

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
NOVEMBER 13, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (departed at 9:00 p.m.); Mario Benavente (District 3); D. J. Haire (District 4) (via zoom); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7) (via zoom); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeff Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Yamiel Nazar, Diversity, Equity, and Inclusion
Director
Gerald Newton, Development Services Director
Loren Bymer, Marketing & Communications Director
Craig Harmon, Senior Planner II
Jennifer Ayre, Deputy City Clerk
Malik Davis, Council Member-Elect
Lynne Greene, Council Member-Elect
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 7:10 p.m.

2.0 INVOCATION

The invocation was offered by Dr. Amruta Bahekar and Mr. Pavan Patel, Hindu Bhavan Temple; Pastor Cordelia Challenger, Greater Unity Tabernacle Christian Church; and Imam Bobby Abdul Handed Thomas, Masjid Omar Ibn Sayyid.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Colvin thanked each of the clergy members for providing a prayer; he stated over the weekend a couple of faith institutions were vandalized and threatened. Mayor Colvin stated Fayetteville is a strong community and made up of diverse races and religions that make our City great.

Council Member Banks-McLaughlin recognized Girl Scout Troop #1804 for their work on their Silver Award Project. The project consisted of a public service announcement and community garden at Lewis Chapel to help bring awareness and stop teen gun violence. Council Member Banks-McLaughlin presented certificates of appreciation to Andrea Vaughn, Arryana Brooks, Bianca Crawford, and Emily Smallwood.

Mayor Pro Tem Dawkins wished his son a happy 37th birthday and wished his daughter-in-law the best of luck on her presentation at the National Liver Transplant Conference.

Council Member Jensen announced Saints Constantine and Helen Greek Orthodox Church will be hosting the 64th Annual World's Largest Spaghetti Dinner on November 15, 2023, at 614 Oakridge Avenue from 10:00 a.m. to 8:00 p.m.

Council Member Thompson wished Council Member D.J. Haire a happy birthday for November 14.

Council Member Benavente presented a proclamation to Mr. Pavan Patel and Dr. Amruta Bahekar proclaiming November 12, 2023, in honor of The Festival of Diwali.

Council Member Banks-McLaughlin announced that the City's first express bus route, "X1", began on November 13, 2023. It is an express bus route that services west Fayetteville beginning at Two Bale Lane, Hoke Loop, and ending at Cross Creek Mall. X1 is a 30-minute route operating Monday through Friday from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m. every hour, on the hour.

Council Member Ingram recognized Mr. Qu'Derrick Covington, Executive Director of the Tulsa Initiative. Mr. Covington with Tulsa Initiative introduced four participants from the mentoring program and thanked the City for their sponsorship of the Keys to Success Male Resources Event. The recognition was followed by a video of their impact in the community.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, reminded residents the City Manager's Report is available online and they can sign up to receive weekly updates.

Mr. Hewett stated issues of vandalism and threats to faith organizations take place globally, nationally, and locally. The City is blessed to have the Fayetteville-Cumberland Human Relations Commission that supports, builds, teaches, and reaches so many people in the community. Fayetteville is one of the few municipalities in the state that has a Human Relations Commission. Mr. Hewett requested Ms. Yamile Nazar, Diversity, Equity, and Inclusion Director, provide an overview of the Human Relations Commission.

Ms. Nazar stated the Human Relations Commission is committed to promoting more quality, equity, and awareness in the community. When situations like vandalism happen in a community, it is usually due to a lack of awareness. Through community engagement the Human Relations Commission provides opportunities and safe places to have conversations people might otherwise not have. One of those initiatives is called Dining and Dialogue such as "Meet your Muslim Neighbor" to meet and speak with Muslims in the community and learn about their culture and "Dining in the Dark" to simulate being visually impaired to build awareness around the obstacles individuals with visual impairments face every day.

The Human Relations Commission has been in existence since the late 1960s and plans to be long into the future. If anyone has needs or concerns, reach out to the Human Relations Department.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda with the addition of Item 9.02, Consideration of Removal from the Demolition Ordinance for 5002 Collins Street, for discussion and to send Item 10.01, Administrative Report - Feasibility of a Co-op on Murchison Road, to an upcoming work session.

SECOND: Council Member Thompson

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

7.0 CONSENT AGENDA

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

7.01 Approval of Meeting Minutes:

October 18, 2023 - Agenda Briefing
October 23, 2023 - Discussion of Agenda Items
October 23, 2023 - Regular

7.02 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located off Scott Avenue

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. R2023-045

7.03 Authorization of Condemnation of Easement on the Property Needed for the Morganton Road Sidewalk Project

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION FO PERMANENT EASEMENTS ON REMAINING PARCEL FOR THE MORGANTON ROAD SIDEWALK PROJECT. RESOLUTION NO. R2023-046

7.04 Adoption of Budget Ordinance Amendment 2024-6 to appropriate the 2023 Hartford Fire Safety Grant

Appropriate \$10,000.00 of the 2023 Hartford Fire Grant. The funds will be used to purchase an enclosed trailer, portable generator, propane stove and accessories for use in educating the community on the dangers of unattended cooking.

7.05 Request for Legal Representation of City Employees

Authorization from the City Council to provide legal representation for City employee Ramon Herrera and former City employee Janet Olsen in the matter of *Markus Odon McCormick v. Sheriff Ennis Wright, Deputy Sheriff Jamie McLeod, Officer Ramon Herrera, Janet Olsen, and City of Fayetteville*.

7.06 Support for Fayetteville Dogwood Festival Feasibility and Sustainability Plan

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FCEDC TO FUND A FEASIBILITY AND SUSTAINABILITY PLAN THE FAYETTEVILLE DOGWOOD FESTIVAL. RESOLUTION NO. R2023-047

7.07 Adopt a Resolution Authorizing the Conveyance of Two Water and Sanitary Sewer Easements to the City of Fayetteville by and through Fayetteville Public Works Commission for the Ray Avenue Drainage Project

A RESOLUTION AUTHORIZING THE CONVEYANCE OF TWO EASEMENTS TO THE CITY OF FAYETTEVILLE BY AND THROUGH THE FAYETTEVILLE PUBLIC WORKS COMMISSION FOR THE RAY AVENUE DRAINAGE PROJECT. RESOLUTION NO. R2023-048

7.08 Affirmation of the Historical Marker Language at the Market House

Approval to update the language on the Market House plaque.

The newly recommended wording for the plaque is: "In memory and honor of those indomitable people who were stripped of their dignity when enslaved and sold as slaves at this and other places in our

community. Their courage in that time is a proud heritage of all times. They endured the past so the future could be won for freedom and justice. Their suffering and strength afforded the opportunity for future generations to be recognized as citizens, free to live, work, and worship in the pursuit of the blessings of liberty to ourselves and posterity. Revised by 2023 Fayetteville City Council".

The cost of the new plaque is \$2,995.00 and will be paid from the Historical Properties Fund.

7.09 PWC - Bid Recommendation - 360 Capacitor Cans for East and West Racks at POD2

Award the bid for the purchase of 360 Capacitor Cans for East and West Racks at POD2 to WESCO Distribution, Clayton, NC, the lowest responsive, responsible bidder in the total amount of \$248,040.00.

7.010 PWC - Bid Recommendation - AFT Compressor Casings

Award the bid for the purchase of two AFT Compressor Casings to Turbine Technology Services, Orlando, FL, the lowest responsive, responsible bidder in the total amount of \$185,000.00.

7.011 PWC - Bid Recommendation - Re-advertisement PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility (WTF) Reliability Improvements Contract 55

Award the bid for of the advertisement of the PO Hoffer WTF and Glenville Lake WTF Reliability Improvements Contract #55 base bid and alternate bid to Crowder Construction Company, Apex, NC, the lowest responsive, responsible bidder in the total amount of \$18,103,000 and \$3,724,000.

7.012 PWC - Resolutions Directing Construction of Area 28 and Area 33 North of the Phase 5 Annexation Utility Improvement Project be Undertaken

RESOLUTION DIRECTING CONSTRUCTION OF AREA 28 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2023-049

RESOLUTION DIRECTING CONSTRUCTION OF AREA 33 NORTH OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2023-050

7.013 PWC - Phase 5 Annexation Area 24BC - Resolution Confirming Assessment Roll and Leving Assessments

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVING ASSESSMENTS. RESOLUTION NO. R2023-051

8.0 PUBLIC FORUM

Mr. Archie Barringer, 2271 Jenna Shane Drive, Cumberland County, expressed concerns for the need for Unity in the community and requested the removal of the language around the Market House.

Mr. Bryan Mellow, Fayetteville, NC, expressed concerns regarding homelessness in the community.

Ms. Anne Schrader, 223 Stedman Street, Fayetteville, NC, provided recommendations on sustainability and climate action plans.

Ms. Sharon Moyer, 301 Broadfoot Avenue, Fayetteville, NC, provided some suggestions for solving public safety issues due to insufficient crosswalks and praised the Fayetteville Area System of Transportation for their timeliness and cleanliness.

Mr. Joseph Wheeler, Fayetteville, NC, expressed concerns regarding paying a salary for the Continuum of Care Director and how homelessness is addressed in Fayetteville.

Ms. Tracey Smith, 940 Hidden Creek, Fayetteville, NC, expressed concerns regarding the Fayetteville Police Department and crime in the City.

Mr. Chilleko Hurst, 1485 Wayside Drive, Fayetteville, NC, expressed concerns about City Council and a need for a rental moratorium.

Ms. Pamela Carter, 505 Link Street, Fayetteville, NC, requested the City Council not approve a special use permit for the Cumberland County homeless shelter that is planned in the B Street community.

Ms. Rudlen Brown, Fayetteville, NC, expressed concerns about finding resources for pregnant homeless women.

9.0 OTHER ITEMS OF BUSINESS

9.01 SUP-08. Continued Deliberations for Evidentiary Hearing on Application for Special Use Permit to allow a school to be located in a Single-Family 6 (SF-6) zoning district, located at 4502 Rosehill Road (REID # 0429683699000), and being the property of Bethel Christian Assembly Inc., represented by Del Crawford, Crawford Design Company. [Tabled from the October 23, 2023, Council Meeting]

This item was brought back from the October 23, 2023, Council meeting to receive further information regarding potential traffic impacts and how it will affect the other schools in the area.

Interim City Attorney Lachelle Pulliam stated staff are not permitted to bring forth more evidence as the evidentiary hearing has already been closed. They may bring forth additional administrative information and that information is included in the agenda packet. It is on Council to evaluate the evidence as presented during the hearing against the standards.

Mr. Craig Harmon, Senior Planner II, stated staff included information from NCDOT on their road widening project. He noted that the comments from the City's Technical Review Committee (TRC), the North Carolina Department of Transportation (NCDOT), and the City's Traffic Services were included in the October 23, 2023, packet that may have been overlooked.

Discussion ensued.

MOTION: Mayor Pro Tem Dawkins moved to approve the Special Use Permit to allow operation of a school located in a Single-Family 6 (SF-6) zoning district, subject to the conditions identified and the submitted site plan 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 the hearing.

FRIENDLY AMENDMENT:

Council Member Hondros requested a friendly amendment to include all the findings of fact, and that the application is consistent with applicable plans because:

- (1) The special use complies with all applicable standards in Section 30-4.C., Use-Specific Standards:**

According to Section 30-4.C.3.b. Educational Facilities:

1. Separation
Except in the DT-1 or DT-2 Downtown Districts, all educational facilities, except colleges and vocational or trade schools, shall be located at least 500 linear feet from any the following uses:
 - a. Adult entertainment; or
 - b. Bar, nightclub, or cocktail use.
2. Schools, Elementary/Middle/High
 - a. Any temporary structures needed for the expansion of an elementary, middle, or high school located within SF-15, SF-10, or SF-6 districts, and on a site or parcel with an area of 20 acres or less, shall:
 1. Not be located between the principal building and any abutting right-of-way, unless there is no other practical alternative due to topography, the presence of utilities or easements, the existence of undisturbed open space and buffers, or other site features beyond the landowner's control; and
 2. Have the base of the structure screened from view from abutting properties and public streets.
 - b. In the DT-1 or DT-2 Downtown Districts the City Manager must approve a parking plan and designated drop-off and pick-up area that, based the maximum capacity of the facility as licensed by the State, mitigates traffic congestion and minimizes or avoids the need for children to cross vehicular travel ways to enter or exit the school.

- (2) The special use will be in harmony with the area in which it is located:

According to the applicant, "The proposed educational use is compatible to the area neighborhood that currently contains a school and other non-residential oriented uses such as houses of worship. The proposed 8,120sf school building will be set back from the street over 300. The parking lot will be set back approximately 50. Therefore, the development shall not create an intrusive use or generate any more noise or vehicle traffic that is not already typical to the surrounding uses. Construction shall be in general compliance with the City's UDO standards including parking, landscaping, site access, etc."

- (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:

The applicant states "The education development shall comply with the pertinent regulations of the City and State as related to public health and safety. The development would not generate any toxic fumes. The site contains significant internal vehicle stacking

for student drop-off. Therefore, parking of the back-up of vehicles on Rosehill Road is not anticipated."

- (4) The special use is in general conformity with the City's adopted land use plans and policies:

According to the applicant, "The UDO allows education facilities in the Single Family 6 (SF-6) zoning district as a special use. The area currently contains an education facility. Therefore, the development is compatible with the City's land use and policies."

- (5) The special use will not substantially injure the value of the abutting land, or the special use is a public necessity:

According to the application, the "Proposed fence allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district as it would be located behind an existing fence. These security fences actually discourage criminal activity in the area making it a community-enhancing, crime-reducing system. Furthermore, they reduce constraints upon police force allowing them to focus on other areas."

- (6) The special use complies with all other relevant City, State, and Federal laws and regulations:

The applicant states that the site will be designed and constructed in general compliance with the City's UDO, NC Department of Environmental and Quality, NC Building Code, and other relevant regulations.

Mayor Pro Tem Dawkins accepted the friendly amendment and requested Council Member Ingram read the findings of fact.

SECOND: Council Member Haire

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

9.02 Consideration of Removal from the Demolition Ordinance for 5002 Collins Street

Council Member Haire stated this item is no different than any item that sometimes is added to the demolition list. This address was added to the demolition list in 2022 and has not yet been demolished. Since then, the property owner has initiated renovations. In September, Council Member Haire received a call stating renovations had begun and requesting City Council withdraw the demolition ordinance.

Discussion ensued.

MOTION: Council Member Haire moved to stay the demolition order of 5002 Collins Street and allow the owner to continue to improve the property.

FRIENDLY AMENDMENT:

Mayor Colvin requested a friendly amendment to authorize the City Attorney's Office and Development Services Department to enter into a consent agreement and have staff provide an assessment of the property at the November 27, 2023, Council meeting.

Council Member Haire accepted the friendly amendment.

FRIENDLY AMENDMENT:

Council Member Hondros requested a friendly amendment to have staff come back with a consent agreement within 30 days.

Council Member Haire did not accept the friendly amendment.

SECOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Administrative Report - Feasibility of a Co-op on Murchison Road

This item was moved to the January 2, 2024, work session agenda.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 p.m.