Ordinance 2022-15 to appropriate \$1,000,000.00 of State Direct Grant funding from the North Carolina Office of State Budget and Management for an affordable housing trust fund.

7.07 Adoption of Budget Ordinance Amendment 2023-1 and Special Revenue Fund Project Ordinances 2023-1, 2023-2, and 2023-3 for the funding of the CDBG, HOME, and HOPWA FY2022-2023 Programs per the Economic & Community Development Department's Annual Action Plan, and adoption of Special Revenue Fund Project Ordinance 2023-4 for funding of the HOME-ARP Program per the amendment of the FY 2021-2022 Annual Action Plan.

The City of Fayetteville is expected to be awarded three grants from the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2022-2023. The Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME), and Housing Opportunities for Persons with AIDS (HOPWA) will support activities identified in the Economic & Community Development Department's proposed 2022-2023 Annual Action Plan as approved by City Council on May 23, 2022. Special Revenue Fund Project Ordinances 2023-1, 2023-2, and 2023-3 will appropriate the operating budgets for the CDBG, HOME, and HOPWA programs, including the anticipated Federal grant proceeds and program income. The HOME grant requires a local match from the City. Budget Ordinance Amendment 2023-1 will appropriate a transfer of \$270,309.00 of General Fund fund balance for the local match portion.

In addition, the City was awarded HOME-ARP funds for its FY 2021-2022 Annual Action Plan that City Council also approved on May 23, 2022. Special Revenue Fund Project Ordinance 2023-4 will appropriate the operating budget for the HOME-ARP.

7.08 Adoption of Capital Project Ordinance Amendment 2022-66 to Provide Funding for Locks Creek Drainage Improvements

Capital Project Ordinance Amendment 2022-66 will appropriate \$800,000.00 to provide funding for the detailed survey and design of drainage improvements in Locks Creek.

7.09 Violent Crime Advocate Program - ARPA Funding

Allocation of \$375,400.00 of American Rescue Plan Act (ARPA) funds to the Violent Crime Advocate Program. The Violent Crime Advocate Program is a community-based public safety initiative that has shown results in decreasing violent crime in many cities across the nation. Council previously funded the program in FY 22. The Fayetteville Police Department is pursuing federal grants to expand and sustain the program. The ARPA project provides a unique opportunity to support community-based public safety initiatives under its final rule.

7.010 Uninhabitable Structures Demolition Recommendations

862 W. Orange 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 COUNCIL. 862 W. Orange Street. PIN 0437-59-4713 ORDINANCE NO. NS2022-023

912 Ramsey 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 COUNCIL. 912 Ramsey Street. PIN 0437-69-3548 ORDINANCE NO. NS2022-024

837 Varsity Drive - District 3

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 COUNCIL. 837 Varsity Drive. PIN 0428-97-3770 ORDINANCE NO. NS2022-025

308 Preston Avenue - 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 COUNCIL. 308 Preston Avenue. PIN 0428-57-3759 ORDINANCE NO. NS 2022-026

8.0 LEGISLATIVE HEARINGS

8.01 P22-13. Initial zoning from Cumberland County Planned Neighborhood Development (PND) to Single-Family Residential 15 (SF-15), located near Shawcroft Road at the end of the Kimsey Lane stub-out (REID # 0530484847000), containing 5.3 acres ± and being the property of Tumbleweed Holdings, LLC, represented by Bobby Branch.

Mr. Craig Harmon, Planner II, presented this item and stated the applicant is seeking to annex and initially zone a property totaling 5.3 acres, from Cumberland County Planned Neighborhood Development (PND) to Single-Family Residential 15 (SF-15) to match the adjoining zoning. No site plan has been submitted in conjunction with this request. The SF-15 is established to accommodate principally single-family detached residential development at low densities subject to the design standards in Article 30-5.

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

Mr. Michael Blakley, 6728 Carbonton Road, Sanford, NC, appeared in favor and asked Council to approve the initial zoning request.

Mr. Bobby Branch, 402 Forestwood Park Road, Sanford, NC, appeared in favor and asked Council to approve the initial zoning request.

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

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to approve the initial zoning/map amendment to SF-15 based on the following: The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The land use plan calls for Low-Density Residential and the SF-15 district meets that description; Low-Density Residential is best described as mainly single-family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes. Lots typically 1 to 4 dwellings per acre. Suburban, auto-oriented character with utility services. The SF-15 is also in keeping with previous City Council actions on neighboring properties. The uses permitted by the SF-15 zoning district classification and standards apply to such use and will be 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 Kinston

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

9.0 PUBLIC HEARINGS

9.01 AX22-001: Annexation area located along the southern side of King and Rockfish Roads, across from Lakewood Drive. Consisting of

eight parcels and approximately 16.47 acres and being the property of Phillip Smith, Frances Ferguson, Albert Kelly, II, Betty Norton, and George Myers. Case related to P22-02, Initial Zoning.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the owners of the eight parcels have submitted petitions requesting annexation of 16.47 acres ± on the southern side of Rockfish and King Roads, adjacent to Jack Britt High School and abutting the current City Limit line. Draft plans for a commercial development were submitted to the City in January 2022; plans were also submitted along with the Initial Zoning application since a Conditional Zoning is being requested. The applicant has requested an initial zoning of the area to LC Limited Commercial/CZ Conditional Zoning. The Zoning Commission recommended approval of the zoning and conditions as requested on May 10, 2022.

The professional Planning staff recommends approval of the annexation and initial zoning request. Staff also recommended approval of Conditions associated with the initial zoning to LC/CZ.

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

Mr. Mark Candler, 171 Brooke Run, Lumber Bridge, NC, appeared in favor and stated he is the commercial realtor for this item.

Mr. Gregory Whitley, 131 S. Cool Spring Street, Fayetteville, NC, appeared in favor, and stated he is the attorney representing for this item.

Mr. Charlie Worthen, 4799 Northside Drive, NW, Atlanta, GA, appeared in favor, and stated he is a member of the development team for this item.

Mr. Rick Myskey, 6550 Windy Creek Way, Fayetteville, NC, appeared in favor and requested a crime and security study of the area to ensure safety for the neighboring residents.

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

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. Property located along King and Rockfish Roads Across from Lakewood Drive Eight Parcels: PIN: 9494583040, 9494574949, 9494479506, 9494487094, 9494580282, 9494486097, 9494486009, 9494581091. REID: 9494583040000, 9494574949000, 9494479506000, 9494487094000, 9494580282000, 9494486097000, 9494486009000, 9494581091000. ANNEXATION ORDINANCE NO. 2022-06-584

MOTION: Council Member Davis moved to adopt the proposed ordinance annexing the area effective June 27, 2022, and establish the initial zoning consistent with the Zoning Commission recommendation.

SECOND: Mayor Pro Tem Jensen

VOTE: UNANIMOUS (10-0)

9.02 AX22-003: Annexation area located within Kings Grant subdivision, along the western side of Shawcroft Road between Kimsey and Gregg Court (REID # 0530484847000). Consisting of approximately 5.22 acres and being the property of Tumbleweed Holdings, LLC. Case related to P22-13, Initial Zoning.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the applicant, Tumbleweed Holdings, LLC, Managing Member Bobby Branch, submitted a petition requesting annexation of

5.22 acres ± on the western side of Shawcroft Road, within Kings Grant Subdivision abutting the current City Limit line. The applicant has submitted draft plans to the City to develop a low-density residential subdivision on adjacent properties and to place the storm water facility on this parcel. The applicant has requested an initial zoning of the area to Single-Family Residential 15 (SF15), Low-Density Single-Family Residential. The Zoning Commission recommended approval of the zoning request on April 12, 2022.

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

Mr. Michael Blakley, 6728 Carbonton Road, Sanford, NC, appeared in favor and asked Council to approve the proposed annexation ordinance.

Mr. Bobby Branch, 402 Forestwood Park Road, Sanford, NC, appeared in favor and asked Council to approve the proposed annexation ordinance.

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

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. Property located within Kings Grant Subdivision Located on the Western side of Shawcroft Road, between Kimsey and Gregg Court within Kings Grant Subdivision REID: 0530484847000. ANNEXATION ORDINANCE NO.2022-06-585

MOTION: Mayor Pro Tem Jensen moved to adopt the proposed ordinance annexing the area effective June 27, 2022, and establish the initial zoning consistent with the Zoning Commission recommendation.

SECOND: Council Member Wright

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

9.03 AX22-004: Annexation area located along the southern side of Dunn Road and the eastern side of N. Plymouth Street. Consisting of two parcels and a portion of two other parcels resulting in approximately 84.80 acres and being the property of AOM II, LLC. Case related to P22-20, Initial Zoning.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the owner of the four parcels has submitted a petition requesting annexation of 84.83+/- acres on the southern side of Dunn Road and the eastern side of N. Plymouth Street abutting the current City Limit line. A preliminary plan for heavy industrial buildings has been submitted. Additional plans shall be required for review and approval prior to development occurring. The applicant has requested an initial zoning of the area to HI Heavy Industrial. The Zoning Commission recommended approval of the zoning as requested on May 10, 2022. The professional Planning staff recommends approval of the annexation and initial zoning request

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

Ms. Brandy Zackery, 1136 South Park Drive, Bowling Green, KY, appeared in favor and stated she is the civil engineer for this item.

Mr. David Allen, 780 Fallon Grove Way, Raleigh, NC, appeared in favor and stated he is a member of the development team for this item.

Mr. Ryan Krall, 201 Riverplace Street, Greenville, SC, appeared in favor and stated he is a member of the development team for this item.

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

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA Property NC Fayetteville Dunn, LLC Located on the Southern side of Dunn Road and Eastern side of N Plymouth Street REID: 00447865061000, 0447-96-1856000, and a portion of 0447758819000 and 0447958702000. ANNEXATION ORDINANCE NO. 2022-06-586

MOTION: Council Member Ingram moved to adopt the proposed ordinance annexing the area effective June 27, 2022, and establish the initial zoning consistent with the Zoning Commission recommendation.

SECOND: Council Member Jones

VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Order Authorizing \$60,000,000 Public Safety Improvement Bonds, Order Authorizing \$25,000,000 Streets, Sidewalk, and Connectivity Bonds, and Order Authorizing \$12,000,000 Housing Bonds Discussions of Projected Projects

Mr. Jay Toland, Assistant City Manager, presented this item and stated City Council is asked to consider the adoption of the attached bond orders for \$60,000,000.00 Public Safety Improvement Bonds, \$25,000,000.00 Streets, Sidewalk, and Connectivity Bonds, and \$12,000,000.00 Housing Bonds, and to take several other actions required to proceed with related bond referendums on November 8, 2022.

Staff is also prepared to discuss projected projects and receive feedback on Council's priority list of projects.

There is no budget impact at this time. If voters authorize the City Council to issue the aggregate amount of \$97,000,000.00 in General Obligation Bonds in November, then the City Council would have seven years to use that debt capacity. The City Council is not required to issue the authorized bonds or to use all of the authorized debt capacity. Any debt issued would have to be repaid.

Discussion ensued.

MOTION: Council Member Ingram moved to adopt the Order Authorizing \$60,000,000.00 Public Safety Improvement Bonds.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Wright moved to adopt the Order Authorizing \$25,000,000.00 Streets, Sidewalk, and Connectivity Bonds.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Haire moved to adopt the Order Authorizing \$12,000,000.00 Housing Bonds Order.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Kinston moved to set the public hearing on the bond orders for 7:00 p.m. on August 8, 2022, in the Council Chambers at City Hall and publish the bond orders in The Fayetteville Observer no later than six days prior to the public hearing.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

11.0 ADMINISTRATIVE REPORTS

11.01 Strategic Communications Plan

This item was for information only, and was not presented.

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:09 p.m.