

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
FAST CONFERENCE ROOM
FEBRUARY 28, 2022
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Antonio Jones (District 3) (via zoom); D. J. Haire (District 4) (via zoom); 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
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Rebecca Jackson, Chief of Staff
Gina Hawkins, Police Chief
Jodi Phelps, Corporate Communications Director
Jennifer Baptiste, Planning and Zoning Manager
Craig Harmon, Senior Planner
Robert Van Geons, FCEDC President/CEO
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 Jones.

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 Ingram announced Fayetteville State University won the CIAA Championships in Volleyball, Men's Basketball, Cross Country, and Indoor Track.

Mayor Colvin presented a proclamation proclaiming March 18, 2022, to be Transit Driver Appreciation Day.

Mayor Pro Tem Jensen presented a proclamation focusing on Heart, Equality, and Resilience (HER) and proclaiming the month of March 2022 and the week of March 7-11, 2022, as HER Fayetteville; HER WEEK.

Council Member Ingram presented read a proclamation proclaiming the month of February 2022 to be Black History Month.

Mayor Colvin presented a proclamation proclaiming the month of March 2022 as American Red Cross Month.

Ms. Rebecca Jackson, Chief of Staff, stated the "Heart Equity and Resilience" (HER) Fayetteville week is in partnership with community organizations on planning events which will take place virtually and in person the week of March 7-11, 2022.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated he does not have a report for this meeting.

6.0 APPROVAL OF AGENDA

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

7.0 CONSENT AGENDA

MOTION: Council Member Wright moved to approve the consent agenda, with the exception of Item 7.02; pulled for discussion and separate vote.
SECOND: Mayor Pro Tem Jensen
VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:
February 7, 2022 - Work Session
February 14, 2022 - Discussion of Agenda Items

7.02 This item was pulled for discussion and separate vote.

7.03 P21-56. Initial Zoning from Residential 6 (R6) Cumberland County to Mixed Residential 5/Conditional Zoning (MR-5/CZ), located at 3117, 3007 and 3113 Cope Street (REID #s 0426507984000, 0426518204000, 0426517196000, 0426517099000, and 0426517081000), containing 0.83 acres ± and being the property of Terry Miller, T & W Investments.

7.04 P22-01. Rezoning of a property from Mixed-Residential 5 (MR-5) to Community Commercial (CC), 2725 W. Rowan Street (REID # 0437267682000), 12.06 acres ± and being the property of the City of Fayetteville, represented by Kecia Parker, City of Fayetteville Real Estate Manager.

7.05 Adopt Resolution to Accept a Report of Unpaid Taxes from Cumberland County and Direct the Advertisement of Tax Liens

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2022-004

7.06 Adoption of Special Revenue Fund Project Ordinance 2022-11 to Appropriate the FY21 Edward Byrne Memorial Justice Assistance Grant (JAG)

Special Revenue Fund Project Ordinance 2022-11 to appropriate \$154,881.00 of federal funds, awarded by the U.S. Department of Justice (US DOJ), for the FY21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. No local match is required. The grant provides funding for server upgrades, K9 vehicle alarm and door upgrades, iPad protection cases and keyboards, narcotic detection devices, elderly assistance program expansion, and lactation pods.

7.07 Adoption of Special Revenue Fund Project Ordinance Amendment 2022-4 to Appropriate Federal Forfeiture Funds and NC Substance Tax Received to Date as of February 1, 2022.

Special Revenue Fund Project Ordinance Amendment 2022-4 will appropriate \$261,627.00 in Federal Forfeiture and NC Substance Tax funds received as of February 1, 2022, to provide additional resources for law enforcement purposes.

7.08 Approval of Installment Financing and Adoption of Resolution for Various Vehicles and Equipment Purchases

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A SECURITY AGREEMENT, AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF VARIOUS VEHICLES AND EQUIPMENT FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2022-005

7.09 Resolution Declaring 1431 Marlborough Road Surplus and Authorizing Sealed Bid Sale of Property

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA DECLARING 1431 MARLBOROUGH ROAD SURPLUS AND AUTHORIZING THE SALE OF BY ADVERTISEMENT FOR SEALED BIDS. RESOLUTION NO. R2022-006

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 213 Hawthorne Road

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. R2022-007

7.011 Uninhabitable Structures Demolition Recommendations

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 COUNCIL. 116 Dunn Road, PIN # 0447-32-2295. ORDINANCE NO. NS2022-008

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 COUNCIL. 2003 Bain Drive, PIN # 0408-84-0759. ORDINANCE NO. NS2022-009

7.012 Adoption of a Resolution to Rescind Demolition Ordinance

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, RESCINDING DEMOLITION ORDINANCE NO. NS2020-007, 6323 Milton Drive, PIN # 0406-22-9289. RESOLUTION NO. R2022-007

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, RESCINDING DEMOLITION ORDINANCE NO. NS2021-007, 8804 Tin Lizza Drive, PIN # 9477-45-6504. RESOLUTION NO. R2022-008

7.013 Adoption of Capital Project Ordinance Amendments 2022-53 and 2022-54 to Re-Appropriate Funds Remaining in Completed Bicycle Master Plan Project to Provide Additional Funding for the Computerized Traffic Signal System Upgrade Project

Capital Project Ordinance Amendments 2022-53 and 2022-54 to re-appropriate \$14,673.00 remaining in the completed Bicycle Master Plan project to increase the required local funding match for the Computerized Traffic Signal System Upgrade project.

In 2019, the City entered into a municipal agreement with the North Carolina Department of Transportation (NCDOT) to upgrade the traffic signal system.

Upon completion, the local share was estimated to be \$188,619.00. Due to increased construction costs, the local share of the project costs exceeds the current budget by \$14,673.00. The total project

cost, including NCDOT and this City participation, totals \$8,963,676.00.

7.014 Amendment to Resolution No. R2021-077 - Official Censure of Council Member Ingram

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, IN SUPPORT OF OFFICIAL CENSURE - COUNCIL MEMBER INGRAM. AMENDED RESOLUTION NO. R2021-077

7.015 Resolution Accepting a State Loan Offer Under the Safe Drinking Water Act Amendments of 1996

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT A STATE LOAN OFFER UNDER THE SAFE DRINKING WATER ACT AMENDMENTS OF 1996. RESOLUTION NO. R2022-009

7.016 Adoption of Capital Project Ordinance Amendments 2022-51 and 2022-52 to Appropriate Payment-In-Lieu-Of Resurfacing Revenue to the FY2021 and FY2022 Street Resurfacing Projects

Capital Project Ordinance Amendments 2022-51 and 2022-52 to appropriate \$34,116.00 of revenue from payments-in-lieu-of resurfacing to the FY2021 Street Resurfacing project and \$135,402.00 of revenue from payments-in-lieu-of resurfacing to the FY2022 Street Resurfacing project, respectively.

7.02 Amending Ordinance, Section 1-8, City Seal, of the Code of Ordinances of the City of Fayetteville

MOTION: Mayor Pro Tem Jensen moved to direct the graphic designer of the seal to revise the design and send back options to the Council.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.0 STAFF REPORTS

8.01 Federal Advocacy Agenda

Ms. Leslie Mozingo, Federal Advocacy Consultant, presented this item and stated the City of Fayetteville engages with the federal government and pursues funding assistance for strategic focus areas identified in the City's adopted Strategic Plan. These efforts ensure protection and preservation of essential community assets and resources allowing the City to thrive.

Ms. Mozingo briefed City Council regarding the upcoming agenda for the National League of Cities Conference scheduled for March 14-16, 2022, and shared important talking points for Council members that will be in attendance.

Discussion ensued.

MOTION: Council Member Dawkins moved to adopt the 2022 Federal Advocacy Agenda to include additional items in the discussion.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

8.02 Fayetteville Fire Department 2021 4th Quarter Review

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

Discussion ensued.

MOTION: Council Member Ingram moved to accept the Fire Department 2021 4th Quarter Review.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (10-0)

8.03 Fayetteville Police Department 2021 4th Quarter Review

Ms. Gina Hawkins, Police Chief, presented the Police Department 2021 4th 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.

Discussion ensued.

MOTION: Council Member Wright moved to accept the Police Department 2021 4th Quarter Review.
SECOND: Council Member Kinston
VOTE: UNANIMOUS (10-0)

8.04 City Wide Camera Operating System Presentation

Ms. Gina Hawkins, Police Chief presented this item and stated the initial City Wide Camera System project was created several years ago to place cameras, monitored by Fayetteville Police Department (FPD), within the City to assist in crime prevention, law enforcement and provide a greater sense of community safety. FPD identified critical areas needing enhanced video coverage to ensure effective and efficient enhancements for community safety and security. Chief Hawkins provided an update on the City Wide Camera Operating System, the new camera implementation phases and possible future needs throughout the City.

Discussion ensued.

MOTION: Council Member Wright moved to accept the City Wide Camera Operating System Presentation.
SECOND: Council Member Kinston
VOTE: UNANIMOUS (10-0)

9.0 EVIDENTIARY HEARINGS

9.01 SUP22-01. Special Use Permit to allow two Two- to Four-Family Dwelling (4 duplexes units) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 5473 and 5487 Grimes Road (REID #s 9495042533000 and 9495042308000), totaling 1.13 acres ± and being the property of SXANGG INVESTMENT GROUP LLC.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner is requesting to construct two duplex style units on two lots (one building on each lot). The buildings will be built as one duplex on one property and another on the other. Properties to the north, south and east are all zoned SF-6 - Single-Family 6. The properties to the west, across Grimes Road are all zoned AR - Agricultural Residential. The use of all of the surrounding lots is currently single-family residential.

The Special Use Permit 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 forth for this date and time. The public hearing was opened.

Ms. Lori Epler, 1333 Morganton Road, Fayetteville, NC, appeared in favor and stated she is the applicant for the property owner. Ms. Epler provided testimony to support the Special Use Permit does meet all eight findings of fact.

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

Discussion ensued.

MOTION: Council Member Davis moved to approve the Special Use Permit (SUP) to allow the construction of two Two- to Four-Family Dwellings (two duplexes for a total of four housing units total) subject to the conditions identified and the submitted site plans and conforming to the current Unified Development Ordinance standards as depicted on the site plan, 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 6 (SF-6) zoning district and (2) this use complies with the findings listed and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective with the approval of the Order of Findings by the City Council. 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)

9.02 SUP22-02. Special Use Permit to allow nine Single-Family Attached Dwellings (townhomes) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 6322 Raeford Road on Little Drive (REID # 0407305808000), totaling 2.25 acres ± and being the property of RAMSEY PLAZA LLC.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner is requesting to construct nine townhome style units on the lot. The units would be built side by side. The surrounding properties are a mix of single-family and commercially zoned and used properties.

In the City's Unified Development Ordinance (UDO) townhomes are defined as a Single-Family Attached Dwelling which must have two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall which is shared by two or more individual dwelling units along the lot line.

The Special Use Permit 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 forth for this date and time. The public hearing was opened.

Mr. George Rose, P.O. Box 53441, Fayetteville, NC, appeared in favor and stated he is the applicant for the property owner. Mr. Rose provided testimony to support the Special Use Permit does meet all eight findings of fact.

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

Discussion ensued.

MOTION: Council Member Wright moved to approve the Special Use Permit (SUP) to allow the construction of nine Single-Family Attached Dwellings (townhomes) subject to the conditions identified and the submitted site plans and conforming to the current Unified Development Ordinance standards as depicted on the site plan, 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) zoning district and (2) this use complies with the findings listed and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective with the approval of the Order of Findings by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

9.03 SUP21-09. Special Use Permit to allow four Single-Family Attached Dwellings (Townhome units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 611 Law Road (REID # 0439858626000), totaling 0.90 acres ± and being the property of Olajuwon Morgan, PalmHaven, LLC.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner is requesting to construct four townhome style units on the lot. The units would be built side by side. All of the surrounding properties are zoned SF-10 and there is existing multi-family development to the east, west, and south.

In the City's Unified Development Ordinance (UDO) townhomes are defined as a Single-Family Attached Dwelling which must have two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall which is shared by two or more individual dwelling units along the lot line.

The Special Use Permit 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 forth for this date and time. The public hearing was opened.

Mr. Olajuwon Morgan, 406 Raynor Drive, Fayetteville, NC, appeared in favor and stated he is the applicant for the property owner. Mr. Rose provided testimony to support the Special Use Permit does meet all eight findings of fact.

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

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to approve the Special Use Permit (SUP) to allow the construction of four single-family attached dwelling units (townhomes) subject to the

conditions identified and the submitted site plans and conforming to the current Unified Development Ordinance standards as depicted on the site plan, 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) zoning district and (2) this use complies with the findings listed and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective with the approval of the Order of Findings by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

10.0 PUBLIC HEARINGS

10.01 AX21-007: Annexation request located on Cope Street for five parcels (REID #s 0426507984000, 0426518204000, 0426517196000, 0426517099000, and 0426517081000), consisting of 0.83 ± acres and being the property of T&W Investments, LLC; related to P21-56: Initial Zoning.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the applicant, T&W Investments, LLC, through Terry Miller, Vice President, submitted a petition requesting annexation of 0.83 acres ± on the eastern side of Cope Street, south of Owen Drive. The area is contiguous to existing City boundaries and consists of five parcels that are mostly vacant. In anticipation of approval of the annexation request and initial zoning, the applicant has submitted plans to the City's Technical Review Committee (TRC). The applicant intends to construct nine housing units, which will be townhomes, along with an office to serve the development, which will be called Ashley's Place.

The applicant has requested an initial zoning of the area as Mixed Residential-5 Conditional Zoning (MR-5/CZ). Zoning Commission recommended approval on January 11, 2022. The professional Planning staff recommends approval of the annexation and initial zoning request.

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 TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. AX21-007 Cope Street. ANNEXATION ORDINANCE NO. 2022-02-582

MOTION: Council Member Ingram moved to adopt the proposed ordinance annexing the area effective February 28, 2022, and establish the initial zoning consistent with the Zoning Commission recommendation.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

11.0 ADMINISTRATIVE REPORTS

11.01 Draft City Council Policy # 120.11 - Meeting Procedures

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

11.02 Mobile Shower Logistics and Community Capacity

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

11.03 TFA 3.1.1- Public Safety and Infrastructure Projects - Funding Options

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

11.04 FA 5.1.1 - Report on Benchmarking Available Peer City Financial and Budget Data

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

MOTION: Council Member Ingram moved to direct staff to present Items 11.02, 11.03, and 11.04, at the April 2022 work session.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (10-0)

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:19 p.m.