

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
AUGUST 8, 2022
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Antonio Jones (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Jodi Picarella, Chief Financial Officer
Rob Stone, Construction Management Director
Jodi Phelps, Corporate Communications Director
Gerald Newton, Development Services Director
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 Josh Goodman, Cliffdale Christian Center.

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

Mayor Colvin presented a proclamation to Mrs. Demetria Davis proclaiming August 8, 2022, to be in honor of her in recognition of being one of the top 50 athletes in North Carolina.

Mayor Colvin presented a proclamation to Mr. Carl Pringle proclaiming August 8, 2022, to be in honor of him in recognition of his business "Flip Flop Sauce Man" and his community work.

Mayor Colvin presented the Key to the City to Mr. David Nash, Senior Planner, in recognition of his 37 years of service to the City.

Mayor Colvin presented the Key to the City to Council Member Yvonne Kinston for her service to the City as a Council member, December 2019 through August 2022.

Mayor Colvin presented the Key to the City to Council Member Chris Davis for his service to the City as a Council member, December 2019 through August 2022.

Mayor Colvin presented the Key to the City to Council Member Larry Wright for his service to the City as a Council member, December 2013 through August 2022.

Senator Kirk deViere presented North Carolina flags that flew over the State Legislative Building to each of the outgoing Council members.

5.0 CITY MANAGER REPORT

No report was provided.

6.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Jensen moved to approve the agenda, with the exception of Item 7.018, removed from the agenda.
SECOND: Council Member Kinston
VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Banks-McLaughlin moved to approve the consent agenda with the exception of Items 7.019 and 7.021, pulled for presentation and separate vote.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

June 22, 2022 - Agenda Briefing
June 22, 2022 - Special
June 27, 2022 - Discussion of Agenda Items
June 27, 2022 - Regular

7.02 P22-21. Rezoning of property from Office Institutional (OI) to Limited Commercial (LC), located at the intersection of McArthur Road and Stacy Weaver Drive (REID # 0530022660000), 3.59 acres ± and being the property of Thomas and Elizabeth McLean of Fayetteville, represented by Faison Covington.

7.03 P22-24. Initial zoning to Community Commercial (CC) as part of an annexation petition, located at 6765 Ramsey Street (REID # 0541199007000), containing 15.29 acres ± and being the property of SRW Commercial Development, LLC, represented by Brad Shuler of Paramounte Engineering, Inc.

7.04 P22-27. Rezoning from Office & Institutional (OI) to Limited Commercial (LC), located at 238 N. McPherson Church Road and 469 Vancouver Drive (REID #s 0418415152000 and 0418418223000), containing 2.06 acres ± and being the property of Sharlene R Williams Revocable Trust, RJPC II LLC and Sharlene Williams, C&S Commercial Properties, represented by Palmer Williams.

7.05 Resolution to Appoint Jody Picarella, CPA as Finance Officer

**RESOLUTION APPOINTING JODY PICARELLA AS FINANCE OFFICER.
RESOLUTION NO. R2022-026**

7.06 Adoption of Capital Project Ordinance Amendment 2023-11 to Provide Additional Construction Funding for the Devonwood Lower Dam Hurricane Matthew Recovery Project.

Capital Project Ordinance Amendment 2023-11 will appropriate anticipated funding from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Public Safety (NC DPS) to provide \$356,432.00 of additional project funding for the construction of a utility duct bank on the Devonwood Lower Dam.

7.07 Adoption of Special Revenue Fund Project Ordinance 2023-6 for the FY23 Juvenile Restitution Program

The City has been awarded grant funding for fiscal year 2022-2023 for the Fayetteville-Cumberland County Juvenile Restitution Program. Council is asked to adopt Special Revenue Fund Project Ordinance 2023-6 to accept the grant funding and appropriate \$82,494.00 needed for personnel and operating costs for fiscal year 2022-2023. The funding sources for this program include a \$50,592.00 grant awarded by the North Carolina Department of Public Safety, a local match of

\$15,951.00 from Cumberland County, and the City's local match of \$15,951.00

7.08 Adoption of Special Revenue Fund Project Ordinance 2023-5 to Appropriate a \$60,000.00 Federal Homeland Security Grant for Search and Rescue Training

Council is asked to adopt Special Revenue Fund Project Ordinance (SRO) 2023-5 to appropriate a \$60,000.00 grant from the U.S. Department of Homeland Security, passed through the North Carolina Department of Public Safety, Division of Emergency Management, for search and rescue training for the Fayetteville Fire Department.

7.09 Adoption of Budget Ordinance Amendment 2023-2 to Amend the Fiscal Year 2022-2023 Fee Schedule for Long- and Short-Term Daily Parking Rates at the Fayetteville Regional Airport

Council is asked to adopt Budget Ordinance Amendment 2023-2 to revise the Fiscal Year 2022-2023 Fee Schedule previously adopted on June 13, 2022. The requested changes are to the long-term and short-term daily parking rates at the Fayetteville Regional Airport. The current rates for long-term and short-term daily parking are \$9.00/day and \$12.00/day, respectively. The proposed changes would be \$10.00/day for long-term and \$13.00/day for short-term parking.

7.010 Accept Federal Aviation Administration (FAA) Grant (Airport Improvement Program 54), Authorize the City Manager to Execute the Agreement with the FAA, and Adopt Capital Project Ordinance 2023-8 to Appropriate Grant Funds for Part III Airline Terminal Improvement Project

City Council is asked to accept Federal Aviation Administration (FAA) grant 3-37-0021-054-2022 (Airport Improvement Plan 54) for the Part III Airline Terminal Improvement project, and to authorize the City Manager to execute the Agreement. Capital Project Ordinance (CPO) 2023-8 will appropriate \$1,870,450.00 of federal grant funds from the FAA for the Part III Airline Terminal Improvement project.

7.011 Approval of Independent Auditor Contract - 2021 Pension Census Data Attestation and Communication from the Independent Auditor regarding the 2021 Pension Census Data Attestation

The City of Fayetteville was randomly selected by the Office of the State Auditor (OSA) to have an attestation prepared by a CPA on the census data for members of the pension plans. OSA is requesting the City's audit firm, PBMares, LLC, examine the assertion that the census data being provided by the City of Fayetteville via Orbit to the Local Government Employees Retirement System (LGERS) is materially correct for the year ended December 31, 2021. The audit is due to the OSA by October 1, 2022.

7.012 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 6341 Rutherglen Drive

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. R2022-027

7.013 Approval of License Agreement with Interspace Services, Incorporated d/b/a Clear Channel Airports Their Successors or Assigns at the Fayetteville Regional Airport

A RESOLUTION AUTHORIZING THE LICENSE AGREEMENT FOR INTERSPACE SERVICES, INCORPORATED d/b/a CLEAR CHANNEL AIRPORTS, THEIR SUCCESSORS OR ASSIGNS AT THE FAYETTEVILLE REGIONAL AIRPORT. RESOLUTION NO. R2022-028

7.014 Phase 5 Annexation Area 32 East Section II Preliminary Assessment Resolution to be Adopted and Public Hearing

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREA 32 EAST SECTION 2 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT "A". RESOLUTION NO. R2022-029

7.015 Bid Recommendation - Resurface Various Streets 2023 - Phase I - award contract and authorize the City Manager to execute a contract for Resurface Various Streets, 2023 - Phase I with the lowest responsive, responsible bidder, Highland Paving Company, LLC, Fayetteville, NC in the total amount of \$3,875,351.45.

The project was advertised for bids to be opened on June 7, 2022; three bids were received. Therefore, in accordance with North Carolina General Statutes, which require three bids results are below.

Highland Paving, Co., LLC, Fayetteville, NC \$3,875,351.45
Mohammad Construction, LLC, Raleigh, NC \$4,204,841.39
Barnhill Contracting Company, Fayetteville, NC ... \$4,318,718.20

7.016 Bid Recommendation - Teardrop Light Fixtures, the recommended lowest responsive, responsible bidder is Border States Electric, Greenville, SC, in the total amount of \$250,400.00

WESCO Distribution, Inc., Clayton, NC \$230,240.00
Border States Electric, Greenville, NC \$250,400.00
WESCO Distribution, Inc., Clayton, NC \$263,360.00
Supreme Lighting Design, LLC, Brooklyn, NY \$270,512.00

7.017 Bid Recommendation - Primary Cable 1/0 AL & 750 MCM AL. The recommended lowest responsive, responsible bidder is WESCO Distribution, Clayton, NC, in the total amount of \$1,777,524.00.

The Fayetteville Public Works Commission, during their meeting on July 13, 2022, approved the bid recommendation to award the purchase of Primary Cable 1/0 AL & 750 MCM AL to WESCO Distribution, Clayton, NC, the lowest responsive, responsible bidder, in the total amount of \$1,777,524.00.

WESCO Distribution, Clayton, NC \$1,777,524.00
Border States, Greenville, SC \$2,080,955.00

7.018 This item was removed from the agenda

7.019 This item was pulled from the agenda for presentation and separate vote.

7.020 Adoption of Transit Development Plan Update

The Transit Development Plan (TDP) is the business development plan FAST will utilize over the next decade and beyond as a guide for improving services, infrastructure, technology, plans and policies.

Over the past year, FAST has worked with the planning consulting firm VHB to update its 2014 TDP. Throughout the yearlong process, FAST engaged the general public through listening sessions and a survey, local stakeholders through a Project Advisory Committee (PAC) and the Fayetteville Area Committee on Transit (FACT). In addition to external customers, the planning process also included meetings with FAST's frontline employees to ensure the Fayetteville community had an opportunity to be heard as the plan's recommendations were created. The TDP recommendations are divided into three phases: REBUILD, IMPROVE and EXPAND. An Executive Summary provides the details of each phase.

7.021 This item was pulled from the agenda for presentation and separate vote.

7.019 Vote Yes Fayetteville Citizen Initiative Petition - Resolution Calling for a Special Election - November 8, 2022

In March 2022, the City received a citizen initiative petition to amend the City's Charter to change the City Council from a nine-member City Council where each council member is elected from one of the nine separate districts to a nine-member City Council where five council members are elected from five districts (one member elected from each of the five separate districts) and four members are elected at-large (from the City as a whole), consistent with the Model of Election described under N.C.G.S. § 160A-101(6)(d). The City was notified that the petition was certified by the Cumberland County Board of Elections on June 13, 2022, confirming the requisite signatures of at least 5,000 voters have been received, and that they are valid. The City Council is obligated by N.C.G.S. § 160A-104 to call for a special election on the question of adopting the Charter amendment to alter the structure of the Council. In order to proceed with the special election pursuant to N.C.G.S. § 163-287, the City Council must adopt the resolution specifying the details of the special election.

The Cumberland County Board of Elections certified the Vote Yes Fayetteville Committee's petition on June 13, 2022. Upon receipt of a valid petition, the Council must adopt a resolution calling for a special election on the proposed amendments.

Mayor Colvin stated it had come to his attention that a Registered Notice of Petition must be filed with the Board of Elections.

Ms. Karen McDonald, City Attorney, stated she had spoken with Mr. Rick Moorefield, County Attorney, and it was his opinion that the petition is valid.

Discussion ensued.

MOTION: Council Member Ingram moved to direct the City Attorney to formally ask the Board of Elections for the notice of circulation of a petition, and adopt the Resolution, contingent upon receipt of the notice of petition.

SECOND: Council Member Dawkins

VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jones, Haire, Wright, Banks-McLaughlin, and Kinston)

MOTION: Council Member Haire moved to table this item and wait for the City Attorney to acquire the necessary information and place this item on the August 22, 2022, City Council meeting or a special meeting agenda.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Ingram and Jones)

7.021 Camping on Public and Private Property Ordinance Chapter 17

Mr. Douglas Hewett, City Manager, stated the City of Fayetteville has developed a comprehensive strategy to address the risks associated with homeless encampments. In May 2022, Council was presented with options and solutions to address high-risk encampments. On August 1, 2022, the City Council directed staff to return with selected revisions to the ordinance.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to deny adopting the ordinance.

SECOND: Council Member Kinston

VOTE: FAILED by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Jensen, Ingram, Jones, Haire, Dawkins, Davis, and Wright)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-014

MOTION: Council Member Dawkins moved to adopt the ordinance.

SECOND: Council Member Davis

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Banks-McLaughlin and Kinston)

8.0 STAFF REPORTS

8.01 Acceptance of the FY 2022 Year-End Strategic Performance Report

Mr. Chris Lowery, Strategic & Performance Analytics Manager, stated the Fayetteville City Council has worked very diligently to commit this organization to high performance and to use data and stakeholder input to create a strategic plan for the City that is forward thinking, progressive, relevant and outcome based.

The Mayor, City Council, and staff share a duty to ensure that the actions of public officials, employees, contractors, and volunteers of the City are carried out in the most responsible manner possible and that City policy, budgets, goals, and objectives are fully implemented.

In February 2021, the City Council met virtually in a two-day annual retreat to refine the City's strategic plan, prioritizing Targets for Action (TFA) for FY 2022. The City Council adopted the FY 2022 strategic plan at the June 2021 City Council meeting. TFA are projects or initiatives identified by Council to move the needle toward defined outcomes laid out in the Council's strategic plan. TFA are defined by a one-year action plan with milestones to focus the work of Council and staff.

The City Manager's Office has directed the Office of Strategy and Performance Analytics to meet regularly with teams to advance the Council's TFA and to report progress to City Council on a quarterly basis during a City Council meeting. Staff has provided the status of the Year-End Strategic Performance Report as of June 30, 2022, for Council consideration moving forward into the next fiscal year.

Commitment to performance management and strategic planning strengthens the operations of the City of Fayetteville, ensuring excellent services and high quality of life for residents. It allows for long-range planning at the organizational level with alignment to departmental operations and performance expectations. With this system in place, the City is able to allocate resources appropriately and build strategies for continuous improvement.

Discussion ensued.

MOTION: Council Member Dawkins moved to accept the report.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.0 PUBLIC FORUM

Ms. Kathy Greggs, 4607 Woodline Drive, Fayetteville, NC, expressed concerns regarding injustices.

Mr. Angelo Owens, 2313 Village Drive, Fayetteville, NC, provided information on non-profit youth organizations.

Mr. Rick Iwanski, 2308 Colgate Drive, Fayetteville, NC, expressed concerns regarding police accountability and reform.

Mr. Chilleko Hurst, 1984 Wayside Drive, Fayetteville, NC, expressed concerns regarding public safety.

Ms. Nikki Creecy, 203 Rowan Street, Fayetteville, NC, provided information regarding opportunities for increasing housing for people with Autism.

Ms. Angela Malloy, 404 Pilot Avenue, Fayetteville, NC, expressed concerns regarding the death of Ms. Jada Johnson and mental health issues.

Mr. Nero B. Coleman, 325-5 Bubble Court, Fayetteville, NC, expressed concerns regarding funding for Glenville Lake and access to Mazarick Park.

Mr. Shaun McMillan, 6024 Goldenrain Drive, Fayetteville, NC, expressed concerns regarding the death of Jada Johnson and mental health responses to include independent oversight.

Dr. Venassia Gunter, 3746 Lockerbie Court, Fayetteville, NC, expressed concerns regarding those that respond to mental health situations.

Mr. Freddie Delacruz, 240 Summertime Road, Fayetteville, NC, congratulated Mayor Colvin on his reelection.

Mr. Demetrius Haddock, 2426 Paintersmill Drive, Fayetteville, NC, told the story of Archie Beebe from the 1800s.

Mr. Casey Harney, 6935 Callahan Circle, Fayetteville, NC, provided an overview of Greater Fayetteville United, and invited all to attend a town hall meeting on gun violence and school safety on August 15, 2022, at 6:30 p.m. at the Kiwanis Recreation Center.

Ms. Janice Walker, 606 Bingham Drive, Fayetteville, NC, talked about the passing of her son, Jason Walker.

10.0 PUBLIC HEARINGS

10.01 Public Hearing on Order Authorizing \$60,000,000 Public Safety Improvement Bonds, Bond Order Authorizing \$25,000,000 Streets, Sidewalk, and Connectivity Bonds, and Order Authorizing \$12,000,000 Housing Bonds. Consider Final Adoption of the Bond Orders and Resolution Calling for a Bond Referendum

Mr. Jay Toland, Assistant City Manager, presented this item and stated City Council will conduct the public hearing on the orders for \$60,000,000.00 Public Safety Improvement Bonds, \$25,000,000.00 Streets, Sidewalk, and Connectivity Bonds, and \$12,000,000.00 Housing Bonds. After the public hearing, Council will be asked to consider adoption of a second reading on the bond orders approved by Council on a first reading on June 27, 2022, as amended, and the passage of a resolution calling for a bond referendum on November 8, 2022.

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

Mr. Charles Matthews, 3618 Tindall Court, Fayetteville, NC, appeared in favor.

Mr. Calvin Bishop, 1061 Mohawk Avenue, Fayetteville, NC, appeared in favor.

Mr. Richard Bradshaw, 1716 Inglewood Drive, Fayetteville, NC, appeared in favor.

Ms. Cindy McCormick, 4506 Court, Fayetteville, NC, appeared in favor.

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

MOTION: Council Member Ingram moved to adopt the Order Authorizing \$60,000,000 Public Safety Improvement Bonds as first introduced on June 27, 2022.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Ingram moved to adopt the Order Authorizing \$25,000,000 Streets, Sidewalk, and Connectivity Bonds, as amended.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Ingram moved to adopt the Order Authorizing \$12,000,000 Housing Bonds Order, as first introduced on June 27, 2022.

SECOND: Council Member Jones

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Ingram moved to adopt the Resolution Calling for a Bond Referendum.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

Mayor Colvin recessed the meeting at 9:18 p.m., and reconvened the meeting at 9:29 p.m.

10.02 AX22-008: Annexation area located along the western side of Ramsey Street, across from Slocomb Road and South of Wolfpoint Drive. Consisting of one parcel, being approximately 15.29 acres. Being the property of SRW Commercial Development, LLC (Palmer Williams, Vice President). Case related to P22-24, Initial Zoning.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the applicant, SRW Commercial Development, LLC, through Palmer Williams, Vice President, submitted a petition requesting annexation of 15.29 +/- acres on the western side of Ramsey Street, across from Slocomb Road and south of Wolfpoint Drive. The area consists of one parcel. The parcel is vacant except for a telecommunication tower. The applicant is proposing a mini-storage facility at this location. A plan has been submitted however final approval shall be required.

The applicant has requested an initial zoning of the area to CC Community Commercial. The Zoning Commission recommended approval of the requested zoning on June 14, 2022. The Planning staff recommends approval of the annexation and initial zoning request.

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

Mr. Palmer Williams, 2709 Thorngrove Court, Fayetteville, NC, appeared in favor.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. AX 22-008: Ramsey Street, located on the western side of Ramsey Street, across from Slocomb Road and South of Wolfpoint Drive. ANNEXATION ORDINANCE NO. 2022-08-587

MOTION: Mayor Pro Tem Jensen moved to adopt the Annexation Ordinance, with an effective date of August 8, 2022.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

11.0 ADMINISTRATIVE REPORTS

11.01 Vehicle Parking in Residential Front Yards - Review of Peer City Codes

Unanimous consensus of Council was to direct staff to move this item forward to the September 6, 2022, work session.

11.02 PWC Resolution # PWC2022.17 - Authorizing the Condemnation of Easements Delegation of Authority to the General Manager

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

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:53 p.m.