

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL, 433 HAY STREET
AUGUST 22, 2022
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Kelly Olivera, Interim Assistant City Manager
Gina Hawkins, Police Chief
Kevin Dove, Assistant Fire Chief
Gerald Newton, Development Services Director
Robert Stone, Construction Management Director
Chris Cauley, Economic and Community Development Director
Jodi Phelps, Chief of Staff
Jody Picarella, Chief Financial Officer
Jennifer Baptiste, Planning and Zoning Manager
Craig Harmon, Senior 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 Angela Marks, World Ministries.

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

Mayor Colvin presented the Key to the City to former City Council Member Antonio Jones for his service to the City.

Council Member Haire announced the Global Impact Ministries will be hosting an event on August 24, 2022, to celebrate unity and fellowship.

5.0 CITY MANAGER REPORT

Mr. Hewett stated he does not have a report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Ingram moved to approve the agenda, with the exception of Item 9.01; to be removed from the agenda at the request of the applicant.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda, with the exception of Items 7.04 and 7.07; pulled for presentation and separate vote.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

August 1, 2022 - Work Session
August 8, 2022 - Discussion of Agenda Items
August 8, 2022 - Regular

7.02 P22-23. Initial conditional zoning from Planned Neighborhood Development (PND) to Single-Family 10/Conditional Zoning (SF-10/CZ), for a 38-lot single-family residential subdivision, located at the end of Saddle Ridge Road (REID # 0530163943000), containing 31.01 acres ± and being the property of Appleton South, LLC, represented by Scott Brown of 4D Site Solutions, Inc.

7.03 P22-25. Initial zoning to Community Commercial Zoning (CC) for apartments and multi-use recreation facility, located at the end of Jim Johnson Road (REID # 0455166197000), containing 69.94 acres ± and being the property of Charles Graham Johnson, represented by Del Crawford of Crawford Design Company.

7.04 Pulled for presentation and separate vote.

7.05 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 (528 Person Street - District 2). ORDINANCE NO. NS2022-027

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 (1615 Kendall Street - District 4). ORDINANCE NO. NS2022-028

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 (1808 Armstrong Street - District 4). ORDINANCE NO. NS2022-029

7.06 Administrative Correction of the Fiscal Year 2022-2023 Fee Schedule

On June 13, 2022, Council adopted the Fiscal Year 2022-2023 Fee Schedule. Through clerical error, the description of two fees for building permits included language that should have been removed. Council's approval of the administrative correction of these errors is requested.

7.07 Pulled for presentation and separate vote.

7.08 Ratification of Amendment to the Bylaws of the Fayetteville Advisory Committee on Transit (FACT)

The proposed amendment maintains the same number of FACT citizen members but adds a college/university student and a representative from Fort Bragg. The amendment removes the requirement that one member live in an area outside the FACT service area and reduces the number of ADA Rider/Representatives from two to one. These have been committee positions that have been difficult to fill.

The amendment also changes the member terms to begin in April instead of October. This was the result of a change in appointment schedules that was made several years ago. It also restates the quorum requirement to be a majority of active voting members only and not of the full committee. The committee also recommends new provisions with regards to the public forum time scheduled for each meeting. Public forum comment will be limited to 3 minutes per speaker and a maximum forum time of 30 minutes.

7.09 Approval of Lease with The United States of America by and through the General Services Administration ("GSA") at the Fayetteville Regional Airport

A RESOLUTION AUTHORIZING THE LEASE AGREEMENT FOR THE UNITED STATES OF AMERICA BY AND THROUGH THE GENERAL SERVICES ADMINISTRATION ("GSA"), AT THE FAYETTEVILLE REGIONAL AIRPORT. RESOLUTION NO. R2022-031

7.010 Professional Service Contract Execution Recommendation - North Street Drainage Improvement Project Bid and Construction Administration Services

Authorize execution of an engineering service contract for professional services in the amount of \$622,117.00 for the North Street Drainage Improvement Project Bid & Construction Administration Services to the consulting firm Hazen and Sawyer.

7.011 Professional Service Contract Execution Recommendation - Rockford Drive Drainage Improvement Project Design Services

7.04 P22-26. Initial Conditional zoning to Mixed Residential 5/Conditional Zoning (MR-5/CZ) for a Dwelling, Multi-Unit Single-Family, Detached on One Lot, located at 2881 Gillespie Street and the end of Bridgewood Drive (REID # 0435156869000 and 0435155175000), containing 50.12 acres ± and being the properties of Fayetteville Memorial Cemetery Corporation, Draughton Holdings, LLC, and Next Chapter Neighborhoods, represented by Andrew Malzer

MOTION: Council Member Ingram moved to table this item to the September 26, 2022, regular City Council meeting agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.07 Authorize the Execution of a Contract for Gunshot Detection Technology Services

Ms. Gina Hawkins, Police Chief, presented this item and stated Council is asked to authorize the execution of a contract for a one-year subscription, including one-time initiation and onboarding fees, for gunshot detection technology services. Bids were received for the purchase of gunshot detection technology services. The recommended lowest responsive, responsible bidder is ShotSpotter, Inc., Fremont, CA, in the amount of \$197,500.00.

Gunshot detection technology services were proposed as a part of the Police Department's violent crime reduction multi-strategy plan and the anti-gun violence program.

A one-year subscription for these services will be funded by ARPA funds. The amount requested (\$217,250.00) includes the bid of \$197,500.00 and a 10 percent contingency. Per the quote, the annual cost of the subscription is \$210,000.00. The bid of \$197,500.00 for the first year of service includes a one-time initiation fee of \$30,000.00 and a one-time onboarding fee of \$10,000.00, as well as a discount for the first 90 days of service of \$52,500.00.

Discussion ensued.

MOTION: Council Member Benavente moved to table this item to a future work session.

SECOND: Council Member Ingram

VOTE: FAILED by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Thompson, McNair, Banks-McLaughlin, and Hondros)

MOTION: Council Member Haire moved to authorize the execution of a one-year contract for services as recommended by staff.

SECOND: Council Member Banks-McLaughlin

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Ingram and Benavente)

8.0 STAFF REPORTS

8.01 Fayetteville Fire Department 2022 2nd Quarter Report

Mr. Kevin Dove, Assistant Fire Chief, presented the Fire Department 2022 Quarter Report. Assistant Chief Dove 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 No. 4, and recruitment announcements.

Discussion ensued.

MOTION: Council Member Hondros moved to accept the Fayetteville Fire Department 2022 2nd Quarter Report.

SECOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

8.02 Fayetteville Police Department 2022 2nd Quarter Report

Mr. Aqeela Sherrills, Executive Director, Community Based Public Safety Collective, presented the Landscape Analysis Report for the City of Fayetteville.

Discussion ensued.

Ms. Gina Hawkins, Police Chief, presented the Police Department 2022 2nd Quarter Report. 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: Mayor Pro Tem Dawkins moved to accept the Fayetteville Fire Department 2022 2nd Quarter Report.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

Mayor Colvin recessed the meeting at 7:35 p.m., and reconvened the meeting at 7:51 p.m.

9.0 LEGISLATIVE HEARINGS

9.01 P22-31. Conditional rezoning from Single-Family Residential 6 (SF-6) to Mixed-Residential 5/Conditional Zoning (MR-5/CZ), located at the intersection of 777 Autumn Drive and 4002 Rosehill Road (REID # 0429767858000), containing 3.56 acres ± and being the property of JOELOU Group, LLC and represented by William Daniel of William G. Daniel & Associates, P.A. (Appeal of Zoning Commission denial)

This item was removed from the agenda.

10.0 PUBLIC HEARINGS

- 10.01 AX22-005: Annexation area located along the southern side of Hampton Ridge Road and adjacent to Kings Grant Subdivision. Consisting of one parcel, being approximately 30.01 acres. Being the property of Appleton South, LLC (Ralph Huff, III and David Vannoy, Managers). Case related to P22-23, Initial Zoning.**

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the applicant, Appleton South, LLC, Managers Ralph Huff, III and David Vannoy, submitted a petition requesting annexation of 30.01 acres ± on the southern side of Hampton Ridge Road, adjacent to Kings Grant Subdivision abutting the current City Limit line. The applicant has submitted draft plans to the City to develop a low density residential subdivision (38 lots) on this property.

The applicant has requested an initial zoning of the area to Single-Family Residential 10 (SF10), Low Density Single Family Residential. The Zoning Commission recommended approval of the zoning request on June 14, 2022.

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

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. AX22-005: ANNEXATION ORDINANCE NO. 2022-08-588

MOTION: Council Member Jensen moved to adopt the proposed ordinance annexing the area effective August 22, 2022, and establish the initial zoning consistent with the Zoning Commission recommendation.

SECOND: Mayor Pro Tem Dawkins

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

- 10.02 AX22-006 - Annexation area located along the southwestern side of Cedar Creek Road and Jim Johnson Road. Consisting of one parcel, being 72.91+/- acres. Being the property of Charles Graham Johnson. Case related to P22-25, Initial Zoning.**

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the applicant, Charles G Johnson, submitted a petition requesting annexation of 72.91 acres ± at the end of Jim Johnson Road, off Cedar Creek Road. The proposed developer has submitted plans to the City to construct a multi-family residential development and a multi-use recreation facility.

The applicant has requested an initial zoning of the area to CC - Community Commercial from the County's C(P) - Commercial with a Plan and M(P) - Manufacturing with a Plan. The Zoning Commission recommended approval of the zoning request on June 14, 2022

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

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. AX22-006 - ANNEXATION ORDINANCE NO. 2022-08-589

MOTION: Council Member Ingram moved to adopt the Annexation Ordinance with an effective date of August 22, 2022, and

include approval of the final action consistent with the recommendation of the Zoning Commission.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

10.03 AX22-07: Annexation request located along the Southeastern side of Ivan Drive and Gillespie Street, consisting of 50.12 +/- acres and being the property of Fayetteville Memorial Cemetery Corporation and Draughon Holdings, LLC; related to P22-26: Initial Zoning.

MOTION: Council Member Ingram moved to table this item to the September 26, 2022, regular City Council meeting agenda.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (10-0)

11.0 OTHER ITEMS OF BUSINESS

11.01 Vote Yes Fayetteville Citizen Initiative Petition - Resolution Calling for a Special Election - November 8, 2022

Ms. Karen McDonald, City Attorney, presented this item and stated in March 2022, the City received a citizen initiative petition to amend the City's Charter to change the City Council from a nine-member City Council where each council member is elected from one of the nine separate districts to a nine-member City Council where five council members are elected from five districts (one member elected from each of the five separate districts) and four members are elected at-large (from the City as a whole), consistent with the Model of Election described under N.C.G.S. § 160A-101(6) (d). The City was notified that the petition was certified by the Cumberland County Board of Elections on June 13, 2022.

Subsequently, a question was raised as to whether the provisions of General Statute 163-218 had been met. Pursuant to 163-218, I requested a copy of the filed notice of circulation and the date of registration. During a telephone conversation with County Attorney Rick Moorefield, who also serves as the attorney to the Board of Elections, I was advised a filed notice of circulation does not exist. Since the petition was not registered with the Board as required by statute, it does not appear that the statutory requirements for this citizen initiative petition have been met. Therefore, the petition is invalid. I formally requested (1) a copy of the filed notice of circulation and the date of registration as required in General Statute 163-218 and (2) whether the citizen-initiated petition is a valid petition since the provisions of 163-218 have not been met.

Ms. McDonald further stated that Ms. Angie Amaro, Interim Director of Elections, responded to my request and stated she is advised by the counsel to the State Board of Elections and the County Attorney that whether the petition is valid is a question for the City Council, citing N.C.G.S. § 160A-104.

Discussion ensued.

MOTION: Council Member Benavente moved Fayetteville City Council does not proceed with this referendum on the November ballot.

SECOND: Council Member Thompson

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Jensen, Dawkins, McNair, and Hondros)

12.0 ADMINISTRATIVE REPORTS

12.01 Administrative Report - Microtransit Pilot Service

This item was for information only.

12.02 Review of City Council Policies

Unanimous consensus of Council was to direct staff to move this item to a Work Session agenda.

13.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:27 p.m.