

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
APRIL 24, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, 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
Sheila Thomas-Ambat, Public Services Director
Gerald Newton, Development Services Director
Chris Cauley, Economic and Community Development
Director
Loren Bymer, Marketing/Communication Director
Kecia Parker, Real Estate Manager
Lachelle Pulliam, Assistant City Attorney
Chester Green, 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 Iman Bobby Addul Hameed Thomas.

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

Ms. Rachel Townsend, Miss Fayetteville, announced her community service initiative is called "Faithful over Few" for financial literacy.

Ms. Hayden Pearson, Miss Fayetteville Teen, announced her community service initiative is called "Power of One" in honor of her Uncle that passed away from cancer and would like to create a community service day.

Mayor Colvin presented a proclamation to Mr. Art Vardanyan, member of the Armenian Community in Fayetteville proclaiming the month of April 2023 as Genocide Awareness & Prevention Month.

Council Member Benavente stated on behalf of the Fayetteville-Cumberland Reentry Council, there are various activities: testimonial march and resource fair on April 25, 2023, at 11:00 a.m. at 300 Maiden Lane and on April 27, 2023, at 1:00 p.m., at Kingdom Global Impact, 2503 Murchison Road, there will be a celebration party culminating the week's events.

Mayor Colvin congratulated Council Member Banks-McLaughlin for being appointed to the Governors Crime Commission.

5.0 CITY MANAGER REPORT

There was no report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Benavente moved to approve the agenda.
SECOND: Council Member Ingram
VOTE: UANANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Benavente moved to approve the consent agenda with the exception of Item 7.011; pulled for presentation and separate vote.
SECOND: Council Member Hondros
VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

April 3, 2023 - Work Session
April 10, 2023 - Discussion of Agenda Items
April 10, 2023 - Regular

7.02 P23-10. Rezoning from Single-Family Residential 10 (SF-10) to Community Commercial (CC), located at 0 Bingham Drive (REID # 0406541854000), totaling 7.61 acres ± and being the property of Tarek Gayed and Antwan Awad, represented by The Charleston Group.

7.03 P23-09. Initial zoning of a 10 ± acre parcel currently zoned Planned Commercial C(P) to Heavy Industrial (HI), located at 1530 Middle River Loop (REID # 0447576483000), and being the property of Carolina Sun Investments, LLC, represented by Scott Brown of 4D Site Solutions.

7.04 Adoption of Capital Project Ordinance Amendment 2023-24 to Appropriate Funds Received from Surety Company to Mirror Lake Dam Restoration Project

Capital Project Ordinance Amendment (CPOA) 2023-24 to receive and appropriate the \$50,000.00 received from the surety company Selective Insurance Company of America to the Mirror Lake Dam Restoration Project expenditures.

7.05 Adoption of Capital Project Ordinance 2023-18 to Authorize Expenditures from the Capital Repair, Maintenance and Improvements Account for Segra Stadium and Authorize the City Manager to Execute an Agreement with The Fayetteville Woodpeckers Consistent with City Council's Direction

Capital Project Ordinance (CPO) 2023-18 will appropriate \$150,000.00 of fund balance to the Capital Project Account for repair, maintenance and improvements for Segra Stadium Account ("Account") for expenditures to bring Segra Stadium into compliance with the latest Minor League Baseball (MiLB) requirements, and include the following improvements: Female Locker Room and Visitors Commissary and Dining Area.

7.06 Award Contract for construction of a roundabout at the intersection of Person Street at B Street/Old Wilmington

Approval of contract award and authorize the City Manager to execute a contract for the Person Street Roundabout with the lowest responsive, responsible bidder, Jymco Construction Company, Inc., of Smithfield, NC, in the total amount of \$737,135.00.

7.07 Approval of a resolution to apply for a NCDOT Pedestrian Planning Grant to update the 2018 Fayetteville Comprehensive Pedestrian Plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO APPLY FOR A NCDOT PEDESTRIAN PLANNING GRANT TO UPDATE THE FAYETTEVILLE COMPREHENSIVE PEDESTRIAN PLAN. RESOLUTION NO. R2023-016

7.08 Consideration of a Revised Offer from DK Enterprises to Lease Parking Spaces

DK Enterprises Inc. to lease 20 parking spaces for a 15-year term, with two options to renew. Fifteen of the parking spaces would be in the Franklin Street Parking Deck, and five parking spaces would be located within a one block radius of the proposed Kress Lofts private development, to be located at 111 Maxwell Street.

7.09 Tax Increment Grant (TIG) Policy Adoption

Approval of the Tax Increment Grant Policy and direct staff to begin utilizing in appropriate development opportunities.

7.010 Uninhabitable Structures Demolition Recommendations

125 Blount 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. NS2023-006

7.011 Pulled for presentation and separate vote.

7.011 Interlocal Cooperation Agreement for the Collection of Taxes between Cumberland County and the City of Fayetteville
Additional information for this item will be available prior to the meeting.

Mr. Jeffrey Yates, Assistant City Manager, presented this item and stated Cumberland County collects the non-motor vehicle Ad Valorem taxes for the City. With the expiration of the previous agreement, the City and County are operating without an agreement. The proposed agreement provides the County with the legal authority to collect taxes on the City's behalf, with a portion of the taxes remitted being paid to the County.

The County proposes receiving .75 percent of the taxes remitted on time and 1.75 percent collected through the delinquency process. It is estimated that this change will cost the City about \$538,000.00 more than in prior years, close to triple the rate. The primary cost driver behind this increase is the desire of the County to capture their full "indirect cost" through this agreement.

The estimated total cost for Tax Collection, FY 2024, is \$821,000.00.

Discussion ensued.

MOTION: Council Member Benavente moved to authorize the City Manager to execute the Interlocal Cooperation Agreement for the Collection of Taxes between Cumberland County and the City of Fayetteville.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (10-0)

8.0 REPORTS FROM BOARDS AND COMMISSIONS

8.01 Community Police Advisory Board Annual Report

Dr. Gregory Perkins, CPAB Chairman, presented this item and stated the Community Police Advisory Board has been asked to provide an annual report to City Council.

The Fayetteville City Council established the Community Police Advisory Board (CPAB) in August 2021. The Council approved the charter for the CPAB on August 23, 2021. CPAB members were tasked with reviewing and making recommendations to improve the Police Department Practices and Policies. City Council members appointed nine members and one alternate member to serve on the Board.

Dr. Perkins provided an overview of the following: Inaugural Year for CPAB, Learning Opportunities, Familiarization with City Staff, Learning the Fayetteville Police Department (FPD), Command Staff (Roles & Responsibilities), Law Enforcement Practices, Governing authorities (municipal code, N.C.G.S., federal law), Community Collaborative, Lessons Learned and Data Analyses, Listening to Citizens of Fayetteville, and Points of Emphasis for 2023.

Discussion ensued.

MOTION: Council Member Thompson moved to accept the report.
SECOND: Council Member Hondros
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Ingram)

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 AX23-01: Carolina Sun Investments is petitioning to annex into the corporate limits of the City of Fayetteville and initially zone a 10.00 ± acre parcel to Heavy Industrial (HI). This parcel is located on the northern side of I-95 at 1530 Middle River Loop and can be further identified by PIN 0447-57-6483 and REID # 0447576483000.

Ms. Lauren Long, Planner II, presented this item and stated Carolina Sun Investments is petitioning to annex into the corporate limits of the City of Fayetteville and initially zone a 10.00 ± acre parcel to Heavy Industrial (HI). This parcel is located on the northern side of I-95 at 1530 Middle River Loop and can be further identified by PIN 0447-57-6483 and REID # 0447576483000.

The Zoning Commission held a legislative hearing on March 14, 2023. The applicant did not attend the meeting and there were no speakers in favor or against the requested map amendment. The Zoning Commission voted unanimously (5-0) to recommend approval of the proposed map amendment.

This parcel recently transferred ownership in 2018 from AOM II, LLC, to Carolina Sun Investments in the same year it was subdivided from a larger tract of 33.41 acres. This resulted in the 10-acre tract that was developed as the site of Kubota of Fayetteville between 2018 and 2019 under the development review of Cumberland County. The site is currently zoned as Planned Commercial District, C(P), under Cumberland County's zoning district map.

The petitioner has requested to initially zone the parcel to Heavy Industrial (HI). The Heavy Industrial (HI) zoning district accommodates the existing use, which classifies as heavy equipment sales, rental, or storage under Unified Development Ordinance (UDO) 30-4.A.2. This use is a by-right use in the HI zoning district and the Zoning Commission has recommended approval of the petitioner's proposed district.

According to the Future Land Use Map, this parcel has been identified for development with regional employment centers, including larger industrial uses or business parks under the Industrial/Employment Center (EC) designation. The Heavy Industrial district allows for uses that fit within this category of land uses and the

existing use of the parcel conforms to its Future Land Use Designation.

As this parcel is located in the City of Fayetteville's Municipal Influence Area (MIA), the connection to PWC sewer requires that the parcel be annexed into the corporate limits, City Council Policy 150.2. The petitioner is requesting annexation in order to connect to PWC sewer.

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

Mr. Charles Horne, 1134 Offshore Drive, 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. Northern side of I-95, located on Middle River Loop East of Mockernut Drive. PIN 0447-57-6483/ REID # 0447576483000. ANNEXATION ORDINANCE NO.2023-04-582

MOTION: Council Member Ingram moved to adopt the proposed ordinance annexing the parcel with an effective date of April 24, 2023, and establish the initial zoning consistent on prior action taken by Council concerning the map amendment.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (10-0)

9.02 Public Hearing on SN23-001. Consideration of Renaming Walter Street to Saint Avold Avenue

Mr. Chester Green, Senior Planner, presented this item and stated Cumberland County staff received a request to rename a street within the City Limits of Fayetteville. The applicant has requested to change Walter Street to Saint-Avold Avenue.

Sighting the friendship between Fayetteville and Saint-Avold, France, the County Alliance entered a request with Cumberland County staff to rename Walter Street to Saint-Avold Avenue. The Saint-Avold Friendship Alliance would like to honor Fayetteville's International Sister City, Saint-Avold, France. The City of Fayetteville and Saint-Avold, France, have been sister cities since 1993. This relationship was adopted by a resolution from the Fayetteville City Council.

County staff contacted the owners of the parcels that abutted Walter Street and the majority of the property owners agreed with the renaming.

The County has evaluated the petition and has not found any conflicts or duplications with the proposed name and recommends approval of the name change.

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

Ms. Kris Johnson, 121 Devane Street, Fayetteville, NC, appeared in favor.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO RENAME WALTER STREET TO SAINT AVOLD AVENUE. ORDINANCE NO. NS2023-007

MOTION: Mayor Pro Tem Dawkins moved to approve the renaming to Saint Avold Avenue
SECOND: Council Member Ingram
VOTE: UNANIMOUS (10-0)

9.03 Adoption of 2023-2024 Housing and Urban Development Annual Action Plan for Community Development Block Grant, HOME Investment Partnerships Program, and Housing Opportunities for People with HIV/AIDS and Amendment to the Consolidated Plan

Mr. Chris Cauley, Economic and Community Development Director, presented this item and stated Council is asked to conduct a public hearing and approve the proposed Housing and Urban Development (HUD) Annual Action Plan (AAP) to implement the Community Development Block Grant (CDBG), the Home Investment Partnership Program (HOME), and Housing Opportunities for People with HIV/AIDS (HOPWA). The AAP provides a concise summary of the actions, activities, and the specific federal resources that will be used each year to address the priority needs and specific goals identified by the Five-Year Consolidated Plan. The AAP is developed by staff and recommended by the Fayetteville Redevelopment Commission (FRC). Council was presented this plan at the April 3, 2023, Council work session.

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to approve.
SECOND: Mayor Pro Tem Dawkins
VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Additional Polling Location for November 2023 Municipal Election

Mayor Colvin presented this item and stated he presented this agenda item request at the April 3, 2023, work session to seek Council support to secure an additional polling location for the November 2023 Municipal Election. The Board of Elections has advised the approximate cost for an additional polling location is \$28,000.00. Consensus of Council was to direct staff to move this item forward and come back with additional research. Staff provided the Cumberland County Board of Elections One Stop Turn Out for the Primary Election held on March 3, 2020. The top two Fayetteville early voting sites are Cliffdale Recreation Center and College Lakes Recreation Center.

Discussion ensued.

MOTION: Council Member Haire moved to add Cliffdale Recreation Center as an additional polling location for the November 2023 Municipal Election.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (10-0)

10.02 Discussion on Proposed Amendments to the City Charter to Change the Mode of Electing the City Council to Four-Year Staggered Terms

Mayor Colvin presented this item and stated the purpose of this agenda item is to receive direction from Council on changing the mode of electing the City Council to four-year terms.

Council discussed adoption of four-year staggered terms at the March 6, 2023, work session and consensus was to move forward with four-year terms. Pursuant to N.C.G.S. § 160A-102, Council adopted a resolution of intent at the March 13, 2023, regular meeting setting a public hearing for April 10, 2023, to receive public input on changing

the mode of electing the City Council from two-year terms to four-year terms. Council received public input with no discussion. This matter is returning to Council for further direction as to Council's interest.

Discussion ensued.

MOTION: Council Member Thompson moved to not move this item forward; no change to the Charter.

SECOND: Mayor Pro Tem Dawkins

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

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:51 p.m.