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

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

Absent: Mayor Mitch Colvin

Others Present: Douglas Hewett, City Manager

Lachelle Pulliam, Interim City Attorney Adam Lindsey, Assistant City Manager Kelly Olivera, Assistant City Manager Jeff Yates, Assistant City Manager

Jodi Phelps, Chief of Staff Kemberle Braden, Police Chief Toney Coleman, Airport Director

Sheila Thomas-Ambat, Public Services Director

Rob Stone, Construction Manager

Loren Bymer, Marketing & Communications Director Lisa Harper, Senior Assistant City Attorney

Will Deaton, Planning and Zoning Manager

Craig Harmon, Senior Planner II Robert Van Geons, FCEDC, President, CEO

Pamela Megill, City Clerk Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Dawkins called the meeting to order at 7:05 p.m.

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

Dr. Telly Whitfield, MetroNet Governmental Affairs Director, announced Fayetteville as a certified Gigabit City, the first in North Carolina and seventh in the nation. He presented an award to the City Council and to Mr. Robert Van Geons, President of the Fayetteville-Cumberland Economic and Development Board.

Certificates of Achievement were presented to the players of the Prime-Time Elite Bulldogs in recognition of being the Conference, State, and Regional Football Champions.

Council Member Banks-McLaughlin presented Council Member Ingram with the Key to the City for serving as the District 2 Council Member from 2019 to 2023.

Council Member Jensen presented a Letter of Appreciation to Mayor Pro Tem Dawkins for serving as the District 5 Council Member from 2017 to 2023.

5.0 CITY MANAGER REPORT

 $\,$ Mr. Douglas Hewett, City Manager, stated his weekly update to the City Council is published and posted online.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Ingram moved to approve the agenda, with the exception of Items 7.08, 7.010, and 10.01; all three items to be moved to the January 8, 2024, regular City Council

meeting agenda.

SECOND: Council Member Thompson

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council

Member Banks-McLaughlin)

7.0 CONSENT AGENDA

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

SECOND: Council Member Benavente

VOTE: UNANIMOUS (9-0)

7.0 CONSENT AGENDA

- 7.01 P23-29. Initial zoning of one non-contiguous parcel totaling 21.05 ± acres, requesting annexation, to Mixed Residential 5 (MR-5) located at 0 Jossie Street (REID # 0520795388000), being the property of Joseph Griffin Sr. Revocable Trust Agreement, represented by R. Jonathan Charleston of The Charleston Group.
- 7.02 P23-40. Rezoning of 6.00 acres ± from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5), located at 1133 Berkshire Road (REID # 0427008217000), and being the property of Berkshire Beckham Capital Investments LLC, represented by Brad Schuler of Paramounte Engineering, Inc.
- 7.03 P23-41. Rezoning from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 6677 and 6655 Cliffdale Road and an unaddressed parcel on Cliffdale Road (REID #s 9497861260000, 9497863078000, and 9497862193000) totaling 2.8 acres ± and being the property of Juan and Denise Macias and JFC LLC, represented by George M. Rose, P.E.
- 7.04 P23-42. Conditional rezoning from Single-Family Residential 6 (SF-6) to Single-Family Residential 6 Conditional Zoning (SF-6/CZ) located at 1708 Bragg Boulevard (REID # 0428703150000) totaling 2.8 acres ± and being the property of Linda Kay Davis-Amos, represented by Thomas Neville of Yarborough, Winters, & Neville, P.A.
- 7.05 P23-43. Initial zoning of 13.84 acres ± from Planned Industrial District [M(P)/M(P) CZ] to Heavy Industrial (HI), located at 1416, 1446, and 1476 Middle River Loop (REID #s 0447683174000, 0447673767000, and 0447672620000), and being the property of Fulcher Real Estate, LLC, represented by Kenneth Smith of Smith Site Consultants, PLLC.
- 7.06 P23-44. Conditional rezoning from Downtown 2 (DT-2) to Downtown 2 Conditional Zoning (DT-2/CZ) located at 328 Person Street (REID # 0437738057000), totaling 1.93 acres \pm and being the property of 328 Person St LLC.
- 7.07 P23-46. Rezoning of 4.03 acres ± from Heavy Industrial (HI) to Community Commercial (CC), located at 328 Deep Creek Road (REID # 0447302240000), and being the property of Cumberland County Community Action Program Inc., represented by Del Crawford of Crawford Design Company.
- 7.08 This item was moved to the January 8, 2024, regular City Council meeting agenda.

- 7.09 P23-48. Rezoning from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 420 and 432 Cedric Street, two unaddressed parcels on Cedric Street and 678 Bonnie Street, and one unaddressed parcel on Bonnie Street (REID #s 0418195255000, 0418194262000, 0418192186000, 0418193169000, 0418193367000, and 0418193316000), totaling 1.59 acres ± and being the property of Nathan Echols.
- 7.010 This item was moved to the January 8, 2024, regular City Council meeting agenda.

7.011 Adoption of Capital Project Ordinance Amendment 2024-6 for Reid Ross Track Improvements

Capital Project Ordinance Amendment 2024-6 to amend the original Capital Project Ordinance 2023-14 for the track improvement project at Reid Ross Classical Middle/High School located at 3200 Ramsey Street and appropriate the Cumberland County Board of Education funding of \$200,000.00.

7.012 Adoption of Budget Ordinance Amendment 2024-5 to Appropriate \$610,000.00 of the Stormwater Management Fund fund balance to FY24 Stormwater Management Fund operating expenditures

Budget Ordinance Amendment 2024-5 to appropriate \$610,000.00 of the Stormwater Management Fund fund balance to the FY24 Stormwater Management Fund operations for the following expenditures: \$400,000.00 for the impervious area and rate analysis, \$150,000.00 for Watershed Model Maintenance, and \$60,000.00 for gauges.

7.013 Accept NCDOT Grant for Terminal Improvement, Additions to the North and South General Aviation (GA) Facilities, and Equipment Purchase and Adopt Capital Project Ordinance Amendment 2024-7 and Capital Project Ordinance 2024-9

Capital Project Ordinance Amendment 2024-7 to appropriate an additional \$1,858,191.00 for the Terminal Renovations Phase III project and Capital Project Ordinance 2024-9 to appropriate \$640,105.00 for a general aviation access control system upgrade, south general aviation self-fueling station development, a digital display wall installation, general aviation septic system upgrade, a bucket truck, and related ancillary costs.

The source of funding for the requested appropriations is a grant from the North Carolina Department of Transportation's Division of Aviation in the amount of \$2,498,296.00.

7.014 Adopt Revised Audit Committee Bylaws

At the October 26, 2023, Audit Committee meeting, Committee members directed the Office of Internal Audit to revise the Bylaws. Changes were necessary to update office appointments, term limits, and specify when elections shall be held.

The current Audit Committee Bylaws dictate officers are to be elected annually at the meeting held in August. To better align with the biennial City Council elections, the revised Bylaws move the August events to January and designate a two-year term for officers.

7.015 Rescind Demolition Ordinance

344 S. Cool Spring Street - District 2

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2021-001. RESOLUTION NO. R2023-052

1808 Armstrong Street - District 4

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2022-029. RESOLUTION NO. R2023-053

7.016 Uninhabitable Structures: Demolition Recommendations

505 Deep Creek Road - District 2

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-029

901 Person Street - District 2

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-030

4903 Murchison Road - District 3

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-031

7.017 PWC - Bid Recommendation - First and Second Stage Bucket Sets for GE 5001P Gas Turbine

Award the purchase of three sets of first stage buckets and three sets of second stage buckets needed for the GE5001P Gas Turbines located at Butler Warner Generation Plant to the lowest, responsive, responsible bidder, Turbine Technology Services Corporation, Orlando, FL, in the amount of \$433,469.46 and \$391,002.40 respectively.

7.018 PWC - Resolution to Accept a State Loan Offer Under the Safe Drinking Act Amendments of 1996

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ACCEPT A STATE LOAN OFFER UNDER THE SAFE DRINKING WATER ACT AMENDMENTS OF 1996. RESOLUTION NO. R2023-054

8.0 STAFF REPORTS

8.01 Update on 5002 Collins Street

Dr. Gerald Newton, Development Services Director, presented this item and stated the subject property was approved for demolition by City Council on September 26, 2022. Subsequently, at the November 11, 2023, Council meeting, Council moved to authorize staff to contact the property owners regarding a potential consent agreement and provide an assessment at the November 27, 2023, meeting.

On November 14, 2023, upon visiting, the building is stripped to the framing with the exception of existing gypsum board in the back corner of the house. There are significant structural issues with the building and will require, per N.C.G.S. Chapter 83A and NCAC&P Section 204.3.5, a North Carolina Registered Design Professional (structural engineer) to evaluate and design repairs to the structural elements of the building. Top-plates deteriorated from water damage, Truss chords deteriorated from water damage.

This engineer will also need to evaluate the building's footing and foundation system to include a third-party inspection of the covered deck addition footing and foundation as allowed by N.C.G.S. \S 160D-1106. These reports and designed repairs must be submitted to the City of Fayetteville's Permitting and Inspections Division with the permit package. Some framing that has been done will have to be removed and re-framed to meet the North Carolina Building Code. These areas are, but not limited to, structural headers over windows and doors, a span in the living room area holding the dead load of the ceiling. Some floor sheathing has been removed. Replacing with code required thickness sheathing will not evenly match with the existing sheathing. An asbestos evaluation performed on November 24, 2022, found living room flooring tile containing 3 percent chrysotile (asbestos). This tile will have to be removed and disposed of by a North Carolina Registered Asbestos Abatement Contractor. The existing electrical is a safety issue and will have to be removed and the building completely re-wired with new electrical. There is no HVAC/R installed. Some plumbing water piping was installed but not enough to determine code compliance. The shed in the back yard is over 12 feet in any direction and must comply with the code per NCRC Section R101.2.1. The building will have to have a footing/foundation or a NC registered design professional design a tie-down system. The framing must be completely re-framed as corners, top-plates, and headers are structurally inadequate and do not meet code requirements.

Discussion ensued.

MOTION: Council Member Hondros moved to accept the report.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (9-0)

8.02 Fayetteville Fire Department 2023 Third Quarter Review

Mr. Mike Hill, Fire Chief, presented the Fire Department 2023 Second Quarter Report with the aid of a PowerPoint presentation. Chief Hill 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 Thompson moved to accept the report.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

8.02 Fayetteville Police Department 2023 Third Quarter Review

Mr. Kemberle Braden, Police Chief, presented the Police Department 2023 Second 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 Ingram moved to accept the report.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (9-0)

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 AX23-05: The owners of the following address are petitioning to annex into the corporate limits of the City of Fayetteville one

contiguous parcel totaling $21.05 \pm acres$. This parcel is located on the eastern side of McArthur Road at 0 Jossie Street and can be further identified by PIN 0520-79-5388 and REID # 0520795388000.

Mr. Demetrios Moutos, Planner I, presented this item and stated the owners of the subject property are submitting a petition for annexation into the corporate limits of the City of Fayetteville. They propose to zone a single parcel, comprising approximately of 20.97 acres, as Mixed Residential 5 (MR-5). This parcel is situated on the east side of McArthur Road on the north side of Jossie Street and is identified by PIN 0520-79-5388 and REID # 0520795388000.

The Zoning Commission conducted a legislative hearing on November 14, 2023. The Zoning Commission unanimously voted 5 to 0 to recommend the approval of the proposed map amendment.

The subject property, granted to the Joseph Griffin Sr. Revocable Trust Agreement in October 2007, has remained undeveloped since at least 1968, as indicated by available aerial photography. Surrounding the property, the northern area features a single-family subdivision under County Zoning as R6 Residential District, while the southern side comprises single-family dwellings with a mix of R6 and R6A zoning. To the east, there are single-family dwellings, a cell tower, and open space (County Zoning RR), and to the west, the land is zoned as R6A Residential District, hosting single-family dwellings.

According to the Future Land Use Map, this parcel has been identified for development as "primarily single-family residential neighborhoods with small lots (3 to 6 dwellings per acre). Duplexes or townhomes may be interspersed, and low-rise apartments are also a possibility. While there is a predominant auto-oriented design, some areas may feature walkable neighborhoods and destinations." This land is classified under the Medium-Density Residential (MDR) designation. The Mixed Residential 5 (MR-5) district allows for uses that fit within this category of land uses.

Included in the agenda packet is a Basic Information Sheet summarizing the site's existing conditions and required development conditions.

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

Ms. Victoria Clarkson, 201 Hay Street, Fayetteville, NC, speaking on behalf of The Charleston Group, LLC, appeared in favor.

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

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. East of McArthur Road on the North side of Jossie Street - 0 Jossie Street. PIN: 0520-79-5388 REID: 0520795388000. ANNEXATION ORDINANCE NO. 2023-11-593

MOTION: Council Member Jensen moved to adopt the proposed ordinance annexing the parcel with an effective date of November 27, 2023, and establish the initial zoning consistent with prior action taken by Council concerning the map amendment.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (9-0)

9.02 AX23-06: Fulcher Real Estate, LLC and Garret L. Fulcher are petitioning to annex into the corporate limits of the City of Fayetteville three non-contiguous parcels totaling 13.84 ± acres. These parcels are located on the northwestern side of Middle River Loop at 1476, 1446, and 1416 Middle River Loop and can be

further identified by PINs 0447-67-2620, 0447-67-3767, and 0447-68-3174, and REID # 0447672620000, 0447673767000, and 0447683174000.

Mr. Demetrios Moutos, Planner I, presented this item and stated Fulcher Real Estate, LLC, is petitioning for annexation into the corporate limits of the City of Fayetteville. They propose to initially zone three parcels, comprising approximately of 13.84 acres, as Heavy Industrial (HI). These parcels are located on the northwestern side of Middle River Loop at 1476, 1446, and 1416 Middle River Loop and can be further identified by PINs 0447-67-2620, 0447-67-3767, and 0447-68-3174, and REID #s 0447672620000, 0447673767000, and 0447683174000.

The Zoning Commission conducted a legislative hearing on October 10, 2023. The Zoning Commission unanimously voted 5 to 0 to recommend the approval of the proposed initial zoning.

Carolina Power and Signalization was established in 2008. The larger parcel was recombined in May of 2023 and a new deed made in June of 2023. The two smaller parcels came under the ownership of Fulcher Real Estate, LLC, in August of 2023. The subject properties are situated amidst a diverse array of adjoining land uses and zoning designations. To the north, the vicinity is characterized by vacant spaces and single-family homes, with zoning encompassing M(P), A1, and R40A designations. In contrast, to the south, the landscape is dominated by the Middle River Loop and the I-95 Business South onramp. Towards the east, the surrounding area remains vacant, primarily falling under the A1 zoning classification. Finally, the western border is adjacent to Kubota, an entity zoned as Heavy Industrial (HI). This amalgamation of land uses and zoning designations in the immediate vicinity highlights the varied nature of the area's development.

According to the Future Land Use Map, these parcels have been designated for development featuring "High intensity nonresidential uses with high impact or likelihood for nuisance and regional employment centers including larger industrial uses or business parks." This falls under the Industrial/Employment Center (EC) designation. The Heavy Industrial (HI) district allows for uses that fit within this category of land uses.

The Public Services Department states that the site does not meet the requirements for exceptions to constructing sidewalks (City Code Section 30-5.F.9), however the argument can be made that this development has unique site conditions which would allow for the City Manager to approve the payment in-lieu option (City Code Section 30-5.F.9.c.4). Per the UDO, the appropriate course of action would be for the developer to request payment in-lieu of constructing any required sidewalks.

The applicant has reached out to PWC asking to waive fees for main extension. We have no additional updates as of this date.

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

Mr. Kenneth Smith, 121 Bulittle Drive, Linden, NC, stated he is the civil engineer for the project, representing the owner, and appeared in favor.

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA North of 195 on the corner of Middle River Loop and River Road - 1416 & 1446 Middle River Loop, and 1476 Middle River Road. PIN #'s: 0447-67-2620, 0447-67-3767, & 0447-68-3174 REID #'s: 0447672620000, 0447673767000, & 0447683174000 ANNEXATION ORDINANCE No: 2023-11-594

MOTION: Council Member Ingram moved to adopt the proposed ordinance

annexing the parcel with an effective date of January 8, 2024, and establish the initial zoning consistent with prior action taken by Council concerning the initial

zoning.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (9-0)

10.0 EVIDENTIARY HEARINGS

10.01 SUP23-09. Special Use Permit to allow Transitional Housing at 344, 348, and 352 Hawley Lane and unaddressed Plummers Lane (REID #s 0437848219000, 0437848347000, 0437848464000, and 0437849540000), and being the property of Cumberland County Board of Education, and Cumberland, represented by Jimmy Kizer, Moorman, Kizer & Reitzel, Inc., and Jermaine Walker, Cumberland County.

This item was pulled from the agenda; to be moved to the January 8, 2024, City Council meeting agenda.

11.0 OTHER ITEMS OF BUSINESS

11.01 Approval of Single-Family Housing Development Loan for Kingdom CDC's Rosehill Road Project

Mr. Chris Cauley, Economic and Community Development Director, presented this item with the aid of a PowerPoint presentation and stated Kingdom CDC is a nonprofit community development corporation that specializes in single-family housing development; homebuyer education; and leveraging Federal, State, and Local down payment assistance programs to create home ownership opportunities. The organization will be the developer for this project and will be the general contractor for the infrastructure and the development of 9 or more homes. Kingdom CDC will develop the land into 16 single-family parcels with a road and infrastructure that meets the City's standards. Kingdom CDC has a long history of single-family housing development both within the County and the City limits of Fayetteville. They have also secured other financing from the National Institute of Minority Economic Development, a Community Development Financial Institution. Of the 16 developed lots, 9 or more will be required to be sold to first-time homebuyers with a household income defined as low and moderate by the Department of Housing and Urban Development.

A requirement of the funding is that at least 51 percent or 9 out of 16 homes are sold to qualified homebuyers. The remaining 7 lots will be sold to market rate developers at appraised value or developed by Kingdom CDC as market rate housing. These lots will have no restriction on the income requirements of the buyers and may be eligible for City, State, and Federal down payment programs.

Individuals who take Homebuyer Education courses will be recruited and developed into first-time homebuyers for these proposed properties and any properties not sold within nine months, they may be rented to families with incomes at 50 to 60 percent of the Area Median Income and be required to maintain affordability for a 20-year period. The proceeds from the sale of the homes will be reinvested in the development of subsequent housing on site. As the project closes, the City's funds will be transitioned into down payment assistance for qualified households. This down payment assistance will be in an amount that is required to keep the primary mortgage affordable to each household and take the form of a loan based on amount of assistance, forgivable over 5 to 15 years. Any funds not required for down payment assistance will be returned to the City and invested in future projects.

The contents of the agenda CCAM and other underwriting documents will be used to draft the commitment letter and other legal documents to secure the City's investment. These documents will be executed at loan closing where the City will be represented by Banks Law Firm as outside legal counsel.

Funds for this project are available from the City's American Rescue Plan Act funding allocated for housing programs. The total of \$4 million as allocated and \$1.25 million was approved for rehabilitation of Fayetteville Gardens, \$2 million for a proposed permanent supportive housing project with Step Up, and the remainder of \$750,000.00 could be allocated to this project. Of that \$750,000.00, \$25,000.00 has been allocated for consultants to help develop this project and monitor the progress.

Discussion ensued.

MOTION: Council Member Benavente moved to authorize a loan

commitment letter and subsequent loan documents an amount not to exceed \$725,000.00 from the City's American Rescue Plan Act funds allocated for housing to the proposed

Rosehill Road Development.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

12.0 ADMINISTRATIVE REPORTS

12.01 FY 2024 1st Quarter City Council Scorecard

This item was for informational purposes only and was not presented.

13.0 ADJOURNMENT

There being no further business, the meeting adjourned at $9:55~\mathrm{p.m.}$

Respectfully submitted,

PAMELA J. MEGILL City Clerk 112723 MITCH COLVIN Mayor