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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
MAY 28, 2024
6:30 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2) (via zoom) (excused at 9:40 p.m.); Mario Benavente (District 3) (via zoom) (excused at 9:40 p.m.); D. J. Haire (District 4); Lynne Greene (District 5); Derrick Thompson (District 6); Brenda McNair (District 7) (via zoom); Courtney Banks-McLaughlin (District 8) (via zoom) (excused at 9:40 p.m.); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Gerald Newton, Development Services Director
Loren Bymer, Marketing & Communications Director
Craig Harmon, Senior Planner
Will Deaton, Planning and Zoning Manager
Sheila Thomas-Ambat, Public Services Director
Jody Picarella, Chief Financial Officer
Kimberly Leonard, Budget and Evaluation Director
Kim Toom, Purchasing Manager
Kecia Parker, Real Estate Manager
Robert Van Geons, FCEDC President/CEO
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 Haire.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Ms. Ashanti Bennett, Director of Special Projects, presented an overview of the Cool Spring Downtown District Juneteenth Celebration.

Council Member Haire stated the Cumberland County's 21st Annual Juneteenth Celebration will take place on June 17, 2024, at 12:00 p.m. at Seabrook Park on Slater Avenue.

Mayor Colvin and Council Member McNair presented a proclamation to Dr. Norma McLaughlin proclaiming May 28, 2024, in honor of her dedication to the publishing industry and the community.

5.0 CITY MANAGER REPORT

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

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6.0 APPROVAL OF AGENDA

MOTION: Council Member Thompson moved to approve the agenda with the exception of Item 7.04A for a separate vote.
SECOND: Council Member McNair
VOTE: UNANIMOUS (10-0)

7.0A CONSENT AGENDA

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

7.0A1 Approval of Meeting Minutes:

May 6, 2024 - Work Session
May 13, 2024 - Discussion of Agenda Items
May 13, 2024 - Regular
May 16, 2024 - Budget Work Session
May 20, 2024 - Budget Work Session

7.0A2 P24-19. Rezoning from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 0 Preston Avenue and Pelt Drive (REID #s 0428469409000 and 0428550724000), totaling 19.65 acres ± and being the property of Wood Valley NC LLC & CDM II LLC.

7.0A3 Watershed Master Plan Blounts Creek Watershed Study

Council provided consensus to approve the final deliverables for the Blounts Creek watershed study.

7.0A4 Pulled for a separate vote.

7.0A5 Approval of Scope and Fee for a Supplemental Fayetteville Comprehensive Pedestrian Plan Study

Consent to proceed with scope and fee for this Supplemental Fayetteville Comprehensive Pedestrian Plan Study.

7.0A6 Approval of Lease and Lease Amendment with Enterprise Leasing Company-Southeast, LLC, dba National/Alamo, at the Fayetteville Regional Airport

Approval of the proposed Lease Amendment and Lease Agreement and allow the City Manager to execute the document on behalf of the City.

7.0A7 Adoption of a Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation for Street Sweeping of State Highway System Roadways within the City

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE SWEEPING OF SPECIFIC NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MAINTAINED ROADWAYS WITHIN THE CITY LIMITS OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2024-017

7.0A8 Adoption of a Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation for Mowing of State Highway System Roadways within the City

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE MOWING OF SPECIFIC NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MAINTAINED ROADWAYS WITHIN THE CITY LIMITS OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2024-018

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7.0A9 Approval of the FY2024 Audit Contract and Annual Communications from the Independent Auditors Regarding the FY2024 Audit

The Audit Committee recommended PBMares, LLP, and City Council approved PBMares, LLP, as the external audit firm in fiscal year 2021. The Local Government Commission requires annual contracts. Council approval of the audit contract as presented.

7.0A10 Adoption of Improper Towing Ordinance Amendment

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF ARTICLE VII, WRECKER AND TOW SERVICE, OF CHAPTER 24, STREETS AND SIDEWALKS, AND AMENDING SECTION 16-319, RESERVED, OF CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-004

7.0A11 Fayetteville Area System of Transit - Title VI Program Update

Approval of the Title VI Program Update for submission to FTA.

7.0A12 Bid Recommendation and Resolution of Tentative Award - North Street Drainage Improvement Project

Award contract and authorize the City Manager to execute a contract for the North Street Drainage Improvements project with the lowest responsive, responsible bidder, Lanier Construction, Inc., in the total amount of \$3,913,260.00. In addition, adopt Resolution of Tentative Award for the North Street Drainage Improvements.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA FOR TENTATIVE AWARD OF THE NORTH STREET DRAINAGE IMPROVEMENT PROJECT. RESOLUTION NO. R2024-019

7.0A13 PWC - Bid Recommendation - Water Treatment and Water Reclamation Chemicals Contract FY2025

Approval of the bid recommendation to award Water Treatment and Water Reclamation Chemicals Contract FY2025 to the lowest responsive, responsible bidders.

7.0B ITEMS PULLED FROM CONSENT

7.04B Resolution Authorizing a Lease for the Cross Creek District Office of the Police Department

MOTION: Council Member Thompson moved to move Item 7.04B to the June 3, 2024, work session agenda.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Jensen, Davis, Benavente and Hondros)

8.0 STAFF REPORTS

8.01 Fayetteville Fire Department 2024 1st Quarter Review

Mr. Kevin Dove, Fire Chief, presented the Fire Department 2024 First Quarter Report with the aid of a PowerPoint presentation. Chief Dove reported on Regional Hazmat Response, Response Times, Call Volume, Fires, Top Fire Losses, EMS, Hazardous Materials, Human Resources Branch, Training, Community Preparedness Branch, Emergency Management, and Security.

Discussion ensued.

MOTION: Council Member Hondros moved to accept the report.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (10-0)

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8.02 Fayetteville Police Department 2024 1st Quarter Review

Mr. Kemberle Braden, Police Chief, presented the Police Department 2023 First Quarter Report with the aid of a PowerPoint presentation and reported on Crime Statistics, Crime Trend Analysis, Crime Fighting Strategies, Community Engagement, Death Investigations, Homicide Analysis, Aggravated Assault, Domestic Violence, Domestic Violence Services, Property Crimes, Juvenile Crime, Pro-active Police Actions, Opioid Epidemic, Drug Seizures, Federal Partnerships, Internal Affairs, License Plate Reader Technology, Traffic Fatalities, Traffic Stop Data, Homelessness/Mental Health Responses, Staffing, Employee Retention, Community Watch Groups, and Community Engagement.

Discussion ensued.

MOTION: Council Member Hondros moved to accept the report.
SECOND: Council Member Greene
VOTE: UNANIMOUS (10-0)

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 Public Hearing on Project Aero

Mr. Robert Van Geons, FCEDC President/CEO, presented this item and stated Project Aero is considering Fayetteville and Cumberland County for its Integrated Titanium mill and purpose-built Titanium processing center. The project is also assessing other sites in multiple states. Incentives have been requested from the City and County to reaffirm our commitment to Project Aero and demonstrate that our community is the right location for this project, and a public hearing has been called to approve or deny those incentives. This Transformational Project would create up to 450 jobs in Fayetteville and Cumberland County. The average salary for these jobs is projected at \$120,000.00, exceeding the County average by 150 percent. Capital investment in phase one is expected to be \$895 million, exceeding \$1 billion in the project's second phase. Project Aero is considering a 200+ acre site for its operations, located near the Goodyear Tire and Rubber facility along the R.J. Corman Rail Line. It is approximately 3/4 mile from the Cape Fear River. While not currently in the City, the site would be annexed by the City of Fayetteville. Signalization at the intersection of Highway 401 and Bethune Drive, along with road widening and turn lane additions, have been requested by the NCDOT to alleviate traffic concerns.

Approximately 75 percent of the titanium used in this plant will be remnants from production operations which will be combined with previously unused titanium (referred to as "sponge") to make Project Aero's products.

Titanium is recognized by the U.S. Department of Interior as one of the 35 mineral commodities that are vital to the U.S. economic and national security. Titanium is used in aerospace, military, medical, and consumer sectors. This project aligns with the State of North Carolina's economic goal of propelling the aerospace industry to new frontiers.

The plant, classified as a Minor Air Permit Facility, will follow all state and federal environmental regulations. Process cooling water is expected to be the plant's only discharge. It would be sent directly into PWC's sewer system for reclamation.

The Cumberland County Commissioners met on May 20, 2024, and unanimously approved a similar request. If successfully secured, the City of Fayetteville and Cumberland County would benefit from the tax revenue generated by the facility, economic activity stimulated by its construction, and wages paid to the employees.

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

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Ms. Lizette Rodrigues, 1701 Cherokee Drive, Fayetteville, NC, appeared in opposition.

Mr. Daniel Gallant, 8935 Durant Nixon Road, Linden, NC, Cumberland County, appeared in opposition.

Ms. Bobbie Burgess, 2108 Constitution Drive, Fayetteville, NC, appeared in opposition.

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

MOTION: Council Member Jensen moved to approve the 20-year performance-based grant as outlined for Project Aero, and the conceptual purchase of property as advertised (the land purchase will require an additional public hearing once surveyed), and authorize staff to execute the documents necessary to secure grants for utilities and other incentives.

SECOND: Council Member Hondros

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

9.02 TA24-001 thru TA24-08: 8 Proposed Text Amendments to the Unified Development Ordinance.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation, and stated the eight proposed text amendments below represent suggested updates to the Unified Development Ordinance (UDO), as proposed by the City's Planning staff of the Development Services Department. These amendments fall into one of the following three categories:

1. Cleanup - To clarify and simplify some areas of the code.
2. Development/Community - Items asked for by developers or the community.
3. Policy - How do we as a City move forward.

The following are the recommended text amendments:

1. TA24-001: Reduce the parking calculations for Adaptive Reuse sites.
2. TA24-002: Reduce the parking calculations for Infill Projects.
3. 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.
4. TA24-004: Amend the definitions and standards to better differentiate between standard gas stations and truck stop gas stations.
5. TA24-005: Resolve the ordinance conflicts between general canopy height and canopies for gas stations.
6. TA24-006: Reduce the off-street parking standards for Industrial Uses. Currently, warehouse space requires more parking than office uses.
7. TA24-007: Reintroduce sign height and setback standards for signs in residential districts. These standards were lost during the adoption of the UDO.

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8. 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.

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

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. S2024-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-7, NONCONFORMITIES, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-9, DEFINITIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-9, DEFINITIONS OF THE CODE OF ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-009

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. S2024-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-013

MOTION: Council Member Hondros moved to approve all eight proposed text amendments as presented.

SECOND: Council Member Greene

VOTE: UNANIMOUS (10-0)

9.03 Public Hearing on the Proposed Fiscal Year 2024-2025 Annual Operating and Capital Budget

Mr. Jeffrey Yates, Assistant City Manager, presented this item and stated this public hearing has been set to receive comments from the residents regarding the annual operating budget proposed for the City for fiscal year 2024-2025. The notice advertising the public hearing was published in The Fayetteville Observer on May 19, 2024. The City Manager delivered his formal budget presentation at the May 13, 2024, Council meeting. The budget has been made available for public inspection in the office of the City Clerk and on the City's

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website. This public hearing is required by the North Carolina Local Government Budget and Fiscal Control Act.

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

Mr. Scott Slinde, 3113 Boxley Court, Fayetteville, NC, appeared in opposition.

Ms. Anne Schrader, 223 Stedman Street, Fayetteville, NC, appeared in favor of funding for the multi-family recycling ordinance.

Mr. Joel Cook, 6816 Torrance Lande, Fayetteville, NC, appeared in favor of funding the Office of Community Safety.

Ms. Bobbie Burgess, 2108 Constitution Drive, Fayetteville, NC, appeared in favor of funding the Office of Community Safety.

Ms. Angela Malloy, 131 Hay Street, Fayetteville, NC, appeared in favor of funding the Office of Community Safety.

Ms. Lisette Rodriguez, 1701 Cherokee Drive, Fayetteville, NC, appeared in favor of funding the Office of Community Safety.

Mr. Shaun McMillan, 6024 Goldenrain Drive, Fayetteville, NC, appeared in favor of funding the Office of Community Safety.

Mr. Kamar Perkins, 913 Portstewart Drive, Cary, NC, appeared in favor of funding the Office of Community Safety.

Mr. Michael Pennink, 222 Hay Street, Fayetteville, NC, appeared in favor of funding the Cool Spring Downtown District from the General Fund and not the Municipal Service District.

Reverend Floyd Wicker, 1410 Habersham Drive, Fayetteville, NC, appeared in favor of funding the Office of Community Safety.

Ms. Harmony Granderson, 3801 Little John Court, Fayetteville, NC, appeared in favor of funding the Office of Community Safety.

Mr. Joseph Wheeler, 2012 Bain Drive, Fayetteville, NC, appeared in favor of funding the Office of Community Safety.

Mr. Robert Walls, 1436 Valencia Drive, Fayetteville, NC, appeared in favor of funding the Police Department pay increase and was in opposition of increasing taxes.

Ms. Molly Arnold, 227 Hay Street, Fayetteville, NC, appeared in opposition to the Municipal Service District tax increase.

Ms. Tarsha Gunn, 7205 Pebblebrook Drive, Fayetteville, NC, appeared in favor of the Office of Community Safety.

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

MOTION: Council Member McNair moved to recuse Council Member Hondros from Item 10.01, SUP24-04, due to a conflict of interest.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Thompson moved to recuse Council Members Davis, Benavente, and Banks-McLaughlin pursuant to Council Policy 120.11, Meeting Procedures, which states remote participation shall not be allowed during quasi-judicial proceedings.

SECOND: Council Member Haire

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VOTE: UNANIMOUS (10-0)

Mayor Colvin recessed the meeting at 9:40 p.m. and reconvened the meeting at 9:47 p.m.

10.0 EVIDENTIARY HEARINGS

10.01 SUP24-04. Special Use Permit (SUP) to allow the reduction of the separation requirement between an automotive wrecker service and residentially zoned property located at 639 Gillespie Street (REID # 0436592379000), and being the property of H & A Joint Adventures LLC and Jainelys Prather of J & P Towing and Transporting LLC.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the surrounding area is mostly zoned HI and CC with some MR-5 across the railroad tracks to the north. Most of the area to the north, east and south remains vacant. The area across Gillespie Street is zoned CC and has a variety of commercial uses currently on it.

The owner is requesting a reduction in the 250-foot separation standards between an automotive wrecker service and residentially zoned property. The applicant's request would reduce the separation down to approximately 30 feet. However, this separation includes a railroad right-of-way. Additionally, the closest residential structure to the property in question is almost 300 feet away.

Use-specific standards are the requirements applied to individual use types regardless of the zoning district in which they are located or the review procedure by which they are approved. This section is intended to identify the use-specific standards for all principal uses identified in Table 30-4.A, Use Table, as subject to "additional requirements". These standards may be modified by other applicable requirements in this Ordinance.

These standards are not subject to a variance request. However, with the following exceptions or as explicitly stated in other sections of this ordinance, the separation standards may be reduced upon approval of a special use permit finding that the reduction in the separation standard does not increase negative impacts on surrounding uses and that there are specific characteristics that help minimize any negative impacts, such as natural or man-made features that create visual or physical separation between the uses. Consistent with standards for the procedure in Article 30-2.C.7, Administration - Special Use Permit, conditions may be attached to further minimize or prevent negative impacts, including limitations on hours of operation, maximum size, or range of activities. Hthe SUP must meet all the findings of facts.

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

Mr. Thomas Lloyd, 1100 Clarendon Street, Fayetteville, NC, stated he is the applicant and requested approval of the request for a Special Use Permit for SUP24-04.

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

MOTION: Council Member Thompson moved to approve the Special Use Permit (SUP) to allow the reduction of the separation requirement between an automotive wrecker service and residentially zoned property subject to the submitted site plans and conforming to the current Unified Development Ordinance standards as depicted on the site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this

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hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Heavy Industrial (HI) zoning district, (2) this use complies with the findings listed, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this SUP shall become effective with the approval of the Order of Findings by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time. The SUP meets all of the following findings of facts as presented:

1. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;
2. The special use will be in harmony with the area in which it is located;
3. The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
4. The special use is in general conformity with the City's adopted land use plans and policies;
5. The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and
6. The special use complies with all other relevant City, State, and Federal laws and regulations.

SECOND: Council Member Haire

VOTE: UNANIMOUS (6-0)

11.0 ADMINISTRATIVE REPORTS

11.01 Empowering Community Safety Micro-Grant Program Administrative Report

This item was for information only and was not presented.

11.02 3rd Quarter Report - Downtown Municipal Service District from Cool Spring Downtown District, Inc.

This item was for information only and was not presented.

11.03 Stormwater ARP Projects Quarterly Update

This item was for information only and was not presented.

11.04 Fayetteville Downtown Parking

This item was for information only and was not presented.

11.05 City Manager's Update - City Council Agenda Item Requests

This item was for information only and was not presented.

MOTION: Council Member Hondros moved to move Items 11.01, 11.03, and 11.04 to a work session.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (6-0)

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:58 p.m.

Respectfully submitted,

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PAMELA J. MEGILL
City Clerk
052824

MITCH COLVIN
Mayor