

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
JANUARY 8, 2024
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Lynne Greene (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
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Gerald Newton, Development Services Director
Loren Bymer, Marketing & Communications Director
Craig Harmon, Senior Planner
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 Pastor Blake Benge, Snyder Memorial Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Thompson presented a proclamation to Mr. Kwame Molden proclaiming December 21, 2023, to be in honor of Mr. Molden in recognition of his work in the community. Mr. Molden presented a video regarding SPGBK watches.

Mayor Colvin presented the "Key to the City" to Jeff "Goldy" Goldberg in grateful recognition of his devoted interest and untiring commitment to the community for over 40 years in radio.

Mayor Pro Tem Jensen recognized community service leaders who donated to Wreaths Across America at the Sandhills Veterans Cemetery and Lafayette Veterans Cemetery laying 9,910 wreaths. Ms. Patricia Archie-Jackson; Mr. Howard Braxton, Food Lion Manager and Veteran; Chancellor Johnson, Jr., Veteran; Twila D. Jefferson, Burger King Team Leader; Marley A. Williams, Anthony, Mings Store Manager; Cycle Gear; Nathaniel Rainey, Veteran and South Region Chairman of the Triple Nickles.

6.0 APPROVAL OF AGENDA

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

7.0 CONSENT AGENDA

MOTION: Council Member Greene moved to pull the October 9, 2023, minutes from the consent agenda, for a separate vote as Item 11.03.
SECOND: Council Member McNair
VOTE: UNANIMOUS (10-0)

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

7.01 Approval of Meeting Minutes:

October 9, 2023 - Regular - Pulled for Separate Vote, Item 11.03
December 6, 2023 - Special - Inauguration
December 11, 2023 - Discussion of Agenda Items
December 11, 2023 - Regular

7.02 SUP23-08. Order of Approval - Findings of Fact: 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, City Council meeting]

The subject property is currently a vacant parcel owned by Bethel Christian Assembly Inc.. It is located between Fayetteville Christian Church Inc. and Warrenwood Elementary School, of the Cumberland County School System. It is also across the street from Gardners Chapel United Methodist Church. The property has been mostly undeveloped since at least 1968.

On October 23, 2023, the Fayetteville City Council held an evidentiary hearing regarding this case. After closing this hearing, a motion to table this item was made and approved. According to the draft minutes for this meeting, the following motion was made. "Council Member Benavente moved to remand this item back to staff to conduct objective research on the potential traffic impacts, and how this will affect the three schools in the area and ask the applicants to provide more specific evidence."

On November 13, 2023, the City Council continued deliberations for this evidentiary hearing. At the end of deliberations, the Council voted 9 to 1 in favor of issuing the requested Special Use Permit.

7.03 Adoption of Capital Project Ordinance Amendment 2024-9 for renovations to Orange Street School

Capital Project Ordinance Amendment CPOA 2024-9 to appropriate Cumberland County funding. CPOA 2024-9 will appropriate \$350,000.00 for the renovations to Orange Street School. The County will contribute \$350,000.00 for the fixtures, furniture, and equipment ("FFE") for the restored school in its FY 24 budget. The City will oversee the FFE purchases for the school and place the items into use. The County will make one lump sum payment to the City after the execution of the agreement. The agreement shall terminate when the project is completed.

7.04 Adoption of Capital Project Ordinance 2024-11 to Appropriate North Carolina Department of Transportation Grant Funding for the Environmental & Design Phases of Taxiways Foxtrot and Golf Rehabilitation

Capital Project Ordinance (CPO) 2024-11 to appropriate \$500,000.00 of State grant funds for an airfield pavement project. The source of funding is the North Carolina Department of Transportation's Division of Aviation.

7.05 Adoption of Budget Ordinance Amendment 2024-8 to appropriate the 2023 Motiva First Responder Grant

Budget Ordinance Amendment 2024-8 to appropriate \$10,000.00 of the 2023 Motiva First Responder Grant. It will be used to send two personnel to the 2024 Xtreme Industrial Fire and Hazard Training School in College Station, Texas. The two attendees will return and train the remaining department members on the proper strategies and tactics in combating industrial fires.

7.06 Adoption of Budget Ordinance Amendment 2024-9 for the Fiscal Year 2023-2024 to move Cape Fear Regional Theater funds from Other Appropriations to Economic and Community Development

During the adoption of the FY 2023-24 Operating and Capital Budget, the City Council allocated \$500,000.00 for capital support to the Cape Fear Regional Theater. As part of the administration of those funds, the Council is asked to adopt Budget Ordinance Amendment 2024-9 to move \$500,000.00 of funding for the Cape Fear Regional Theater from Other Appropriations to Economic and Community Development. Moving the funds to Economic and Community Development would provide more direct oversight and tracking of these funds.

7.07 Adoption of Special Revenue Fund Project Ordinance 2024-12 to Appropriate the FY23 Edward Byrne Memorial Justice Assistance Grant (JAG)

The City has been awarded grant funding for fiscal years 2023-2026 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Council is asked to adopt Special Revenue Fund Project Ordinance 2024-12 to accept the FY23 grant funding and appropriate \$119,912.00 needed to increase operational efficiency, improve officer safety, and upgrade safety equipment. The grant will be used for C50 Avon gas masks to improve communication and add protection to the operators against exposure to substances such as fentanyl. Additionally, the funds will be used for rifle flashlight equipment, a breaching robot to reduce safety threats and a 28-bay cell phone charging locker for evidence extraction purposes.

7.08 Award of Terminal Renovations Phase III Construction Contract to Daniels & Daniels Construction Company, Inc., and Authorization for the City Manager to Execute the Contract

Award the contract for construction of Terminal Renovations Phase III to Daniels & Daniels Construction Company, Inc., as the successful bidder of the bid process completed September 12, 2023.

7.09 Authorize the execution of an engineering service contract for professional services for Phase 1 Watershed Study for Buckhead Creek

Authorize the execution of an engineering service contract for professional services for \$855,355.00 for Phase 1 Watershed Study for Buckhead Creek as part of the Watershed Master Plan program to the consulting firm Gradient, PLLC.

7.010 Approve Resolution Authorizing Municipal Agreement with the North Carolina Department of Transportation for the Review of Plans and Documents associated with the Blanton Road Extension Project

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR NCDOT REVIEW OF THE BLANTON ROAD EXTENSION PROJECT. RESOLUTION NO. R2024-002

The City has requested that NCDOT provide review of certain items related to the transportation improvements of Blanton Road. These improvements will affect the State Highway System and will potentially

be funded in the future with Federal or State funding administered through the North Carolina Department of Transportation (NCDOT). NCDOT provides oversight for Federal Highway Administration (FHWA) and is responsible for plan reviews including Traffic Impact Analysis, Roadway, Environmental, Traffic Noise, Hydraulics, Erosion Control, Signals, Pavement Marking/Signing, Traffic Control, Structures, and Geotechnical disciplines. The estimated cost to review provided by NCDOT is \$54,600.00. The City is currently designing the Blanton Road Extension Project and this municipal agreement will allow for the project to move forward without any delay.

7.011 Approval of a Municipal Agreement with NCDOT for the update to the Fayetteville Comprehensive Pedestrian Plan

Approval of a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the update to the Fayetteville Comprehensive Pedestrian Plan. The estimated cost of the Project is \$142,500.00 with a 50 percent cost share from the City of \$71,250.00. All costs that exceed the estimated total cost of \$142,500.00 would be the City of Fayetteville's responsibility. Council adopted the FY2024 Budget Ordinance on June 21, 2023, which appropriated \$100,000.00 in the general fund for the pedestrian and bicycle project.

7.012 Approval of a Municipal Agreement with the NCDOT Project B-4490(L) for landscaping and irrigation at the intersection of Bragg Boulevard and Rowan Street

Approval of a Municipal Landscape Maintenance Agreement with the North Carolina Department of Transportation (NCDOT) for Project B-4490(L), landscaping and irrigation at the intersection of Bragg Boulevard and Rowan Street. The cost of the project is \$49,031.00. City Council adopted the FY2024 Budget Ordinance on June 21, 2023, which appropriated \$50,000.00 in the general fund for Project B-4490(L).

7.013 PWC - Bid Recommendation - Re-advertisement of Various Sewer Manhole Rehabilitation Polymeric Epoxy

Approval of the bid recommendation to award the contract for the Readvertisement of Various Sewer Manhole Rehabilitation Polymeric Epoxy with the option to renew the contract for up to two (2) additional one-year periods, to Mechanical Jobbers, Lithonia, GA, the lowest responsive, responsible bidder, in the total amount of \$674,000.00, and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its purchase and construction.

7.014 PWC - Bid Recommendation - Re-advertisement of Various Sewer Manhole Rehabilitation (CIP) Fiberglass Reinforced Epoxy

Approval of the bid recommendation to award the contract for the Readvertisement of Various Sewer Manhole Rehabilitation Polymeric Epoxy with the option to renew the contract for up to two (2) additional one-year periods, to Mechanical Jobbers, Lithonia, GA, the lowest responsive, responsible bidder, in the total amount of \$824,250.00, and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its purchase and construction.

7.015 PWC - Resolution of the City of Fayetteville, NC to Authorize the Tentative Award of a Bid Contract By and Through Fayetteville Public Works Commission

A RESOLUTION TO AUTHORIZE THE TENTATIVE AWARD OF A BID CONTRACT BY AND THROUGH FAYETTEVILLE PUBLIC WORKS COMMISSION. RESOLUTION NO. R2024-003

8.0 PUBLIC FORUM

Mr. Joseph Wheeler (no address provided) expressed concerns regarding homelessness.

Ms. Lisette Rodriguez, 1701 Cherokee Drive, Fayetteville, NC, expressed concerns regarding the homeless individuals being bussed to Durham and urged hiring a Director for the Office of Community Safety.

Ms. Angela Malloy, 404 Pilot Avenue, Fayetteville, NC expressed concerns regarding homeless individuals being bussed to Durham and hiring a Director for the Office of Community Safety.

Mr. Joel Cook, 6816 Torrance Lane, Fayetteville, NC, requested City Council adopt a resolution advocating for a ceasefire in Palestine.

Ms. Sharon Moyer, 301 Broadfoot Avenue, Fayetteville, NC, expressed concerns regarding a lack of crosswalks throughout the City.

Ms. Margie McLean, 2141 Fargo Drive, Fayetteville, NC, requested 901 Person Street be removed from the City's Demolition List.

Ms. Elizabeth Trobaugh, 1413 General Lee Avenue, Fayetteville, NC, expressed concerns regarding the need for different traffic calming measures in the community and around parks.

Mr. Chellenko Hurst, 1485 Wayside Drive, Cumberland County, expressed concerns regarding public safety in the community for missing or troubled children.

Mr. Andrew Bryant, 1020 George Street, Fayetteville, NC, expressed concerns regarding the North Street Extension and changing to Heavy Industrial.

Mr. Rudy Edwards, 4905 Murchison Road, Fayetteville, NC, expressed concerns regarding the code enforcement and demolition process.

MOTION: Council Member Benavente moved to extend the public forum for 12 minutes to hear the last three speakers that have signed up to speak.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (10-0)

Mr. Louis Graham (no address provided) expressed concerns regarding the need for a single location for birth certificates, legal identification, and jobs.

Ms. Felice Lockamy, 118 North Street, Fayetteville, NC, expressed concerns regarding the North Street Extension.

Mr. Steve McMillian, 1929 Ashridge Street, Fayetteville, NC, expressed concerns regarding the North Street Extension.

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 P23-47. Rezoning of 1.86 acres ± from Mixed Residential 5 (MR-5) to Downtown 2 Conditional (DT-2/CZ), located 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, Michael J Carpenter and Helen Kelly Heirs, represented by Jimmy Kizer, Moorman, Kizer & Reitzel, Inc., and Jermaine Walker, Cumberland County.

Mr. Craig Harmon, Senior Planner, presented this item and stated the applicant has requested to conditionally zone four adjoining properties on Hawley and Plummers Lanes from Mixed Residential 5

(MR-5) to Downtown 2 Conditional Zoning (DT-2/CZ). The only proposed condition is to allow an adjustment to the maximum setback distance. The proposed tenant is a Transitional Shelter Facility owned by Cumberland County. The Unified Development Ordinance (UDO) also requires a Special Use Permit (SUP) in the DT-2 district to operate this type of use. An application for a SUP has been applied for. According to the applicant, the Cumberland County government would like to construct a transitional housing facility to include educational services on land adjacent to an existing Cumberland County Schools Facility that is currently used by FTCC for vocational training. A new building is planned along with the associated parking, access, utilities, and landscaping improvements.

The proposed facility would be used to temporarily house homeless citizens and provide them with services and assistance to help them to transition back to a stable quality of life. The facility will be used 24/7, with a larger staff being present during weekly and daily working hours to assist residents. The facility will always house staff to help monitor and minimize the movement of residents during non-working hours.

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

Mr. Jimmy Kizer, 115 Broadfoot, Fayetteville, NC, appeared in favor.

Mr. Jermaine Walker, 130 Gillespie, Fayetteville, NC, appeared in favor.

Cumberland County Commissioner Glen Adams, Hilliard Drive, Fayetteville, NC, appeared in favor.

Ms. Pamela Carter, 505 Link Street, Fayetteville, NC, appeared in opposition.

Mr. Kevin Carter, 505 Link Street, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

MOTION: Council Member Davis moved to approve the map amendment to DT-2/CZ based on the following: The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan, and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Office/Institutional which includes government facilities. The uses permitted by the proposed change in zoning district classification and standards apply to such uses and are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and there are no other factors that will substantially affect public health, safety, morals, or general welfare.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (10-0)

9.02 P23-49. Conditional Rezoning of 1.42 acres ± from Mixed Residential 5 (MR-5) to Heavy Industrial (HI/CZ), located at 1009, 1015, and 0 North Street (REID #s 0438700243000, 0438700340000, and 0438609391000), and being the property of DRA LLC, represented by Thomas Lloyd of Franklin Johnson Commercial Real Estate.

MOTION: Council Member Davis moved to table this item to the January 22, 2024, City Council meeting agenda, per the request from the applicant.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (10-0)

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 County, represented by Jimmy Kizer, Moorman, Kizer & Reitzel, Inc. and Jermaine Walker, Cumberland County.

Mr. Craig Harmon, Senior Planner, presented this item and stated the proposed tenant is a Transitional Shelter Facility to be owned by Cumberland County. The Unified Development Ordinance (UDO) requires a Special Use Permit (SUP) in the DT-2 district to operate this type of use. As part of the Council's consent agenda is a request to rezone these properties to DT-2/CZ. The use in question is not allowed in the Current MR-5 - Mixed Residential 5 district.

The applicant is requesting a Special Use Permit to build and operate a Transitional Housing shelter on the properties in question. According to the applicant Cumberland County, they would like to construct a transitional housing facility adjacent to the existing Cumberland County Schools Facility that is currently being used by FTCC for vocational training. The proposed facility would be used to temporarily house homeless citizens and provide them services and assistance to help them transition back to a stable quality of life. The facility will be used 24/7, with a larger staff being present during weekly and daily working hours to assist residents. The facility will house staff at all times to help monitor and minimize the movement of residents during non-working hours.

The application is only to address the allowance of a Transitional Housing shelter. Hthe SUP must meet the following findings of facts:

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

The applicant states that they "will comply with all other relevant City, State, and Federal laws and regulations".

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

Mr. Jimmy Kizer, 115 Broadfoot, Fayetteville, NC, appeared in favor.

Mr. Jermaine Walker, 130 Gillespie, Fayetteville, NC, appeared in favor.

Cumberland County Commissioner Glen Adams, Hilliard Drive, Fayetteville, NC, appeared in favor.

Ms. Pamela Carter, 505 Link Street, Fayetteville, NC, appeared in opposition.

Mr. Kevin Carter, 505 Link Street, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

MOTION: Council Member Benavente moved to approve the Special Use Permit (SUP) to allow the operation of a Transitional Housing shelter in the Downtown 2 zoning district subject to the conditions identified and the submitted site plans 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 the Downtown 2 zoning district, (2) the transitional housing will comply with all six of the findings of fact, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area and will help the choices for the homeless population in Fayetteville. 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. All of the following six findings must be met:

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

SECOND: Council Member Hondros

VOTE: UNANIMOUS (10-0)

11.0 OTHER ITEMS OF BUSINESS

11.01 City Council Policies Review Committee Recommendations

Mayor Pro Tem Jensen presented this item and stated the consensus of the Council Policies Review Committee was to add Section III.B.1-3 as follows to Policy 110.1:

B. If an appointee does not comply with the provisions of II.A.2 or II.A.3., a complaint may be filed with the City Clerk requesting removal of the appointee.

1. The City Clerk shall notify the appointee by letter they are being considered for removal due to conduct and the meeting date in which the Appointment Committee will review the complaint.
2. The Appointment Committee shall hold a special meeting to consider the complaint and make a recommendation to the City Council.
3. If the recommendation of the Appointment Committee is removal, the decision shall be submitted to the City Council for a final decision at its next regularly scheduled meeting.

Mayor Pro Tem Jensen further state the consensus of the Committee was to amend the Public Forum Policy to read as follows:

The Public Forum shall be held on the second Monday of every month during a regularly scheduled meeting of the Council and shall be the first item of business after Approval of the Agenda. The Public Forum shall last no longer than 30 minutes. Any remaining speakers on the Public Forum list that did not get an opportunity to address the City Council will have the option to have their name placed at the beginning of the next scheduled public forum list of speakers.

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to approve revisions to Policy 110.1, Boards and Commissions Membership and Removal, and Policy 120.9, Public Forum.

Mayor Pro Tem Jensen withdrew her motion.

MOTION: Mayor Pro Tem Jensen moved to approve revisions to Policy 120.9, Public Forum.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

MOTION: Mayor Pro Tem Jensen moved to approve revisions to Policy 110.1, Boards and Commissions Membership and Removal.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (10-0)

11.02 Approve Resolution Adopting Changes for Council Meeting Start Times and Ordinance Amending Chapter 2 of the Code of Ordinance

Council Member Haire presented this item and stated the motion.

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2024 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS AND WORK SESSIONS. RESOLUTION NO. R2024-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-001

MOTION: Council Member Haire moved to adopt the Resolution and adopt the Ordinance Amendment for Council meeting start times as follows: Work sessions to begin at 2:00 p.m., discussion of agenda items (dinner meeting) to begin at 5:30 p.m., and regular meetings to begin at 6:30 p.m.

SECOND: Council Member Thompson

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Benavente, Greene, McNair, and Banks-McLaughlin)

11.03 Approval of Meeting Minutes: October 9, 2023

MOTION: Council Member Haire moved to approve the October 9, 2023, minutes.

SECOND: Council Member Thompson

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

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:54 p.m.