

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
AUGUST 24, 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) (via telephone); 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
Angel Wright-Lanier, Assistant City Manager
Kevin Arata, Corporate Communications Director
Gerald Newton, Development Services Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Chris Cauley, Interim Economic and Community Development Director
Taurus Freeman, Planning and Zoning Manager
David Nash, Senior Planner
Craig Harmon, 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 Council Member Wright.

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

Mr. Scott Bullard, Emergency Management Coordinator, updated Council on internal measures being taken for emergency management and City employees as related to the Coronavirus pandemic.

Council Member Davis introduced Ms. Diana Juergens, Executive Director of the Rick Herrema Foundation. Ms. Juergens stated the Mission of Rick's Place is to build community and strengthen our warriors and their families. Build relationships with those in leadership and business within our All American City, helping us to build awareness that we are here. Ms. Juergens invited those on the Council and others in leadership to tour the 50-acre campus and experience it for themselves.

Council Member Ingram announced the 2020 Census is still taking place and encouraged citizens to complete the census form. Ms. Ingram announced the Board of Elections have job opportunities for poll workers for the forthcoming Presidential election.

Mayor Colvin encouraged citizens to complete the census form and encouraged citizens to vote in the next election.

Mayor Pro Tem Jensen announced August 26, 2020, is the 100-year anniversary of the 19th Amendment; giving women the right to vote.

5.0 APPROVAL OF AGENDA

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

6.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda with the exception of Items 6.03, 6.06, and 6.07 for presentation and separate vote.
SECOND: Council Member Kinston
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:
July 20, 2020 - Special 5:00 p.m.

6.02 AX20-001: Annexation request for the Pramukh Enterprises LLC Property, on Ramsey Street at its intersection with Bullard Circle (Tax Map # 0541-05-6993), containing 3.44 +/- acres; related to P20-22F: Initial Zoning

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (AX 20-001: The Pramukh Enterprises, LLC Property Western Side of Ramsey Street, South of Bullard Circle). ANNEXATION ORDINANCE NO. 2020-08-572

6.03 This item was pulled from consent for presentation and separate vote.

6.04 Award Contract for Enterprise Resource System (ERP) to Sierra-Cedar and Mythics

On August 5, 2019, the City issued a request for proposals (RFP) for a new Enterprise Resource Planning (ERP) system. The purpose of the RFP was to invite prospective vendors to describe the relevant requirements of their solution in order to meet the human capital management, financial and budgeting needs of the City. The ERP Replacement Initiative project has been included in the approved five-year Technology Improvement Plan for several years and was identified as a significant "operational item" in the five-year Strategic Operating Plan by City Council during this past winter's strategic retreat session. The City received 13 bids from the RFP. Staff conducted an evaluation of the proposals received and is recommending the award of the contract. Approval of this item will grant the City Manager the authority to execute the contract with Sierra-Cedar and Mythics to implement the City's new ERP system and provide user licenses.

6.05 Request to Grant Authority to FPWC CEO/GM to Grant Easement to Duke Energy Progress

RESOLUTION AUTHORIZING GRANTING A UTILITY EASEMENT TO DUKE ENERGY PROGRESS, LLC. RESOLUTION NO. R2020-031

6.06 This item was pulled from consent for presentation and separate vote.

6.07 This item was pulled from consent for presentation and separate vote.

6.08 Uninhabitable Structures Demolition Recommendations

305 Plum Street - 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 (305 Plum Street - PIN # 0437-59-3951). ORDINANCE NO. NS2020-018

2016 Ferndale Lane - 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 (2016 Ferndale Lane - PIN # 0436-13-1010). ORDINANCE NO. NS2020-019

- 6.09 Bid Recommendation - 35,000 GVWR Cab and Chassis with Asphalt Body to the lowest responsive, responsible bidder is White's International, Greensboro, NC, in the total amount of \$173,594.41.**

Bids were received on July 16, 2020, as follows:

Potholes LLC, DBA Thermo-Lay, Billings, MT \$161,362.00
White's International, Greensboro, NC \$173,594.41
Public Works Equipment, Monroe, NC \$176,602.00

- 6.010 Bid Recommendation - 33,000 GVWR Cab and Chassis with Mechanic's Service Body with Crane to H&H Freightliner, Hope Mills, NC, the lowest responsive, responsible bidder, in the total amount of \$165,692.00.**

Bids were received on July 21, 2020, as follows:

H&H Freightliner, Hope Mills, NC \$165,692.00
Tran Source Inc., Fayetteville, NC \$166,950.00
White's International, Greensboro, NC \$167,870.72
Triple T Parts Company, Inc., Rocky Point, NC \$173,338.00

- 6.011 Bid Recommendation - 35,000 GVWR Cab & Chassis with Flat Bed Dump Body award the purchase to H&H Freightliner, Hope Mills, NC, the lowest responsive, responsible bidder, in the total amount of \$94,063.00.**

Bids were received on July 17, 2020, as follows:

H&H Freightliner, Hope Mills, NC \$94,063.00
White's International, Greensboro, NC \$96,780.23
Tran Source Inc., Fayetteville, NC \$99,437.00
Triple T Parts Company, Inc., Rocky Point, NC \$106,222.00

- 6.012 Bid Recommendation - 35,000 GVWR Cab & Chassis with Six Cubic to White's International, Greensboro, NC, the lowest responsive, responsible bidder, in the total amount of \$97,410.83.**

Bids were received on July 16, 2020, as follows:

White's International, Greensboro, NC \$97,410.83
Tran Source Inc., Fayetteville, NC \$100,865.00
Triple T Parts Company, Inc., Rocky Point, NC \$105,000.00

- 6.03 Adoption of Capital Project Ordinance Amendments 2021-29 and 2021-30 to Transfer Funds for Watershed Studies between the General FY21 Stormwater Improvement Capital Project and the Specific Watershed Studies Capital Project.**

This item was pulled from the consent agenda by Council Member Banks-McLaughlin for presentation and separate vote. Mr. Douglas Hewett, City Manager, stated this item is for Council to adopt Capital Project Ordinance Amendments (CPOAs) 2021-29 and 2021-30 to transfer the funding allocated for watershed studies from the general FY 21 Stormwater Improvements Capital Project to the specific Watershed Studies Capital Project. The \$3.5 million appropriation was

inadvertently appropriated to the incorrect capital project on June 29, 2020.

Discussion ensued.

MOTION: Council Member Dawkins moved to adopt Capital Project Ordinance Amendments 2021-29 and 2021-30 as presented.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

6.06 Approval to Apply for Choice Neighborhood Planning Grant

This item was pulled from consent by Council Member Haire for presentation and separate vote. Mr. Douglas Hewett, City Manager, stated the Choice Neighborhood Program leverages significant public and private dollars to support locally driven strategies that address struggling neighborhoods with distressed public housing through a comprehensive approach to neighborhood transformation. The first step of the program is the development of comprehensive neighborhood revitalization plan which focuses on directing resources to address three core goals: Housing, People and Neighborhoods. To achieve these core goals, communities must develop and implement a comprehensive neighborhood revitalization strategy, or Transformation Plan. The Transformation Plan will become the guiding document for the revitalization of the public and/or assisted housing units while simultaneously directing the transformation of the surrounding neighborhood and positive outcomes for families. The Choice Planning grant makes up to \$450,000.00 available for the development of the Transformation Plan and an early action project.

Discussion ensued.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF UNDERSTANDING WITH THE FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY FOR APPLICATION TO THE U.S. HOUSING AND URBAN DEVELOPMENT'S CHOICE NEIGHBORHOODS PLANNING GRANT PROGRAM. RESOLUTION NO. R2020-032

MOTION: Council Member Haire moved to approve the resolution authorizing the City Manager to sign a memorandum of understanding, and work hand-in-hand with the Housing Authority.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

6.07 Consideration of Financial Assistance to the Fayetteville Dogwood Festival due to COVID-19 Impacts

This item was pulled from consent by Council Member Waddell for presentation and separate vote. Mr. Douglas Hewett, City Manager, stated the City received a request from the Fayetteville Dogwood Festival for \$50,000.00 of financial support due to COVID impacts on their operations. The City Council considered this request at the August 5, 2020, work session and the consensus of Council was to approve the release of \$27,000.00 to the Fayetteville Dogwood Festival and defer \$1,000.00 of building rent payments for the period of July through October 2020. This action is to appropriate \$12,000.00 from the adopted FY 2021 budget and include the remaining \$15,000.00, which was not appropriated in FY 2020, as part of the fiscal year designations process this fall. The funds are to be specifically used to aid in event programming.

Discussion ensued.

MOTION: Council Member Waddell moved to approve the appropriation of \$12,000.00 from the adopted FY 2021 budget and include the remaining \$15,000.00 in FY 2020 as end of fiscal year designation later this fall for a total of \$27,000.00 in financial assistance to the Fayetteville Dogwood Festival;

and waive the building rent payments for the period of July through October 2020.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

7.0 STAFF REPORTS

7.01 Fayetteville Police Department 2020 - 2nd Quarter Review

Ms. Gina Hawkins, Police Chief, presented the Police Department 2nd Quarter Review with the aid of a PowerPoint presentation. Chief Hawkins addressed the following items: Crime Statistics, Aggravated Assault Defined, Clearance Rate, Narcotics Unit, Response Times, Professional Standards, Staffing, Recruiting, Achievements, Gang Unit, Community Watch Groups, Community Engagement Trailer, Intern Program, Strategic Plan, Traffic Statistics, and Human Trafficking.

Chief Hawkins presented a video highlighting the Police Department Intern Program and introduced several interns that were present at the meeting.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to receive the Fayetteville Police Department 2019 2nd Quarter Review.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

Mayor Colvin recessed the meeting at 8:45 p.m., and reconvened the meeting at 9:00 p.m.

8.0 PUBLIC HEARINGS

8.01 P20-15F. The request is for a Special Use Permit to build a multi-family duplex in an area zoned Single-Family Residential 6 (SF-6), located at 1805 Bragg Boulevard (Tax Map # 0427-79-0942), 0.22 acres ±, represented by Rodney Davis of RE Davis Builders and being the property of Mary Ann Capps.

Mr. Craig Harmon, Planner, presented this item and stated the property in question was previously developed as single-family residential. The former home has recently been demolished. The owners wish to build a duplex on this now vacant property. According to the Unified Development Ordinance (UDO), a duplex is defined as a Two- to Four-Family Dwelling, which is a residential building containing two, three, or four individual dwelling units located on a single lot. Such units may be part of a single structure, or may be attached by one or more common walls. 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 is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;

- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) 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. Ronnie Davis, 802 Hope Mills Road, Fayetteville, NC, stated he is the builder (RE Davis Builders) and is representing the owner of the property. Mr. Davis appeared in favor.

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

Discussion ensued.

MOTION: Council Member Dawkins moved to approve the Special Use Permit (SUP) to allow a Two- to Four-Family Dwelling, duplex, within the Single-Family 6 (SF-6) District to be built on the subject property as depicted on the site plans and elevations, 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 an Single-Family 6 (SF-16) district, (2) this use complies with the findings, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. The SUP meets all eight findings of fact. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council (September 3, 2020). The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

8.02 P20-07F. Request for a Special Use Permit to allow a duplex to be located in a Single-Family 10 (SF-10) zoning district, located at 440 McPhee Drive (Tax Map # 0427-33-9125), containing 0.38 ± acre and being the property of Patrick Gibney, Sandymount Properties.

Mr. Craig Harmon, Planner, presented this item, with the aid of a PowerPoint presentation and stated a single-family residence is located on the property in question. The existing home is in disrepair and the owners wish to redevelop the property with a duplex (two- to four-family dwelling). According to the Unified Development Ordinance (UDO), a duplex is defined as a Two- to Four-Family Dwelling, which is a residential building containing two, three, or four individual dwelling units located on a single lot. Such units may be part of a single structure, or may be attached by one or more common walls. The Zoning Commission recommended denial on February 11, 2020; however, staff has recommended approval based on additional information provided by the applicant. Since the Zoning Commission meeting, the owner has revised the site plan for this project to better address the concerns received during the Zoning Commission meeting by neighbors. 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 is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) 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.

Ms. Julianne Harrelson, 109 Gillespie, Fayetteville, NC, stated she works for Critical Path Solutions, which is the design build contractor for this item. Ms. Harrelson appeared in favor.

Mr. Delbert Soucier, 109 Gillespie, Fayetteville, NC, stated he works for Critical Path Solutions, which is the design build contractor for this item. Mr. Soucier appeared in favor.

Mr. Patrick Gibney, 206 Oakview Drive, Raeford, NC, stated he is the owner of the property and asked Council to approve the Special Use Permit. Mr. Gibney appeared in favor.

Ms. Nancy McCleary, 435 McPhee Drive, Fayetteville, NC, stated she was not aware of the revised plans for the proposed duplex. Ms. McCleary appeared in opposition.

Mr. Duncan Howard, 438 McPhee Drive, Fayetteville, NC, stated he was not aware for the revised plans for the proposed duplex. Mr. Duncan appeared in opposition.

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

MOTION: Council Member Wright moved to approve the Special Use Permit (SUP) to allow a Two- to Four-Family Dwelling, duplex, within the Single-Family 10 (SF-10) District to be built on the subject property as depicted on the site plan and elevations, 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 a Single-Family 10 (SF-10) district, (2) this use complies with the findings, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. The SUP meets all eight findings of fact. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is September 3, 2020. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Banks-McLaughlin
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Ingram, Haire, Dawkins and Kinston)

8.03 P20-28F. The request is to issue a Special Use Permit to allow an automotive wrecker service on property zoned Community Commercial (CC), located at 4800 and 4802 Murchison Road (Tax Map # (0429-33-2524, 0429-33-2447 and 0429-33-3405), near the intersection of Murchison and Bowden Roads, containing 1.15 acres ± and being the property of Steven McBride, represented by Henry Tyson, Tyson Commercial Real Estate.

MOTION: Council Member Haire moved to table this item for 30 days.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.01 Annual Communication from Independent Auditors Regarding FYE 2020 Audit

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

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:21 p.m.