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**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER/ZOOM  
MAY 24, 2021  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4); Johnny Dawkins (District 5) (departed at 10:18 p.m.); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8) (via zoom); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Telly Whitfield, Assistant City Manager  
Adam Lindsay, Assistant City Manager  
Rebecca Jackson, Chief of Staff  
Jay Toland, Assistant City Manager  
Cliff Isaacs, Construction Management Director  
Sheila Thomas-Ambat, Public Services Director  
Gerald Newton, Development Services Director  
Tracey Broyles, Budget and Evaluation Director  
Taurus Freeman, Planning and Zoning Manager  
Craig Harmon, Senior Planner  
Jennifer Baptiste, Senior Planner  
Kevin Arata, Corporate Communications Director  
Chris Cauley, Economic and Community Development Director  
Randy Hume, Transit Director  
Tiffany Neal, Assistant Transit Director Pamela McGill, City Clerk  
Jennifer Ayre, Deputy 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 Rabbi Dov Goldberg, Beth Israel Congregation.

## **3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Mayor Colvin and City Council.

## **4.0 ANNOUNCEMENTS AND RECOGNITIONS**

Ms. Shari Fiveash, Chamber of Commerce CEO, and Mr. Randy Fiveash, Interim Visitors Bureau CEO, introduced themselves and thanked Mayor Colvin and the Council for welcoming them to the City and said they are looking forward to assisting the community.

Council Member Ingram announced Fayetteville State University is still hosting COVID-19 vaccine clinics every Thursday until the end of June 2021.

Mayor Pro Tem Jensen congratulated the Public Services Department for the great work completing the new portion of the Cape Fear River Trail.

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## 5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated per the Governor's orders lifting the mask mandate, the City will lift the mask mandate for City employees except for Transit, Airport, Police, and Fire, who will be on a slightly different posture given their operational nature of their positions. He will provide further information to the Senior Leadership Team at the next meeting.

Council Member Ingram asked how much and when will the emergency funds be presented to City Council. Mr. Hewett stated the City was awarded \$11.5 million in Emergency Rental Assistance which will be handled by the Economic and Community Development Department and \$40.4 million from the American Rescue Plan Act (ARPA). The funding will be discussed during the May 27, 2021, budget work session.

## 6.0 APPROVAL OF AGENDA

**MOTION:** Council Member Ingram moved to approve the agenda, with the exception of Item 9.05, to be continued to the June 28, 2021, meeting agenda.  
**SECOND:** Council Member Wright  
**VOTE:** UNANIMOUS (10-0)

## 7.0 CONSENT AGENDA

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

### 7.01 Approval of Meeting Minutes:

April 26, 2021 - Regular  
May 3, 2021 - Work Session  
May 10, 2021 - Discussion of Agenda Items  
May 10, 2021 - Regular

7.02 P21-15: Order of Approval - Findings of Facts. Special Use Permit request to operate and expand an automotive wrecker service at 412, 416, and 422 Blount Street and 470 and 472 Williams Street (REID #s 0437329358000, 0437329414000, 0437328456000, 0437329494000, and 0437420408000), zoned as Community Commercial (CC), totaling 1.00 acres ± and being the property of Quality Towing & Recovery, Inc. and Terry Easom.

7.03 P21-22: Order of Approval - Findings of Facts. Special Use Permit request to allow condominiums (single-family attached dwellings) in a Single-Family 6 (SF-6) Zoning District, located at 217 Willborough Avenue (REID # 0427126774000), totaling .32 acre, and being the property of James Tolbert, Elite Construction of Fayetteville Inc.

7.04 P21-26. Conditional Zoning of two properties from Single-Family Residential 10 (SF-10) and Single-Family Residential 6 (SF-6) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), near Rock Creek Lane, Mount Rainer Road, and Rosehill Road (REID #s 0439302525000 and 0439300490000), containing 17.61 acres ± and being the property of Chris Manning of Chris Manning Developers represented by Mike Nichols of Paramount Engineering, Inc.

7.05 P21-27. Conditional Zoning of a property from Limited Commercial (LC) to Limited Commercial/Conditional Zoning (LC/CZ) to modify the development standards required for a storage center, located at 9560 Cliffdale Road (REID # 9486151947000), containing 2.67 acres ± and being the property of KAAVU, LLC, Kevin Lindsey of Crawford Design Company.

7.06 P21-29. Rezoning of a property from Mixed Residential 5 (MR-5) to Community Commercial (CC), located at 149 Old Shaw Road (REID

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# 0419310848000), totaling 0.24 acres ±, and being the property of Mini Biju represented by George M. Rose P.E. and Biju George.

- 7.07 P21-28. Rezoning of a property from Single-Family Residential 10 (SF-10) to Office and Institutional (OI), located at the intersection of Village Drive and Marlborough Road (REID # 0426374562000), totaling 1.5 acres ± and being the property of Mary Fullwood represented by George M. Rose P.E

- 7.08 Resolution Authorizing to Designate the Executing of Environmental Review Documents for Housing and Urban Development Programs

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER AS THE CERTIFYING OFFICERS FOR HUD ENVIRONMENTAL REVIEW PROCEDURES TO DESIGNATE THE ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE DOCUMENTS RELATIVE TO THE ENVIRONMENTAL REVIEW PROCESS AS REQUIRED BY FEDERAL REGULATIONS. RESOLUTION NO. R2021-034

- 7.09 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 209 B Street

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2021-035

- 7.010 Resolution Authorizing the Conveyance of a Water & Sanitary Sewer Easement for Annexation Project Area 25 at 9354 Tine Road to the City of Fayetteville by and through Fayetteville Public Works Commission

A RESOLUTION AUTHORIZING THE CONVEYANCE OF A WATER & SANITARY SEWER EASEMENT FOR ANNEXATION PROJECT AREA 25 AT 9354 TINE ROAD TO THE CITY OF FAYETTEVILLE BY AND THROUGH THE FAYETTEVILLE PUBLIC WORKS COMMISSION. RESOLUTION NO. R2021-036

- 7.011 Resolution Authorizing the Setting of a Public Hearing to Consider Closing an Alley off Gillespie Street

A RESOLUTION AUTHORIZING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF AN ALLEYWAY OFF OF GILLESPIE STREET. RESOLUTION NO. R2021-037

- 7.012 Adoption of Capital Project Ordinance Amendment 2021-57 to Appropriate Funds for the Linear Park Project

Capital Project Ordinance Amendment 2021-57 will appropriate \$7,700.00 of cash donations and \$1,847.00 of investment income for the Linear Park project, along with an estimated \$5,560.00 of construction materials to be donated by Fay Block Materials, Inc., and Concrete Service Company as in-kind project contributions.

### **8.0 LEGISLATIVE HEARINGS**

- 8.01 PND21-002. Planned Neighborhood Development Plan (PND) revision for Lake Shores Subdivision to add two two-family dwellings (Duplexes) on each property, located at the intersection of Georgetown Circle, Bahama Loop, and Offing Drive (REID #s 0407186890000 and 0407185863000), and being the property of Mong & Ron Enterprises 3, LLC.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owners of property at the intersection of Georgetown Circle, Bahama Loop, and Offing Drive request a revision to the approved Planned Neighborhood Development (PND) Plan. The owner wishes to build two, two-to-four family dwellings (duplexes) on each property. On

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March 9, 2021, the Planning Commission voted 7 to 1 to recommend approval of the request.

On April 26, 2021, the City Council held a legislative hearing on this case. The public hearing portion of the hearing was opened and closed and four people spoke in favor and two in opposition. Those in opposition requested that the City Council table this item to allow the homeowners association to have an environmental assessment done of the two properties in question. The Council voted 8 to 2 to table the item to the May 24, 2021, regular meeting.

The Planning Commission and Professional Planning Staff recommend approval based upon the congruency of the proposed revision. The proposed amendment would result in a logical and orderly development pattern.

1. The proposal would develop two lots with two duplexes on each (eight units), while keeping the minimum required amount of open space for this PND development.
2. This revision is consistent with the 2030 Land Use Plan, which calls for Low-Density Residential (LDR). This designation mainly consists of single-family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes.
3. Under this revision, these lots would be developed at a lower density than the approved PND revision in 2007, which would have allowed 14 units on these two lots.

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

Ms. Whitney Serauskaus, 5615 Duncastle Road, Fayetteville, NC, appeared in favor.

Mr. Robert Doran, 3947 Dunne Road, Fayetteville, NC, appeared in favor.

Mr. Frank Devine, 2605 Delcrest Drive, Orlando, FL, appeared in favor.

Mr. Daniel Wright, 4960 Rockfish Road, Raeford, NC, appeared in favor.

Mr. Roland Kleinman, 342 Offing Drive, Fayetteville, NC, appeared in opposition.

Mr. Ed Blanchard, 5444 Summer Duck Road, Fayetteville, NC, appeared in opposition.

Ms. Corinne Byrne, 5575 Nix Road, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

**MOTION:** Council Member Dawkins moved to approve the proposal to develop two lots with two duplexes on each (eight units), while keeping the minimum required amount of open space for this PND development.

**SECOND:** Council Member Davis

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

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## 9.0 EVIDENTIARY HEARINGS

9.01 P21-23. An Evidentiary Hearing for a Special Use Permit request to construct a duplex at 1812 Conover Drive (REID # 0416959387000), zoned as Single-Family 10 (SF-10), being 0.46 acres ± and being the property of KAAVU, LLC, represented by Kevin Lindsey of Crawford Design Company.

Ms. Jennifer Baptiste, Senior Planner, presented this item and stated this application is to request a Special Use Permit to construct a duplex on an individual lot. The lot is located south of Village Drive between Owen Drive to the east and Fargo Drive to the west. The property is currently zoned Single-Family Residential 10 (SF-10). A Special Use Permit is required to construct a duplex in this zoning district.

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

Mr. Kevin Lindsay, Civil Engineer for the project, 116 N. Cool Springs Street, Fayetteville, NC, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

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

Discussion ensued.

**MOTION:** Council Member Ingram moved to approve the Special Use Permit (SUP) to allow the construction of a duplex on the parcel currently zoned Single-Family Residential 10 (SF-10) and that the SUP is consistent with applicable plans because (1) the City's Unified Development Ordinance and 2040 Future Land Use Plan both support this type of residential use in this location, (2) the uses surrounding this property are a mix of uses that are compatible with the proposed SUP, and (3) the proposed SUP is reasonable and in the public interest because the proposed zoning fits the character of the overall area. If approved, this Special Use Permit 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.

### Statement of Findings of Fact:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;

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- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

**SECOND:** Council Member Dawkins  
**VOTE:** UNANIMOUS (10-0)

9.02 P21-24. An Evidentiary Hearing for a Special Use Permit request to allow an Automotive Wrecker Service, at 720 Bragg Boulevard (REID # 0437372417000), totaling .58 acres ±, and being the property of Renegade Towing and Recovery, LLC, and requested by the applicant, Charlene Shaw.

Mr. Craig Harmon, Senior Planner, presented this item and stated this application is to request a Special Use Permit to operate an Automotive Wrecker Service on an individual lot. The lot is located at 720 Bragg Boulevard. The property is currently zoned Community Commercial (CC) and is being used as an automotive repair shop. A Special Use Permit is required to operate an Automotive Wrecker Service in this zoning district.

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

Mr. Jerry Shaw, 5308 Neuse Road, Raleigh, NC, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

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

Discussion ensued.

**MOTION:** Council Member Ingram moved to approve the Special Use Permit (SUP) to allow the operation and an automotive wrecker service subject to the conditions identified in and conforming to the current Unified Development Ordinance standards as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because (1) the development is located in a Community Commercial 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 Special Use Permit 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.

**Statement of Findings of Fact:**

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

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- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

**SECOND:** Council Member Waddell

**VOTE:** UNANIMOUS (10-0)

**9.03 P21-25. An Evidentiary Hearing for a Special Use Permit request to allow two-to-four-unit dwellings to be located at 571 Ohmer Drive (REID # 9497858378000), totaling .72 acres ±, and being the property of R Chi, LLC, submitted by the applicant, Robert Doran Vulcan Homes, LLC.**

Mr. Craig Harmon, Senior Planner, presented this item and stated this application is to request a Special Use Permit to construct three duplexes on an individual lot. The lot is located at the intersection of Ohmer Drive, Old Bunce Road, and Bunce Road. The property is currently zoned Single-Family Residential 6 (SF-6). A Special Use Permit is required to construct a duplex in this zoning district. According to the Unified Development Ordinance (UDO), a duplex is defined as a Two- to Four-Family Dwelling, which is a residential building containing two, three, or four individual dwelling units located on a single lot. Such units may be part of a single structure or may be attached by one or more common walls.

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

Mr. Robert Doran, 3947 Dunn Road # 5, Fayetteville, NC, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

Ms. Cheryl Brunelle, 582 Ohmer Drive, Fayetteville, NC, appeared in opposition and requested Council deny the request for the Special Use Permit.

Mr. Daniel Wright, 4960 Rockfish Road, Fayetteville, NC, stated he is the contractor for this project and appeared in favor.

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

Discussion ensued.

**MOTION:** Council Member Wright moved to approve the Special Use Permit (SUP) to allow the construction of three duplexes on the parcel currently zoned Single-Family Residential 6 (SF-6) and that the SUP is consistent with applicable plans because (1) the City's Unified Development Ordinance and 2040 Future Land Use Plan both support this type of residential use in this location, (2) the uses surrounding this property are a mix of uses that are compatible with the proposed SUP, and (3) the proposed SUP is reasonable and in the public interest because the proposed zoning fits the character of the overall area. If approved, this

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Special Use Permit 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.

### **Statement of Findings of Fact:**

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

**SECOND:** Council Member Dawkins

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

**9.04 SUP21-01. An Evidentiary Hearing for a Special Use Permit request to allow town-home development in a Single-Family 6 (SF-6) zoning district, located at 2122 and 2118 Elvira Street (REID #s 0428503162000, 0427594997000, and 0428504066000), being 1.26 acres ±, and the property of Floyd Properties & Development Inc.**

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner looks to build ten townhome units. These would be built in two, five-unit clusters. All of the surrounding properties are zoned SF-6 and there is existing multi-family development to the east, west, and south.

In the City's Unified Development Ordinance (UDO), townhomes are defined as a Single-Family Attached Dwelling which must have two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall which is shared by two or more individual dwelling units along the lot line.

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

Mr. Jonathan Charleston, Attorney representing the property owners, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

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



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Discussion ensued.

**MOTION:** Council Member Dawkins moved to approve the Special Use Permit (SUP) to allow the construction of ten single-family attached dwelling units (townhomes) subject to the conditions identified in 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 hearing. And that the application is consistent with applicable plans because (1) the development is located in a Single Family 6 (SF-6) 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 Special Use Permit 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.

Statement of Findings of Fact:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

**SECOND:** Council Member Ingram

**VOTE:** UNANIMOUS (10-0)

9.05 In accordance with the April 14, 2021, Order issued by Superior Court Judge Michael Stone, the City Council will hold a quasi-judicial hearing to determine the threshold issue of whether a Special Use Permit was required for a proposed addition to M. M. Smith Storage Warehouse, Inc.'s facility located at 601 Hillsboro Street.

This item was continued to the June 28, 2021, City Council meeting agenda.

Mayor Colvin recessed the meeting at 9:13 p.m., and reconvened the meeting at 9:19 p.m.

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## 10.0 PUBLIC HEARINGS

### 10.01 Public Hearing on the Proposed Fiscal Year 2021-2022 Annual Operating Budget

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and stated this public hearing has been set to receive comments from residents regarding the annual operating budget proposed for the City for fiscal year 2021-2022. The notice advertising the public hearing was published in The Fayetteville Observer on May 13, 2021.

Mr. Hewett stated the proposed budget provides for \$239,347,070.00 total expenditures across all funds, with \$187,505,437.00 General Fund expenditures. Mr. Hewett reviewed all funds for FY 21 original adopted budget and the FY 22 Recommended Budget. Mr. Hewett reviewed the revenue highlights and the next steps.

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

Mr. James Thomas, 6312 Ellesmere Drive, Fayetteville, NC, appeared in opposition.

Ms. Kathy Greggs, 4607 Woodline Drive, Fayetteville, appeared in opposition.

Mr. Manuel Mejia Diaz, 5844 Chanson Ridge Drive, Fayetteville, appeared in opposition.

Mr. Shaun McMillian, 6024 Goldenrain Drive, Fayetteville, NC, appeared in opposition.

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

No action was taken on this item.

### 10.02 The City's authorization of the issuance of education revenue bonds by the Public Finance Authority relating to The Capitol Encore Academy Properties, LLC

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

Mr. Johnathan Charleston, Attorney representing The Capitol Encore Academy Properties, LLC, appeared in favor and stated the action Council is being requested to authorize the Public Finance Authority (the "Authority"), a unit of government and a body corporate and politic of the State of Wisconsin established under Section 66.0304 of the Wisconsin Statutes and authorized to issue tax-exempt, taxable, and tax credit conduit bonds for public and private entities throughout all 50 states, to issue its proposed Education Revenue Bonds (The Capitol Encore Academy) Series 2021A and Taxable Education Revenue Bonds (The Capitol Encore Academy) Series 2021B (collectively, the "Bonds"), in a total amount not to exceed \$10,000,000.00 to finance the costs of an education facility project on behalf of The Capitol Encore Academy Properties, LLC (the "Borrower") and The Capitol Encore Academy, which facility will be located in downtown Fayetteville.

The Borrower has requested the Authority issue the Bonds to finance, among other things, (i) the purchase of and renovations and improvements to a new charter school facility which will be used to house grades 7-12 located at 200 Mason Street, Fayetteville, North Carolina (the "Facility"); and (ii) the acquisition of an adjacent parking lot located at 302 Arch Street, Fayetteville, North Carolina (the "Lot" and, together with the Facility, the "Project"), located in the City of Fayetteville, County of Cumberland, State of North

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Carolina, in which the Project is or is to be located, as described in the notice of public hearing.

Pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the Project is to be located. Further, as a pre-condition for the exclusion from gross income for federal tax purposes of interest on the Bonds, the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") requires, among other things, that the issuance of the Bonds be approved either by an elected official or body of elected officials of the applicable governmental entity after a public hearing (a "TEFRA Hearing") following reasonable publication of the TEFRA Notice. Accordingly, although the Bonds will be issued by the Authority, Wisconsin law and TEFRA require that the Bonds to be issued by the Authority may only be issued after approval of the financing for the Project by the City Council following reasonable publication of a TEFRA Notice and a properly held TEFRA Hearing related to such Bonds.

The City will have no liability whatsoever for the repayment of principal or interest on the Bonds, and the faith and credit, and the taxing power of the City, will not be pledged to support the Bonds. The Bonds will be payable solely from funds and revenues received by the Authority.

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

Discussion ensued.

**RESOLUTION APPROVING THE ISSUANCE OF EDUCATION REVENUE BONDS (THE CAPITOL ENCORE ACADEMY) SERIES 2021A AND TAXABLE EDUCATION REVENUE BONDS (THE CAPITOL ENCORE ACADEMY) SERIES 2021B TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$10,000,000 TO FINANCE COSTS OF AN EDUCATIONAL FACILITY PROJECT ON BEHALF OF THE CAPITOL ENCORE ACADEMY PROPERTIES, LLC, AND THE CAPITOL ENCORE ACADEMY. RESOLUTION NO. R2021-038**

**MOTION:** Council Member Ingram moved to adopt the resolution authorizing the issuance of the Bond.  
**SECOND:** Council Member Wright  
**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

### **10.03 Adoption of 2021-2022 Housing and Urban Development Annual Action Plan for Community Development Block Grant and HOME Investment Partnerships Programs**

Mr. Chris Cauley, Economic and Community Development Director, presented this item and stated Council is asked to conduct a public hearing and approve the proposed Housing and Urban Development (HUD) Annual Action Plan (AAP) to implement the Community Development Block Grant (CDBG) and the Home Investment Partnership Program (HOME). The AAP provides a concise summary of the actions, activities, and the specific federal resources that will be used each year to address the priority needs and specific goals identified by the Five-Year Consolidated Plan. The AAP is developed by staff and recommended by the Fayetteville Redevelopment Commission (FRC). Council was presented this plan at the May 3, 2021, Council work session.

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.

Discussion ensued.

**MOTION:** Council Member Haire moved to approve the proposed Housing and Urban Development Annual Action Plan to implement the

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## **Community Development Block Grant and the Home Investment Partnership Program.**

**SECOND: Council Member Waddell**

**VOTE: UNANIMOUS (10-0)**

### **10.04 Public Hearing to Consider Closing a Portion of Crawford Street**

Ms. Kecia Parker, Real Estate Manager, presented this item and stated City staff is requesting the closure of an unopened portion of Crawford Street. Closing the street will not deny access to any property owners. The first step in the process dictated by N.C.G.S. § 160A-299 is to have a resolution signed granting the public hearing to consider the closing and as such, City Council set the public hearing for May 24, 2021, at the Council meeting held on April 26, 2021. Staff has followed all of the statutory procedures to include posting the property and mailing out certified notice letters to adjacent property owners. The property has also been posted on both ends with notice and the notice of this hearing was published for four consecutive weeks in the local newspaper. Staff also consulted with the public utility companies to ensure any needed easements would be reserved. The Traffic Engineer has completed a Traffic Analysis study of the area and determined there was no significant impact to traffic flow by the closure. Fire and EMS were also contacted and relayed no impacts to their response times.

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.

#### **A RESOLUTION AND ORDER CLOSING AN UNOPENED PORTION OF CRAWFORD STREET. RESOLUTION NO. R2021-039**

**MOTION: Council Member Ingram moved to adopt the resolution.**

**SECOND: Council Member Haire**

**VOTE: UNANIMOUS (10-0)**

### **10.05 SN21-003. Consideration of Naming an unnamed Street to Duncanson Lane**

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated this request was submitted by the property owner, Mr. Douglas Sagel, to rename his private street. Currently the property is addressed as 2949 Ramsey Street, but no longer has access to Ramsey Street. The access has been updated to Hillview Avenue. By naming the private drive, the County can now supply him with the proper address for E911 and US Postal Service purposes. The property owners were notified and given the opportunity for input on the respective road name change.

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, NORTH CAROLINA, TO NAME AN UNNAMED ROAD CREATED BY DOUGLAS SAGEL. ORDINANCE NO. NS2021-020**

**MOTION: Council Member Waddell moved to adopt the ordinance.**

**SECOND: Council Member Kinston**

**VOTE: UNANIMOUS (10-0)**

### **10.06 SN21-004. Consideration of Renaming Corporate Road and a portion of Hanger Road to Scottie Rogers Road**

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated the County's staff received a request to renaming Corporate Road and a portion of Hanger Road to Scottie Rogers Road within the City Limits of Fayetteville.

This request was submitted by Mr. Jay Wyatt, along with a large group of local pilots and past customers, asking for this change.

# DRAFT

Scottie Rogers and his family have worked in the aircraft maintenance facility at Fayetteville Regional Airport for almost 50 years. Mr. Rogers died from complication associated with COVID in January 2021 at the age of 74. He was a very important part of the aircraft maintenance staff, which helped keep pilots and passengers safe. The property owners were notified and given the opportunity for input on the respective road.

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, NORTH CAROLINA, TO RENAME CORPORATE ROAD AND A PORTION OF HANGAR ROAD TO SCOTTIE ROGER ROAD. ORDINANCE NO. NS2021-021**

**MOTION:** Council Member Ingram moved to adopt the ordinance  
**SECOND:** Council Member Kinston  
**VOTE:** UNANIMOUS (10-0)

**10.07 Phase 5 Annexation Area 26 and Area 27 Public Hearing on the Preliminary Assessment Resolution**

Mr. Mark Brown, PWC, presented this item and stated the City Council approved the Preliminary Assessment Resolution in their meeting on April 26, 2021, for Areas 26 and 27 of the Phase 5 Annexation. The resolution set the date of the public hearing for May 24, 2021, to hear public comment.

A notice was published in The Fayetteville Observer on May 13, 2021, informing the property owners of the public hearing date. After the public hearing, the next step in the process is to approve the resolution directing the project be undertaken. This item will be scheduled for June 14, 2021.

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.

Discussion ensued.

No action was taken on this item.

**MOTION:** Mayor Pro Tem Jensen moved to recess the meeting and continue on May 27, 2021, at 5:00 p.m.  
**SECOND:** Council Member Davis  
**VOTE:** UNANIMOUS (10-0)

The meeting was recessed at 10:21 p.m. to reconvene on May 27, 2021, at 5:00 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk  
052421

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MITCH COLVIN  
Mayor