

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
OCTOBER 23, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

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)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Kelly Olivera, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Toney Coleman, Airport Director
Sheila Thomas-Ambat, Public Services Director
Loren Bymer, Marketing & Communications Director
Lisa Harper, Senior Assistant City Attorney
Will Deaton, Planning and Zoning Manager
Craig Harmon, Senior Planner II
Heather Eckhardt, Planner II
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Pastor Terrell Brown, Trinity Full Gospel Ministries.

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

Council Member Thompson announced the WIDU Celebration taking place at the Crown Coliseum October 26-27, 2023.

Council Member Ingram congratulated Michael Williams, Jr., on his boxing match held this past weekend in Fayetteville. Congratulations to the Fayetteville State Broncos football team for winning their homecoming game. Principal Coach Williams was recognized in honor of National Principal's Month.

Mayor Colvin acknowledged the elected school board officials, Ms. Chisolm, Chairwoman Jones, and Ms. Donna Vance.

Mayor Colvin recognized Mr. Tony Brown and members of his team for their hard work in the community through his mentoring program.

Council Member Banks-McLaughlin thanked Mr. Tony Brown and his team for their work in the community with the youth.

Mayor Colvin presented a proclamation to Dr. Marvin Connelly, Cumberland County Schools Superintendent, proclaiming support for the STARward STEM program and commending its innovative approach to STEM education.

Mayor Colvin presented a certificate to Miss Taelynn Ballard, an 8-year-old model, designer, and entrepreneur.

Mayor Colvin presented a proclamation to Ms. Gladys Hill, proclaiming the month of October 2023 as Breast Cancer Awareness Month.

5.0 CITY MANAGER REPORT

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

Due to technical audio difficulties, Mayor Colvin recessed the meeting at 7:40 p.m. and reconvened the meeting at 7:48 p.m.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Benavente moved to approve the agenda except for the October 9, 2023, regular meeting minutes.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

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

7.01 Approval of Meeting Minutes:
October 2, 2023 - Work Session
October 9, 2023 - Discussion of Agenda Items
October 9, 2023 - Regular (Pulled from the agenda)

7.02 Proposed 2024 City Council Meeting Dates Calendar

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. RESOLUTION NO. R2023-040

7.03 P23-26. Initial zoning of one contiguous parcel totaling 0.48 ± acres, requesting annexation, to Community Commercial (CC) located at 401 Ladley Street (REID # 0426807452000), being the property of Jonathan N. Mitchell.

7.04 P23-33. Rezoning from Neighborhood Commercial (NC) to Limited Commercial (LC) located near the intersection of Raeford Road and Festival Drive and fronting on Raeford Road and Nexus Court (REID #s 9496570657000 and 9496571780000) totaling 1.95 acres ± and being the property of Rayconda Properties, represented by Longleaf Law Partners.

7.05 P23-34. Rezoning of 1.45 acres ± from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5), located at 1010 Laurel Street (REID # 0428235738000), and being the property of T & W Investments LLC, represented by George M. Rose, P.E.

7.06 P23-35. Conditional rezoning from Single-Family Residential 10 (SF-10) to Single-Family Residential 10 Conditional Zoning (SF-10/CZ) of 809 Johnson Street (REID # 041971018000) totaling 2.19 acres ± and being the property of Abel Young, represented by Michael Adams of MAPS Surveying Inc.

7.07 P23-36. Conditional Rezoning of .25 acres ± from Mixed Residential 5 (MR-5) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), located at 418 Old Wilmington Road (REID

0437709521000), and being the property of Combined Unified Service Inc., represented by Deborah Harris.

7.08 Fayetteville Gardens Affordable Housing Preservation Loan Commitment

Fayetteville Gardens is a 40-year-old apartment complex located at 2915 Gordons Way (off Raeford Road). City Council is asked to authorize a loan commitment letter and subsequent loan documents in the amount of \$1.25 million from American Rescue Plan Funds (ARPA) to address accessibility, energy efficiency, and needed repairs. This commitment will be good until December 31, 2023, with a six-month extension allowed at the Director's discretion.

7.09 Affordable Housing Loan Extension Request - Blanton Green II

On May 15, 2023, United Management II, the property manager for Blanton Green II, requested that the City consider extending its affordable housing loan of \$380,000.00 from the current maturity date of June 2, 2023, to a maturity date of November 1, 2033, to synchronize it with the primary loan. Council is asked to extend the loan terms for an additional 10 years at 2 percent interest with a balloon payment at the new maturity date of June 2, 2033.

7.010 Fayetteville Gardens - Resolution Approving the Issuance of up to \$15,500,000 Multifamily Housing Revenue Bonds per Section 147(f) of the Internal Revenue Code

RESOLUTION APPROVING THE ISSUANCE OF UP TO \$15,500,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR FAYETTEVILLE GARDENS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE. RESOLUTION NO. R2023-041

7.011 Liberty Springs Apartments Affordable Housing Rehabilitation Loan Commitment

Authorize a loan commitment letter and subsequent loan documents in the amount of \$380,500.00 from HOME Funds to Liberty Springs Apartments.

7.012 North Carolina Office of Recovery and Resiliency Strategic Buyout Resolution for Repetitive Loss Properties

A RESOLUTION AUTHORIZING ACCEPTANCE OF PROPERTIES TARGETED BY THE REBUILD NC BUYOUT PROGRAM WITHIN THE JURISDICTION OF THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2023-042

7.013 Adoption of Special Revenue Project Ordinance Amendment 2024-9 and Special Revenue Project Ordinance 2024-11 to Move Funds from the Housing Authority Homeownership Program to the Choice Neighborhood Implementation Grant Program

Special Revenue Project Ordinance Amendment 2024-9 and Special Revenue Project Ordinance 2024-11 to move funds from the Housing Authority Homeownership Program to the Choice Neighborhood Implementation Grant Program

7.014 Uninhabitable Structures: Demolition Recommendations

336 Old Wilmington 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. NS2023-022

5523 Meharry Drive - 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. NS2023-023

116 Enoch Avenue - District 4

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. NS2023-024

308 Mike Street - District 4

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. NS2023-025

2306 Slater Avenue - District 4

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. NS2023-026

7.015 Resolution of the City of Fayetteville, NC to Accept an Amended State Loan Offer Under the NC Water Revolving Loan and Grant Act of 1987

In September 2023, the North Carolina Department of Environmental Quality (DEQ) offered PWC an amendment to increase the State Loan for the Big Rockfish Sanitary Sewer Outfall Lift Station Elimination Project by \$430,000.00 for a total loan value of \$6,685,105.00 to the terms of 20 years, 0 percent interest and 2 percent closing fee. To accept the loan offer, PWC and the City of Fayetteville must adopt a resolution accepting the loan in the form provided by DEQ.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT AN AMENDED STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2023-043

7.016 Resolution of the City of Fayetteville, NC to Accept an Amended State Loan Offer Under the NC Water Revolving Loan and Grant Act of 1987

In September 2023, the North Carolina Department of Environmental Quality (DEQ) offered PWC an amendment to increase the State Loan for the Big Rockfish Sanitary Sewer Outfall Project by \$5,000,000.00 for a total loan value of \$31,187,999.00 to the terms of 20 years, 1.06 percent interest and 2 percent closing fee. To accept the loan offer, PWC and the City of Fayetteville must adopt a resolution accepting the loan in the form provided by DEQ.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT AN AMENDED STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2023-044

7.017 Adopt a Gauge Memorandum of Agreement

This Memorandum of Agreement (MOA) outlines the responsibilities of North Carolina Emergency Management (NCEM) and the City with regard to the operation and maintenance of the stream gauges owned by the City. NCEM will provide gauge repair as needed, at no cost to the City. The terms of this MOA are automatically renewed annually. The

benefit to the City is that NCEM staff will make repairs to the gauges as needed.

7.018 Bid Recommendation - Neville Street Drainage Improvements

Award contract and authorize the City Manager to execute a contract for the Neville Street Drainage Improvements project with the lowest responsive, responsible bidder, ES&J Enterprises, Inc., in the total amount of \$1,823,989.00.

7.019 NCDOT Municipal Certificates for Speed Limits on SR 1838 (Dunn Road).

Approve the execution of certifications to repeal and enact 45 mph speed limits along SR 1838 (Dunn Road) to provide a uniform speed limit within the municipal limits of the City of Fayetteville.

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE. From Grove Street Extension (NC 24-210) to the eastern corporate limit, approximately 0.05 mile west of SR 1839. ORDINANCE NO. NS2023-027

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST CONCURRENCE. Between NC 24 and the municipal limits of Fayetteville. ORDINANCE NO. NS 2023-028

7.020 Lease of Suite 101-A of R. C. Williams Building

Approve the lease of Suite 101-A of the R.C. Williams Building to Edward D. Jones & Co., LB, D/B/A Edward Jones ("Lessee"). The initial term of the lease is 5 years. Lessee has agreed to an annual rent rate of \$25,200.00.

8.0 PUBLIC FORUM (Special - Continuance of Speakers from October 9, 2023).

Mr. Mario Hardy, 3835 Glencorra Drive, Fayetteville, NC, expressed concerns regarding a Council member not abiding by the Council's Code of Conduct.

Mr. Justin Herbe, 2614 Morganton Road, Fayetteville, NC, expressed concerns regarding Little League Baseball and Travel Leagues.

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 AX23-04: Jonathan N. Mitchell and Kathleen Mitchell are petitioning to annex into the corporate limits of the City of Fayetteville one contiguous parcel totaling .48 ± acres. This parcel is located on the southeastern side of Southern Avenue at 401 Ladley Street and can be further identified by PIN 0426-80-7452 and REID # 0426807452000.

Mr. Demetries Moutos, Planner I, presented this item and stated Jonathan N. Mitchell and Kathleen Mitchell 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 0.48 acres, as Community Commercial (CC). This parcel is situated on the southeastern side of Southern Avenue at 401 Ladley Street and is identified by PIN 0426-80-7452 and REID # 0426807452000.

The Zoning Commission conducted a legislative hearing on July 11, 2023. The applicants were present at the meeting, and one speaker expressed support for the requested map amendment. The Zoning Commission unanimously voted 5 to 0 to recommend the approval of the proposed map amendment.

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.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. North of West Mountain Drive just off the corner of Ladley Street and Knox Street - 401 Ladley Street. ANNEXATION ORDINANCE NO. 2023-10-592

MOTION: Council Member Ingram move to adopt the proposed ordinance annexing the parcel with an effective date of October 23, 2023, and establish the initial zoning consistent with prior action taken by Council concerning the map amendment.
SECOND: Mayor Pro Tem Dawkins
VOTE: UNANIMOUS (10-0)

10.0 EVIDENTIARY HEARINGS

10.01 SUP-08. 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.

Mr. Craig Harmon, Senior Planner II, presented this item and stated the subject property is currently a vacant parcel owned by Bethel Christian Assembly Inc.. It is located between Fayetteville Christian Church, Incorporated, 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.

According to the Future Land Use Plan, it is recommended that this portion of the City should be developed as LDR - Low-Density Residential. Low-Density Residential is best described as "mainly single-family residential with some accessory dwellings occasionally with duplexes (if isolated) or townhomes. Lots sizes are typically 1-4 dwellings per acre. The area should be suburban, auto-oriented in character, with utility services."

As part of the Unified Development Ordinance (UDO) adoption process, regulations were put in place to allow schools to operate in certain residential districts, including the SF-6 district, with an approved Special Use Permit. The applicant is requesting a Special Use Permit to operate a charter school in a SF-6 zoning district. According to the applicant, the proposed use will comply with all of the City's requirements for such uses. The proposed school was reviewed by the Technical Review Committee and their comments are provided. The application is only to address the allowance of a school.

The 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;
- (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.

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

Mr. Del Crawford, 116 N. Cool Street, Fayetteville, NC, Engineer representing the applicants, appeared in favor.

Discussion ensued.

MOTION: 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.

SECOND: Council Member Ingram

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Dawkins, Thompson, and Hondros)

11.0 ADMINISTRATIVE REPORTS

11.01 Administrative Report - Airport Strategic Marketing Plan

11.02 Administrative Report - Every Town for Gun Safety

MOTION: Council Member Ingram moved to move Items 11.01 and 11.02 to the November 6, 2023, work session agenda.

SECCOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.