

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
AUGUST 9, 2021
7:00 P.M.**

Present: Mayor Mitch Colvin

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

Absent: Council Member Tisha S. Waddell (District 3)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Rebecca Jackson, Chief of Staff
Gina Hawkins, Police Chief
Mike Hill, Fire Chief
Gerald Newton, Development Services Director
Chris Cauley, Economic and Community Development Director
Kenneth Mayor, Interim Corporate Communications Director
Taurus Freeman, Planning and Zoning Manager
Craig Harmon, Senior Planner
David Nash, Senior Planner
Scott Bullard, Emergency Management Coordinator
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 Haire.

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

Mr. Scott Bullard, Emergency Management Coordinator, provided a COVID-19 update.

A Celebration of Life Remembrance and Tribute Presentation was shown to honor former Council Member Bill Crisp.

Ms. Traneika Fuller, Director of Education, and Ms. Jenny Long, Director of Career Services, Miller-Motte College, shared information about Miller-Motte College and their programs.

Council Member Ingram announced on August 14, 2021, from 10:00 a.m. to 3:00 p.m. a COVID-19 vaccination clinic will take place at FAST. "Gotcha Back at FSU" will take place on August 15, 2021, beginning at 11:00 a.m. for children to come collect school supplies.

Council Member Ingram reminded everyone about the ERAP Program. To apply for the program residents can call 1-888-495-7710.

Council Member Haire announced a Blood Drive will take place on August 10, 2021, from 11:00 a.m. to 4:00 p.m. at Mount Sinai Missionary Baptist Church on Murchison Road.

5.0 CITY MANAGER REPORT

Mr. Chris Cauley, Economic and Community Development Director, provided an update on the Emergency Rental Assistance Program.

Mayor Colvin congratulated Ms. Karen McDonald, City Attorney, on becoming the 2021-22 President of the North Carolina Municipal Attorney's Association.

6.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Jensen moved to approve the agenda with the exception of Items 10.01 and 11.02, continued to the September 27, 2021, regular City Council meeting agenda, at the request of the developer.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

7.0 CONSENT AGENDA

MOTION: Council Member Banks-McLaughlin moved to approve the consent agenda with the exception of Item 7.05, removed to be placed on a future agenda as a public hearing item, and to pull Items 7.07 and 7.08 for presentation and separate votes.
SECOND: Council Member Davis
VOTE: UANIMOUS (10-0)

7.01 Approval of Meeting Minutes:
June 23, 2021 - Agenda Briefing
June 28, 2021 - Discussion of Agenda Items
June 28, 2021 - Regular

7.02 SUP21-02: Order of Approval - Findings of Facts. Special Use Permit to construct and operate a self-service storage mini warehouse at 4209 Bragg Boulevard (REID # 0418557140000), zoned as Limited Commercial (LC), being 4.11 acres ± and being the property of Fluffy, LLC, represented by William Daniel of William G. Daniel & Associates.

7.03 P21-37. Initial Zoning from Cumberland County PND and R10 to Single-Family Residential 10 (SF-10), located off of McCloskey Road (REID # 0531871221000), totaling 40.69 acres ±, and being the property of William E. Clark, represented by Jimmy Kizer of Moorman, Kizer & Reitzel, Inc.

7.04 P21-38. Initial Zoning of two properties from Cumberland County Planned Office & Institutional - O&I (P) to Office & Institutional (OI), located at 5980 and 6000 Ramsey Street, (REID #s 0530875538000 and 0530874682000), totaling 0.99 acres ±, and being the property of Michele Jones of Cape Fear Orthopedics and represented by E.C. (Ned) Garber III.

7.05 This item was removed from the agenda.

7.06 P21-42. Conditional Zoning from Community Commercial (CC) to Community Commercial Conditional Zoning (CC/CZ), located at 1707 Owen Drive (REID # 0426155731000), totaling 7.11 acres ±, and being the property of HI Fayetteville LLC C/O Summit Investment MGMT LLC., Mountain Classic Real Estate, Project Developers.

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

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

7.09 Resolution Accepting an Amended State Loan Offer under the NC Water Revolving Loan and Grant Act of 1987

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. R2021-051

7.010 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 512 Moore Street

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. R2021-052

7.011 Acceptance of the Airport American Rescue Plan Act (ARPA) of 2021 Grant Offer

Acceptance of the ARPA Grant Offer for \$2,976,320.00, Grant No. 3-37-0021-051-2021, and authorize the City Manager to execute the ARPA Grant.

7.012 Bid Recommendation - Replace Standby Power Generator at the Rockfish Water Reclamation Facility

Award the purchase and installation of Replace Standby Power Generator at the Rockfish Water Reclamation Facility to PowerSecure, Inc., Wake Forest, NC, the lowest responsive, responsible bidder for the Base Bid with Alternate 2 (Tier 4 System) in the total amount of \$3,448,497.00.

7.013 Bid Recommendation - Prefabricated Relay Control House for the Black and Decker 69 to 15kV Substation

Award the contract for the Prefabricated Relay Control House for the Black and Decker 69 to 15kV Substation to VFP Inc., Roanoke, VA, the lowest responsive, responsible bidder in the total amount of \$227,956.00.

7.014 Bid Recommendation - Five (5) 16,000 GVW 4X4 with Enclosed Body

Award the purchase of Five (5) 16,000 GVW 4X4 with Enclosed Body to Piedmont Truck Center, Inc., Greensboro, NC, the lowest responsive, responsible bidder in the total amount of \$329,645.00.

7.015 Bid Recommendation - One (1) 35,000 lb. Rubber Tire Loader

Award the purchase for One (1) 35,000 lb. Rubber Tire Loader to National Equipment Dealer, Lexington, NC, the lowest responsive, responsible bidder in the total amount of \$161,250.00.

7.016 Bid Recommendation - Relay Control Switchboards for the Black & Decker 69 to 15 kV Substation

Award the contract for the Relay Control Switchboards for the Black and Decker 69 to 15kV Substation to Birmingham Control Systems, Inc., Bessemer, AL, the lowest responsive, responsible bidder in the total amount of \$194,070.00.

7.05 P21-40. Conditional Zoning of four properties from Single-Family Residential 6 (SF-6) to Limited Commercial/Conditional Zoning (LC/CZ), located at 1464 Bingham Drive, 6309 Crestwood Avenue, 6304 Denver Drive, and 1492 Bingham Drive, (REID #s 0406444567000, 0406443612000, 0406442492000, and 0406444347000) containing 2.56 acres ± and being the property of Karen Ehle,

Richard and Karen Johnson represented by Lori Epler of Larry King & Associates.

MOTION: Council Member Davis moved to table this item and bring back to Council as a public hearing item on a future agenda.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0)

7.07 Adoption of Special Revenue Fund Project Ordinance 2022-4 to Appropriate a Grant to the Fayetteville Police Department for the Crisis Intervention Program from the Cumberland Community Foundation, Inc.

Ms. Gina Hawkins, Police Chief, presented this item and stated as changes are occurring across the country regarding policing and crisis intervention, it is imperative that the Fayetteville Police Department (FPD) stays abreast of industry standards and changes that are occurring. It is the FPD's utmost priority to ensure that they are taking all necessary steps and precautions to properly train officers to mitigate and reduce possible use of force incidents, particularly involving individuals that may be in crisis. Research indicates that as of 2014, almost 10 percent of all police calls for service involved someone with a mental illness. These individuals too often end up in jails rather than receiving interventions that provide crisis response, stabilization, and linkage to appropriate community-based services. The FPD Crisis Intervention Program will help address these issues within our community.

This grant from Cumberland Community Foundation will provide funding to support activities of the FPD Crisis Intervention Program including integration of third-party behavioral health services and staff training. Crisis Assessment Response Engagement Services, in partnership with Cumberland County CommuniCare, Inc., will provide behavioral health professionals to work closely with the law enforcement team and to be on-call to ride-along on patrol to provide a team approach for crisis intervention. FPD will also send nine sworn law enforcement personnel to attend a train-the-trainer program for Mental Health First Aid for Public Safety. This training will provide officers with the tools to recognize signs and symptoms of mental illness while equipping them with intervention strategies to defuse crisis situations they encounter during calls for service. Once those nine officers are trained, they will return and provide training for all sworn law enforcement officers in the department.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to adopt Special Revenue Fund Project Ordinance 2022-4 as presented.

SECOND: Mayor Pro Tem Jensen

VOTE: UNANIMOUS (9-0)

7.08 Adoption of Special Revenue Fund Project Ordinance 2022-3 for the FY22 Juvenile Restitution Program

Ms. Gina Hawkins, Police Chief, presented this item and stated the City has been awarded grant funding for fiscal year 2021-2022 for the Fayetteville-Cumberland County Juvenile Restitution Program. Council is asked to adopt Special Revenue Fund Project Ordinance 2022-3 to accept the grant funding and appropriate \$77,558.00 needed for personnel and operating costs for fiscal year 2021-2022. The funding sources for this program include a \$53,255.00 grant awarded by the North Carolina Department of Public Safety, a local match of \$12,152.00 from Cumberland County and the City's local match of \$12,151.00.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to adopt Special Revenue Fund Project Ordinance 2022-3 as presented.

SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

MOTION: Council Member Banks-McLaughlin moved to add an item (11.05) to the agenda regarding Public Safety.

SECOND: Council Member Ingram

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Jensen and Dawkins)

8.0 STAFF REPORTS

8.01 Fayetteville Police Department 2021 2nd Quarter Review

Ms. Gina Hawkins, Police Chief, presented the Police Department 2021 2nd Quarter Review. Chief Hawkins presented information on crime statistics, crime trend analysis, community engagement, electronic monitoring, offender charts, Federal partnerships, violent crime case study, firearm seizures, narcotic unit investigations, traffic fatalities, response times, internal affairs, staffing, and commitment to our Core Values, Vision Statement and Mission Statement.

8.02 Fayetteville Fire Department 2021 2nd Quarter Review

Mr. Mike Hill, Fire Chief, presented the Fire Department 2021 2nd Quarter Review. Chief Hill presented information on personnel highlights, diversity, call volume, response times, fire responses, Aquarama Pet Store fire, EMS/Rescue, hazardous materials, fire prevention, community engagement, new fire trucks, Fire Station 4, and recruitment announcements.

9.0 PUBLIC FORUM

Ms. Patricia Nebbans, 5451 Hubble Drive, Fayetteville, NC 28314, expressed concerns regarding the "United Management Two" apartment complex managers.

Mr. Curtis Brown, 249 Puddingstone Drive, Fayetteville, NC 28311, expressed concerns regarding Greystone Farms subdivision.

Ms. Kim Bennett, 2540 Matthew Thomas Circle, Fayetteville, NC 28314, expressed concerns regarding the apartment management at West Fayetteville Place.

Mayor Colvin recessed the meeting at 9:17 p.m., and reconvened the meeting at 9:25 p.m.

10.0 LEGISLATIVE HEARINGS

10.01 AP21-36. Initial Zoning from Cumberland County Residential 15 (R15) to Single Family 10 (SF-10), on Kimberwicke Drive, (REID# 0541120180000), totaling 29.89 acres ±, and being the property of Dohn Broadwell Jr., Broadwell Land Company. (Appeal of Zoning Commission Denial)

This item was pulled from the agenda to be placed on the September 27, 2021, agenda, at the written request of the developer.

11.0 PUBLIC HEARINGS

11.01 P21-41. Conditional Zoning of two properties from Limited Commercial (LC) and Single-Family Residential 6 (SF-6) to Light Industrial Conditional Zoning (LI/CZ), located at 454 Cedar Creek Road (REID #s 0446594037000 and 0446583817000), totaling 4.01 acres ±, and being the property of Vishnu Patel of 3 Star Fayetteville, LLC, represented by Robert Balland of Paramounte Engineering, Inc.

Mr. Craig Harmon, Senior Planner, presented this item and stated the applicant, Robert Balland of Paramounte Engineering Inc. on behalf

of Vishnu Patel of 3 Star Fayetteville, LLC, is requesting to conditionally rezone two properties to Light Industrial Conditional Zoning (LI/CZ) to allow for the development of a 4.01-acre portion of the site. The proposed development will consist of an existing gas station being converted into a truck stop.

On June 15, 2021, the Zoning Commission voted unanimously (5-0) to deny the request. The applicant has filed an appeal of the Zoning Commission's recommendation. Professional City Planning Staff recommends approval of the map amendment to LI/CZ based on the following:

- The proposed zoning map amendment does implement the policies adopted in the Comprehensive Plan Future Land Use Plan (FLUP) and the Strategic Operating Plan;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- The proposed change is in accordance with the existing or proposed plans for the area; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

This request is a legislative hearing.

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

Mr. Johnathan Charleston, attorney representing the property owner, appeared in favor and requested Council approve the map amendment to LI/CZ.

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

Discussion ensued.

MOTION: Council Member Ingram moved to approve the map amendment to LI/CZ.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

11.02 AX21-003: Annexation request for the proposed Greystone South Subdivision, located on the southern edge of Greystone Farms (REID # 0541120180000), consisting of 29.89 acres and being the property of Broadwell Land Company; related to P21-36: Initial Zoning.

This item was pulled from the agenda, to be placed on the September 27, 2021, agenda, at the written request of the developer.

11.03 AX21-004: Annexation request for the proposed Coventry Woods Subdivision, located on the south side of McCloskey Road (REID # 0531871221000), consisting of 40.69 acres and being the property of William E. Clark; related to P21-37: Initial Zoning

Mr. David Nash, Senior Planner, presented this item and stated the applicant, William Clark, has submitted a request to annex 40.69 acres on the south side of McCloskey Road. The land is currently vacant, but a new residential subdivision to be known as Coventry Woods is proposed for development. Staff recommends annexation of this property. Staff also recommends approval of the initial zoning to Single-Family Residential 10 (SF-10) in the City.

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

Mr. Jimmy Kizer, 115 Broadfoot Drive, Fayetteville, NC 28301, Civil Engineer for the project, appeared in favor and requested Council approve the annexation request.

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

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to table this item to the September 27, 2021, meeting; allowing additional time to further notify residents of the annexation request in the surrounding neighborhoods.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (9-0)

11.04 AX21-005: Annexation request for two properties, located at 5980 Ramsey and a portion of 6000 Ramsey Street (REID #s 0530875538000 and 0530874682000), consisting of 0.99 acres, and being the property of GCKMB LLC.; related to P21-38, Initial Zoning.

Mr. David Nash, Senior Planner, introduced this item.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ANNEXATION ORDINANCE NO. 2021-08-577 (Proposed Coventry Woods Subdivision - Located on Southern Side of McCloskey Road Part of One PIN: 0531-87-1221, REID: 0531871221000)

MOTION: Mayor Pro Tem Jensen moved to adopt the proposed ordinance annexing the area effective August 9, 2021, and establish the initial zoning consistent with the prior action on the zoning case.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

11.05 Hoke Loop Area Traffic Accidents

Council Member Banks-McLaughlin stated she is seeking support from Council to request assistance from NCDOT, PWC/Lumbee, and other supportive departments to seek study and/or resolution to implement lighting, road reflectors, railing and/or caution lights off Hoke Loop Road. The target area is from Hodhat Drive to S. Raeford Road. Another accident took place this morning and the others within the last few months. These accidents are all in the same area (James Creek subdivision), just a few steps from hitting someone's home or possibly killing someone.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to take official action to install a guard rail and/or add warning signage, and reflectors.

SECOND: Council Member Kinston

VOTE: FAILED by a vote of 3 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Davis and Wright)

Discussion ensued.

MOTION: Council Member Davis moved to direct the City Manager to contact and work with NCDOT and FAMPO regarding safety

issues and bring this item back to City Council as soon as possible.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Ingram and Banks-McLaughlin)

12.0 ADMINISTRATIVE REPORTS

12.01 Annual Communication from Independent Auditors Regarding FY 2021 Audit

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

12.02 TA21-007: Updates to City Charter to comply with Chapter 160D of the North Carolina General Statutes

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

13.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:33 p.m.