

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
ZOOM MEETING
JUNE 22, 2020
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3) (via telephone); 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
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Scott Bullard, Emergency Management Coordinator
Gerald Newton, Development Services Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Rebecca Jackson, Strategic Performance Analytics Director
Elizabeth Somerindyke, Internal Audit Director
Sheila Thomas-Ambat, Public Services Director
Taurus Freeman, Planning and Zoning Manager
Pamela Megill, City Clerk
Jennifer Ayre, Deputy 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 Council Member Davis.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITION

Pastor Christopher Stackhouse, Lewis Chapel Baptist Church; Pastor Al Brice, Covenant Love Church; and Pastor Brian Thompson, Simon Temple AME Zion Church, presented a resolution of the Fayetteville Faith Task Force in support of replacing and repurposing the Market House of downtown Fayetteville, NC.

Council Member Haire presented a resolution of Justice and Equality from the 100 Black Men of America, Inc., Cape Fear Region Chapter, requesting the Council's support for policies that ban the no choke hold tactics, aggressive treatment of citizens by the police, and a regular review of the officer's records of incidents in their interactions with our citizens. The resolution further stated a stand against racism and inequality.

Council Member Wright read a joint statement of the Human Relations Commission, Fayetteville-Cumberland Ministerial Council and Greater Fayetteville United Way to collectively condemn racism, bigotry, violence, and prejudice in all forms; to have the right to live free from fear; and to be treated with dignity and respect.

4.01 COVID-19 Update - Mr. Scott Bullard, Emergency Management Coordinator

Mr. Scott Bullard, Emergency Management Coordinator, provided an overview of the current COVID-19 statistics and stated we are in day 99 of the State of Emergency. There have been 32 deaths related to COVID-19 in Cumberland County. There is a chance a state-wide mandate for wearing a mask in public may come into place.

4.02 COVID-19 Food Drive - Council Members Wright, Kinston, and Banks-McLaughlin, Homeless and Poverty Task Force Committee

Council Member Wright announced the Homeless and Poverty Task Force Committee Food Drive is scheduled for July 11, 2020, beginning at 10:00 a.m. through 2:00 p.m. in the Raeford Road Wal-Mart parking lot, and then a second Food Drive to be held on July 12, 2020, beginning at 4:00 p.m. through 7:00 p.m. at the Harris Teeter parking lot. All of the food collected will be donated to the Second Harvest Food Bank.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Ingram moved to add an item to the agenda: Moratorium Request for Locks Creek Sub Division.

SECOND: Council Member Waddell

VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Davis, and Wright)

MOTION: Council Member Dawkins moved to approve the agenda with the addition of Item 8.01, authorize the Mayor to execute the City/PWC Interlocal Agreement, and moving the current Item 8.01 Item 8.02.

SECOND: Council Member Wright

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

6.0 CONSENT AGENDA

MOTION: Council Member Waddell moved to approve the consent agenda with the exception of Item 6.013 for presentation and separate vote.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

June 4, 2020 - Work Session

June 4, 2020 - Budget Work Session

June 8, 2020 - Special

June 8, 2020 - Regular

6.02 P20-18F. Request to rezone a portion of a property from Mixed Residential 5 (MR-5) to Limited Commercial (LC), located on Raeford Road intersecting with private road Spotted Horse Lane (Tax Map # 9476-87-9366), containing 15 +/- acres, represented by Charles Morris and being the property of Robert Gregory Family LLP.

6.03 Adoption of Special Revenue Fund Project Ordinance 2020-18 for the 2019 Fayetteville Police Department (FPD) School Safety Preparedness Project as Funded by a Grant Award by the Governor's Crime Commission of the North Carolina Department of Public Safety

Special Revenue Fund Project Ordinance 2020-18 will appropriate \$35,000.00 of federal grant funds, passed through the Governor's Crime Commission (GSS) of the North Carolina Department of Public Safety for the purchase of equipment, supplies, and training for the FPD School Safety Preparedness Project. No local match is required.

6.04 Adoption of Special Revenue Fund Project Ordinance 2020-19 to Appropriate Grant Awards from the U.S. Department of Agriculture, Natural Resources Conservation Services and the NC Department of Agriculture and Consumer Services for Hazardous Debris Removal and Stream and Outfall Erosion Repairs at Four Locations

The City has been awarded a \$2,145,400.00 grant from the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) and a \$715,133.00 grant from the North Carolina Department of Agriculture and Consumer Services to fund construction and technical assistance costs to address stream and outfall erosion problems caused by Hurricane Florence. While the state grant provides matching funds for the federal grant, an additional \$305,000.00 appropriation, funded by a Stormwater Operating Fund transfer, is needed to fund non-reimbursable costs.

Special Revenue Project Ordinance 2020-19 to appropriate the \$3,165,133.00 total funding to permit the Public Services Department to proceed with selection of an engineering firm to provide necessary design services.

6.05 Adoption of Special Revenue Fund Project Ordinances 2021-1 and 2021-2 for the Funding of the CDBG and HOME FY 2020-2021 Programs per the Economic and Community Development Department's Annual Action Plan

The City of Fayetteville is expected to be awarded two grants from the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2020-2021. The Community Development Block Grant (CDBG) and HOME Investment Partnership Grant (HOME) will support activities identified in the Economic & Community Development Department's proposed 2020-2021 Annual Action Plan as approved by City Council on April 27, 2020. Special Revenue Fund Project Ordinances 2021-1 and 2021-2 will appropriate the operating budgets for the CDBG and HOME programs, including the anticipated Federal grant proceeds and program income. No City match is required for Fiscal Year 2021.

6.06 Adoption of Special Revenue Project Ordinance (SRO) 2020-17 for Planning Projects Funded Under Federal Transit Administration Grant NC-2020-024-00

The Federal Transit Administration (FTA) has awarded grant NC-2020-024-00 to the City for transit expenditures eligible under the Coronavirus Aid, Relief, and Economic Security (CARES) Act 2020. The great majority of the CARES Act grant will reimburse the City for preventive maintenance and operating costs related to transit operations from fiscal year 2020 through fiscal year 2022. These grant funds will support the current fiscal year operating budget appropriation and will also be appropriated with future fiscal year annual operating budget ordinances. A small portion of the \$8,975,011.00 CARES grant has been approved for transit planning activities in fiscal years 2020 and 2021. Council is asked to adopt proposed Special Revenue Project Ordinance (SRO) 2020-17 to appropriate \$110,000.00 of the grant for the transit planning projects which are accounted for as a multi-year special revenue project. These planning activities will be 100 percent federally funded.

6.07 Adoption of Budget Ordinance Amendment 2020-11 and Capital Project Ordinance Amendment 2020-43 to Provide \$300,000.00 for Acquisition and Clearance of Properties for the Murchison Road Redevelopment Project (Catalyst Site)

Budget Ordinance Amendment (BOA) 2020-11 to appropriate \$300,000.00 from General Fund fund balance to support Capital Project Ordinance Amendment (CPOA) 2020-43 for the Murchison Road Redevelopment Project. The project, also referred to as the Catalyst Site, is for the elimination of blight and assemblage of property for redevelopment. The additional funding is needed to acquire the site of

the former V-Point Grocery and to clear that site and the site of the former Amen Auto.

6.08 Budget Ordinance Amendment 2020-12 for Environment Services Fund Fiscal Year-End Projections

Budget Ordinance Amendment (BOA) 2020-12 is submitted for Council consideration to adjust the Environmental Services fund budgets based upon projections developed with the budget process and to ensure sufficient budget is available should unexpected expenditures arise before the end of the fiscal year. Budget Ordinance Amendment 2020-12 would appropriate an additional \$250,000.00 transfer from the General Fund to the Environmental Services Fund.

6.09 Airport - Accept FAA Discretionary Grant Offer No. 3-37-0021-048-2020 and Authorize Mayor to Execute

City Council previously approved \$33,470,360.00 to fund Phase II of the Airport's Terminal Renovation Project. Part of that cost was supported by a transfer from airport retained earnings pending receipt of this final appropriation of funds due to FAY as part of the FAA's \$20 million Non-Hub Airport Discretionary Grant Program. Support for Terminal Renovations Phase I was \$10 million and \$10 million was budgeted for Phase II. Grant Offer No. 3-37-0021-048-2020 is for Phase II and authorization for the Mayor to accept and execute the grant offer upon receipt.

6.010 Resolution to Set a Public Hearing to Consider Closing a Portion of Danish Drive

A RESOLUTION AUTHORIZING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF A PORTION OF DANISH DRIVE. RESOLUTION NO. R2020-025

6.011 Approval of Extension to Beer and Wine Permit Due Date

The City of Fayetteville issues beer and wine permits annually to businesses within the City. The permit ranges in cost from \$5.00 to \$62.50 depending on the type of retailer. Payments are due by April 30, 2020. A late fee of \$5.00 to \$15.63 is applied to the cost of the permit, if not secured by the due date. The state of North Carolina also issues permits and this year due to COVID-19 has extended the due date to June 30, 2020, as of this date. With the approval of this item the due date of the City's permits will reflect the state's new due date and any late fees recouped year to date will be refunded.

6.012 Resolution Authorizing the Abandonment of City Easements

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE ABANDONMENT OF CITY EASEMENTS. RESOLUTION NO. R2020-026

6.013 This item was pulled for presentation and separate vote.

6.014 Rescind Demolition Ordinances for 831 McPherson Avenue and 4309 Wellington Drive

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2020-002 (831 McPherson Avenue). RESOLUTION NO. R2020-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2020-004 (4309 Wellington Drive). RESOLUTION NO. R2020-028

6.015 Uninhabitable Structures Demolition Recommendations

718 Vida Circle District 1

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE 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. 718 Vida Circle. PIN # 0530-21-9412. ORDINANCE NO. NS2020-014

211 Brookwood Avenue District 2

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE 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. 211 Brookwood Avenue. PIN # 0438-63-2959. ORDINANCE NO. NS2020-015

1926 Armstrong Street District 4

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE 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. 1926 Armstrong Street. PIN # 0428-84-4897. ORDINANCE NO. NS2020-016

2304 Slater Avenue District 4

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE 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. 2304 Slater Avenue. PIN # 0428-86-6707. ORDINANCE NO. NS2020-017

6.016 Bid Recommendation - Fayetteville Annexation Phase V, Area 23, Sec. II, Rayconda Subdivision

Award the contract for the Fayetteville Annexation Phase V, Area 23, Section II, Rayconda Subdivision. The recommended lowest responsive, responsible bidder is T. A. Loving Company, Goldsboro, NC, in the total amount of \$6,935,270.00.

Bids were received on June 3, 2020, as follows:

T. A. Loving Company, Goldsboro, NC \$6,935,270.00
Billy Bill Grading Co., Inc., Fayetteville, NC ... \$9,544,063.79

6.013 Text amendments to Article 30; three proposed amendments to the Unified Development Code.

Council Member Waddell stated she had pulled this item for discussion and separate vote.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2020-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2020-005

MOTION: Council Member Waddell moved to table this item; allowing staff additional time to research Land Trust information.
SECOND: Council Member Ingram

VOTE: **FAILED** by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Davis and Wright)

MOTION: Council Member Dawkins moved to approve the Text amendments to Article 30; two proposed amendments to the Unified Development Code as presented by staff.

SECOND: Council Member Haire

VOTE: **PASSED** by a vote of 7 in favor to 3 in opposition (Council Members Ingram, Waddell and Banks-McLaughlin)

7.0 PUBLIC HEARINGS

7.01 Contract Award for Downtown District Management

Mr. Chris Cauley, Economic and Community Development Assistant Director, introduced this item and stated on June 26, 2017, City Council authorized a contract with Cool Spring Downtown District, Inc., to provide enhanced services for an arts and entertainment focused downtown municipal service district. Services included economic vitality and development; art and design enhancements; promotion and marketing; special events and programming; and partnership, organizational support and conflict resolution. The contract was for a one-year term with two options for renewal. The last option for renewal ends on June 30, 2020. The Economic and Community Development Department conducted a 17-question survey to gauge community satisfaction and priorities for the downtown district. The survey was online and notification was mailed to all property owners and businesses located within the district. A total of 34 survey responses were collected and the responses were used to inform the Request for Proposals. A public meeting was held in the City Council Chamber on March 12, 2020. It was attended by approximately ten people. City staff made a presentation on the services currently offered and received feedback on existing and new service priorities. The City Finance Department posted a Request for Proposals (RFP) from April 7 to to May 7, 2020, and one response was received from Cool Spring Downtown District, Inc. The RFP was also posted as a public notice in The Fayetteville Observer on April 8, 2020, and ran online that same week. A second posting was advertised from June 1 to 11, 2020, and no other responses were received. Based upon staff review of the respondents to the Request for Proposals for Enhanced Services for an "Arts and Entertainment Focused" Downtown Municipal Service District, Cool Spring Downtown District, Inc., is being recommended. For Fiscal Year 2021, the total cost of the contract is \$220,000.00 and is funded from revenues generated by the Municipal Service District property tax rate and a transfer from the General Fund.

Ms. Bianca Shoneman, President and CEO of Cool Spring Downtown District, provided an overview of the programs and events offered by Cool Spring Downtown District.

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

Discussion ensued.

MOTION: Council Member Ingram moved to approve the contract award to Cool Spring Downtown District, Inc., for Enhanced Services for the Arts and Entertainment Focused Downtown Municipal Service District in the amount of \$220,000.00 for a three-year term.

SECOND: Council Member Banks-McLaughlin

VOTE: **UNANIMOUS** (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.01 Discussion and authorize the Mayor to execute the City/Public Works Commission Interlocal Agreement for the additional

\$8.3 million transfer from PWC to the City for COVID-19 General Fund Revenue Losses.

Dr. Telly Whitfield, Assistant City Manager, presented this item.

Discussion ensued.

No action was taken.

8.02 Adoption of the Fiscal Year 2020-2021 Budget Ordinance and Fee Schedule, the Fiscal Year 2020-2021 Strategic Plan, the Fiscal Years 2021-2025 Capital and Technology Improvement Plans, Capital Project Ordinances 2021-1 through 2021-13, Capital Project Ordinance Amendments 2021-1 through 2021-25, and Special Revenue Fund Project Ordinance Amendment 2021-1

MOTION: Council Member Ingram moved to table Items 8.01, 8.02, and the closed session; recess this meeting and reconvene on June 29, 2020, at 5:00 p.m.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.0 ADJOURNMENT

There being no further business, the meeting recessed at 10:21 p.m. to reconvene on June 29, 2020, at 5:00 p.m.