

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
FEBRUARY 27, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeff Yates, Assistant City Manager
Kemberle Braden, Police Chief
Jodi Phelps, Chief of Staff
Sheila Thomas-Ambat, Public Services Director
Gerald Newton, Development Services Director
Chris Cauley, Economic and Community Development
Director
Loren Bymer, Marketing/Communication Director
Lachelle Pulliam, Assistant City Attorney
Kecia Parker, Real Estate 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 Council Member Haire.

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 Haire announced the Murchison Road Corridor Update event will be taking place on March 2, 2023, at 5:30 p.m. in the Council Chambers, and invited all to attend.

Council Member Jensen announced Methodist University is partnering with Cape Fear Valley Hospital to begin a M.D. Program.

5.0 CITY MANAGER REPORT

There was no report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Hondros moved to approve the agenda with the addition of Item 7.020, Rescind Demolition Ordinance for 1416 Coley Drive, and Item 9.02, Discussion of an Appointment to the Public Works Commission.

SECOND: Mayor Pro Tem Dawkins

Mayor Pro Tem Dawkins made a friendly amendment to move Item 9.01 before Item 8.01.

Council Member Hondros accepted the friendly amendment.

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

7.0 CONSENT AGENDA

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

SECOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

January 9, 2023 - Regular

January 25, 2023 - Agenda Briefing

January 26, 2023 - Discussion of Agenda Items

January 26, 2023 - Regular

February 6, 2023 - Work Session

February 13, 2023 - Discussion of Agenda Items

February 13, 2023 - Regular

February 17, 2023 - Special

7.02 P23-01. Rezoning from Office and Institutional (OI) to Neighborhood Commercial (NC) zoning district of .32 acres ±, located at 1302 Fort Bragg Road (REID # 0427965185000) and being the property of Leslie K. and Justin D. Pearson.

7.03 P23-02. Rezoning from Agricultural Residential (AR) to Neighborhood Commercial (NC) on 1 acre ±, located at 3459 Dundle Road (REID # 9495105082000) and being the property of Lorraine Mohler, MOHLER HOMES, INC, represented by Scott Brown, 4D Site Solutions, Inc.

7.04 P23-03. Rezoning from Single-Family Residential 6 (SF-6) to Neighborhood Commercial (NC) zoning district of .53 acres ± portion of total 2.98 acres ± parcel, located at 7510 Cliffdale Road (REID # 9487353248000) and being the property of F&F Investments of Fayetteville LLC, represented by Michael Adams of MAPS Surveying Inc.

7.05 P23-04. Rezoning of 16.98 ± acres of an 18.85 ± acre parcel from Single-Family 6 (SF-6), Agricultural Residential (AR), and Neighborhood Commercial (NC) to 16.98 ± acres of Mixed-Residential 5 (MR-5) and retain 1.87 ± acres of existing Neighborhood Commercial (NC), located at 0 Morganton Road (REID # 0408149306000), and being the property of Alan Smith, et al., represented by Alex Keith of Tom J. Keith & Associates.

7.06 SUP23-01. Order of Approval - Findings of Fact: Special Use Permit to allow a religious institution to reduce the required 500-foot distance separation between adult entertainment, bars, nightclubs, and a religious institution to be located at 929 Bragg Boulevard (REID # 0437172966000), zoned as Community Commercial (CC), totaling 1.15 acres ± and being the property of Peter Stewart, Paula Stewart, George Stewart III, Richard Gochnauer, Richard Bleakley Jr, Catherine Groschan, Louise Barrett, John Stewart, Mary Stokes, Peter Stewart, John Kirkman Trustee, Sandra Kirkman Higgins Trustee.

7.07 SUP23-02. Order of Approval - Findings of Fact: Special Use Permit to allow Two to Four-Family Dwellings (1 triplex) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 206 Post Avenue (REID # 0439705376000), totaling 0.38 acres ± and being the property of Tammy and Tyrone Lock, represented by Lori Epler of Larry King and Associates.

7.08 Bid Recommendation - Microsurfacing Various Streets 2023

Approve award of the contract and authorize the City Manager to execute a contract for Microsurfacing Various Streets, 2023, to the

lowest responsive, responsible bidder, Slurry Pavers, Inc., in the total amount of \$305,450.00.

7.09 Bid Recommendation - Slurry Seal Various Streets 2023

Approve award of the contract and authorize the City Manager to execute a contract for Slurry Seal Various Streets, 2023, to the lowest responsive, responsible bidder, Slurry Pavers, Inc., in the total amount of \$454,071.33.

7.010 Approval of Budget Resolution to Direct the Expenditure of Opioid Settlement Funds

A RESOLUTION BY THE CITY OF FAYETTEVILLE TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS. RESOLUTION NO. R2023-009

7.011 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 119 Laraine Street and 724 North Street

DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2023-010

7.012 Expand Good Neighbor Homebuyer Loan Program to include all incorporated areas in the city limits.

The Economic and Community Development Department (ECD) developed the Good Neighbor Homebuyer Loan Program in December 2019. The initial program offered a \$20,000.00 five-year forgivable loan to Fayetteville Police Department (FPD) Officers who purchase their first home in one of two revitalization corridors. Prior City Council actions have expanded the program to all employees, all redevelopment areas, and increased the amount to \$30,000.00. Staff is now recommending an expansion of the program to include all areas within the incorporated City limits.

7.013 Request for Legal Representation of City Employees

Authorize the City to provide legal representation for Officers Warren and Bass as well as former Detective Glorfield in the matter of *Markus Odon McCormick v. City of Fayetteville, Sasha Graham, Joshua Bass and Kelton Glorfield*.

7.014 Approval of Draft Ordinance Amendments to Resume Criminal Enforcement of Certain City Ordinances

Approval of the draft ordinance and place it on the March 13, 2023, agenda for adoption.

7.015 2023 All-America City Award Application

The National Civic League hosts an annual award application process to provide designation for municipalities national as an All-America City. Fayetteville has previously applied for and received the award in 1985, 2001 and 2011. The City is submitting an award application package for the 2023 cycle.

7.016 Approval for City Manager to Execute a Construction Contract with Mohammad Construction, LLC for the Mazarick Park Tennis Center Courts

Council authorized the City Manager to execute a contract with the apparent lowest responsive, responsible bidder, Mohammad Construction, LLC, for the construction of the tennis and pickleball courts, in the amount of \$1,345,000.

7.017 Phase 5 Annexation Area 23 Section 2 and Area 24A Resolutions Declaring Costs, Ordering Preparation of Preliminary Assessment

Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL Area 23, Section 2. RESOLUTION NO. R2023-011

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL Area 24A. RESOLUTION NO. R2023-012

7.018 Solid Waste Ordinance Adoption

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 22, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-002

7.019 Adoption of Capital Project Ordinance Amendments 2023-2023-21, 2023-22, and 2023-23 for Parks & Recreation Bond Projects and to Award the Contract for General Construction to Mohammad Construction, LLC for Mable C. Smith Park Bond Project.

Adopt CPOAs 2023-21, 2023-22, and 2023-23 to appropriate the funds needed to complete the improvements to the Mable C. Smith Park, and award and authorize the City Manager to execute a contract with the lowest responsive, responsible bidder, Mohammad Construction, LLC, in the total amount of \$1,467,400.

7.020 Rescind Demolition Ordinance - 1416 Coley Drive

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2022-036. RESOLUTION NO. 2023-008

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 P22-48. Conditional rezoning from Single-Family Residential 6 (SF-6) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), to build no more than 72 apartment units, located at 0 Drive off of Rim Road (REID # 9487860537000), containing 12.23 acres ± and being the property of Leisure Living CB LLC, represented by WithersRavenel.

Ms. Heather Eckhardt, Planner II, presented this item and stated the subject property is currently zoned Single-Family Residential 6 (SF-6). The applicant would like to rezone the property to Mixed Residential 5/Conditional Zoning (MR-5/CZ).

The Zoning Commission held a legislative hearing on November 8, 2022. The Zoning Commission voted to recommend approval of a proposed map amendment to Mixed Residential 5 (MR-5) in a 3 to 2 vote. The applicant and proposed developer attended the meeting and spoke in favor of the rezoning. A resident of the Bone Creek Subdivision spoke in opposition due to traffic concerns in the Cliffdale Road and Rim Road area. There was one additional citizen signed up to speak, however, they waived their time following the staff presentation.

This item was brought to City Council as part of the consent agenda on January 9, 2023. This item was pulled for a public hearing at the January 9, 2023, City Council meeting. Following this item being pulled for a public hearing, the applicant elected to submit this item to City Council as a Conditional Rezoning. The applicant has offered the following conditions:

1. A maximum of 72 units on the 12.23 acre site.
2. A 20-foot wide Type A (One canopy tree + five understory trees + 15 shrubs per 100 linear feet) buffer along the

northern and western property line adjacent to the existing subdivisions.

City Council has the option to approve the rezoning with additional conditions which are agreed upon with the owner/applicant during the legislative hearing.

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

Mr. Johnathan Charleston, 201 Hay Street, Fayetteville, NC, stated he is representing property owner and developer, and appeared in favor.

Discussion ensued.

MOTION: Council Member McNair moved to approve the map amendment to MR-5/CZ.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

8.0 STAFF REPORTS

8.01 Fayetteville Fire Department 2022 4th Quarter Review

Mr. Mike Hill, Fire Chief, presented the Fire Department 2022, 4th Quarter Review, that included mission statement, vision statement, reports from the Operations Branch, Human Resources Branch, Community Preparedness Branch, Recruitment and Retention, Fire Conditions, EMS, Technical Program Leadership, Fire Station # 4 Relocation, G.O. Bond, and Records Management System.

Discussion ensued.

MOTION: Council Member Ingram moved to accept the report.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (10-0)

8.02 Fayetteville Police Department 2022 4th Quarter Review

Mr. Kem Braden, Police Chief, presented the Police Department 2022, 4th Quarter Review, that included Crime Statistics, Crime Trend Analysis, Crime Fighting Strategies, Community Engagement, Peer City Comparisons, License Plate Reader Technology, Office of Professional Standards - Internal Affairs, Traffic Fatalities, Traffic Stops, and Community Watch Groups.

Discussion ensued.

MOTION: Council Member Ingram moved to accept the report.

SECOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

9.02 Discussion of an Appointment of a Public Works Commissioner

Mayor Colvin introduced this item and stated the City is statutorily obligated to appoint someone to the Public Works Commission.

Ms. Pamela Megill, City Clerk, read the names of the five (5) eligible candidates for consideration of appointment to the Public Works Commission: Christopher Davis, William Gothard, Josef Halastschek, Theodore Mohn, and Peter Stewart.

MOTION: Council Member Hondros moved to appoint Mr. Peter Stewart.

SECOND: Council Member Jensen

VOTE: FAILED by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Ingram, Benavente, Haire, Dawkins, Thompson, McNair, and Banks-McLaughlin)

Discussion ensued pertaining to an alternative method to select the appointee. Mayor Colvin stated he will call the name of each candidate and each Council mMember will be afforded one vote:

Christopher Davis - Colvin, Haire, Dawkins, and Thompson
William Gothard - Zero Votes
Josef Hallastschek - Ingram, Jensen, Benavente, McNair, Hondros
Theodore Mohn - Banks-McLaughlin

Mayor Colvin stated the top two votes were for Christopher Davis with 4 votes and Josef Hallastschek with 5 votes; therefore, Council will now be afforded one vote for either Christopher Davis or Josef Hallastschek.

Christopher Davis - Colvin, Ingram, Haire, Dawkins, Thompson, and Banks-McLaughlin.
Josef Hallastschek - Jensen, Benavente, McNair, and Hondros

Mayor Colvin announced Mr. Christopher Davis has received the highest number of votes; that being six (6), and is duly appointed as a Commissioner to the Public Works Commission.

10.0 ADMINISTRATIVE REPORTS

10.01 American Rescue Plan, State and Local Fiscal Recovery Fund (ARP-SLFRF) program and project update

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

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:28 p.m.