

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
FAST CONFERENCE ROOM
DECEMBER 13, 2021
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); D. J. Haire (District 4); Johnny Dawkins (District 5) (via zoom); 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
Lisa Harper, Assistant City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Gina Hawkins, Police Chief
Gerald Newton, Development Services Manager
Jodi Phelps, Corporate Communications Director
Chris Cauley, Economic and Community Development Director
Craig Harmon, Senior Planner
Jennifer Baptiste, Senior Planner
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 RECOGNITIONS

Mr. Scott Bullard, Emergency Management Coordinator, provided a COVID-19 Update, and stated we are on day 638 of the State of Emergency.

Council Member Wright stated Heal the Land Ministries will provide COVID vaccinations Monday through Friday 9:00 a.m. to 5:00 p.m.

Council Member Haire announced the Westover Wolverines Football team will celebrate for a phenomenal year at the Westover Recreation Center on December 17, 2021, at 2:30 p.m.

Council Member Ingram stated the Cool Spring Downtown District will be hosting a New Year's Eve Spectacular called the "Night Circus", the event will take place at Festival Park, and gates will open at 7:30 p.m.

Ms. Seron Grey provided information on "A Home for All"; a Homeless Veteran Housing program.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated Council Member Ingram has already announced the Cool Spring Downtown District will be hosting a New Year's Eve Spectacular called the "Night Circus", the event will take place at Festival Park, and gates will open at 7:30 p.m.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda with the addition of Item 9.02, Appointment of a Candidate to Council Member District 3.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

7.0 CONSENT AGENDA

7.01 Approval of Meeting Minutes:

November 8, 2021 - Discussion of Agenda Items
November 8, 2021 - Regular
November 17, 2021 - Agenda Briefing
November 22, 2021 - Discussion of Agenda Items

7.02 P21-58. Rezoning of a property from Single-Family Residential 10 (SF-10) to Office & Institutional (OI), 2236 Hope Mills Road (REID # 0416004465000), 0.35 acres ± and being the property of Equity Trust Company, represented by Jennifer Cooney.

7.03 P21-60. Rezoning of a property from Agricultural Residential (AR) to Single-Family Residential 6 (SF-6) in Fayetteville, 2045 Rim Road (REID # 9486576509000), 0.52 acres ± and being the property of Ken Meyer, Axias Holdings, LLC.

7.04 Text Amendment and Rezoning for Colleges and Universities

Due to recommendations identified as part of both the Murchison Road/Bragg Boulevard Plan and the Future Land Use Plan and Map, staff is preparing to rezone properties identified as being owned and associated with local universities and colleges. Specifically, the rezonings will cover properties associated with Fayetteville State University, Methodist University, and Fayetteville Technical Community College.

7.05 Resolution to support RLUAC Bylaws changes

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ADOPTING THE FORT BRAGG REGIONAL LAND USE ADVISORY COMMISSION BYLAW REVISIONS. RESOLUTION NO. R2021-075

7.06 Resolution to Adopt the Amended North Carolina General Records Schedule and General Program Records Schedule for Local Government Agencies Retention and Disposition Schedule

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPROVING THE NORTH CAROLINA GENERAL RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES AND THE PROGRAM RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES RECORDS RETENTION AND DISPOSITION SCHEDULES ISSUED OCTOBER 1, 2021. RESOLUTION NO. R2021-076

7.07 Addition of Certain Streets to the City of Fayetteville System

The Fayetteville street system includes 747.72 centerline miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance with the City's standards and can be designated for private or public ownership and maintenance. When streets are constructed to City standards, it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major city streets.

Staff has identified four recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets. These streets and drainage systems within the street rights-of-way have been inspected by staff and

are now acceptable for addition to the City of Fayetteville system of streets. The 0.54-mile addition will bring the City's street system total to 748.26 miles.

7.08 Approval of an Ordinance for a State System road closure for the New Year's Eve Celebration

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE NEW YEARS EVE CELEBRATION. ORDINANCE NO. NS2021-036

7.09 Adoption of Capital Project Ordinance Amendment 2022-42 to Provide Funding for Watershed Studies

Capital Project Ordinance Amendment 2022-42 will appropriate a \$1,000,000.00 transfer of Stormwater Operating Funds to provide additional funding for watershed studies.

7.010 Revision of City Ordinance on Weapons (Sec 17-4)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 17-4, USE OF FIREARMS REGULATED, OF CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-046

7.011 "Can Do" Branding Flag and Seal Options - North Star Place Branding + Marketing

Accept the design options brought forth by North Star Place Branding + Marketing and select one of the options as the official option to add to the City's "Can Do" branding package.

7.012 Approval of Amendment to the Interlocal Agreement on Homelessness with Cumberland County

Approve and authorize the Mayor to execute the amendment to the Interlocal Agreement on Homelessness with Cumberland County to adjust the membership.

7.013 Approve the Purchase of the FususONE Software Platform.

Approve the purchase of the FususONE Software Platform in the amount of \$100,000.00 from FususONE, Corners, Georgia, in accordance with the "sole source" bidding exception allowed by N.C.G.S. § 143-129(e) (6).

7.014 Bid Recommendation - Annexation Phase V Area 24 B/C - Cliffdale Estates, Village Hills & Kings Mill Subdivision approve to award contract to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder in the total amount of \$7,208,567.50

Bids were received October 12, 2021, as follows:

J. Smith Civil, LLC, Goldsboro, NC	\$7,046,992.57
T. A. Loving Company, Goldsboro, NC	\$7,208,567.50
Billy Bill Grading, Inc., Fayetteville, NC	\$11,028,908.28

8.0 PUBLIC FORUM

Ms. Shannon Ward, no address provided, expressed concerns regarding Monte Claire Park access.

Ms. Audrey Houser, 849 Brighton Road, Fayetteville, NC, expressed concerns regarding Monte Claire Park access.

Mr. Imam Eronomy Mohammad Smith, 2800 Murchison Road, Fayetteville, NC, addressed issues regarding the state of the City.

9.0 PUBLIC HEARINGS

9.01 Public Hearing to Allow Residents to Speak on Matters Related to the City Council Appointment of a Candidate to the Vacant Position of Council Member District 3

Ms. Myah Warren, 969 Bassman Lane, Apt 306, Fayetteville, NC (District 7), appeared in favor of Mario Benavente.

Ms. Jamaica Graham, 1561 Diamond Road, Fayetteville, NC (District 3), appeared in opposition of Kurin Keys and in favor of Mario Benavente.

Ms. Nicole Baez, 7022 Kittridge Drive, Fayetteville, NC (District 9), spoke in favor of Kurin Keys.

Ms. Faviola Vizcarra, 361 Bubble Creek Road, Fayetteville, NC (District 1), appeared in favor of Mario Benavente.

Ms. Stephanie Lane, 408 GlenEagles Court, Fayetteville, NC (District 3), appeared in favor of Mario Benavente.

Ms. Alvinetris "Allie" Midgette, 3487 Thamesford Road, Fayetteville, NC (District 3), appeared in favor of Meleisa Lane.

Ms. Erika Wilson-Burns, 3529 Hastings Drive, Fayetteville, NC (District 3), appeared in favor of Mario Benavente.

9.02 Appointment of a Candidate to City Council, District 3

Candidate	Round 1	Round 2
Guillermo Ayrebe	-	
Mario Benavente	Banks-McLaughlin, Ingram, Kinston	Banks-McLaughlin, Ingram, Kinston
Jesse Brunson	-	
Mike Dobs	-	
Kathi Harrington-Gibson	-	
Antonio Jones	Colvin, Haire, Jensen, Wright	Colvin, Haire, Jensen, Wright, Davis, Dawkins
Kurin Keys	Davis, Dawkins	
Meleisa Lane	-	
Raymond Makar	-	
Cynthia Swindon-Leeks	-	
John Zimmerman	-	

Dr. Antonio Jones was appointed as the District 3 City Council member by a vote of six Council members.

10.0 LEGISLATIVE HEARINGS

10.01 TA21-016: Proposed Text Amendments to the Unified Development Ordinance for Statements of Consistency and Reasonableness for Zoning Amendments, Pursuant to the North Carolina General Statutes

Ms. Alicia Moore, Senior Planner, presented this item and stated Chapter 160D of the North Carolina General Statutes (G.S.) requires statements of plan consistency and reasonableness as part of the review and approval process for amendments to the City’s zoning regulations. The City’s Unified Development Ordinance (UDO) must be updated to align with these statutory requirements.

A *statement of consistency*, which evaluates whether the proposed amendment is consistent with the City’s comprehensive plan (the Future Land Use Map and Plan) and any other applicable plan, is required for both text and map amendments. An additional *statement of reasonableness*,

which may consider several factors including the public interest, is required for map amendments.

In general, these statements are included in the recommendation from the planning review board (Planning Commission or Zoning Commission) and approved by the City Council. The City Council may approve the statements as provided, or the City Council may revise the statements before approving them. To ensure compliance with the statutory requirements, the City Council's motion to adopt or deny the underlying proposed zoning amendment should refer to and approve the requisite statements.

Statements of consistency and reasonableness have already been implemented into the review processes by the Planning Commission and Zoning Commission for all zoning amendments, in compliance with G.S. Chapter 160D. The purpose of these proposed text amendments is to implement procedural clarifications to the text of the Unified Development Ordinance (UDO) to reflect the requirements of the State law.

Discussion ensued.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SUBSECTIONS OF ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-047

MOTION: Council Member Ingram moved to adopt the proposed text amendments to align the City Code with the requirements of North Carolina law.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

11.0 ADMINISTRATIVE REPORTS

11.01 Council Member District Residents Recognition

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

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:19 p.m.