

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
NOVEMBER 14, 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
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeff Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Jody Picarella, Chief Financial Officer
Rob Stone, Construction Management Director
Chris Cauley, Economic and Community Development
Director
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 Pastor Wilburt Blandon, Jr., with Antioch Bible Fellowship Church.

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 Hondros recognized the City Manager, City Clerk's Office, and City Attorney and staff for a job well done in leading the Citizen Boards and Commissions. He stated during a UNC School of Government training he attended on Citizen Boards and Commissions, every recommended best practice is already in place here in Fayetteville.

Ms. Debbie Brown with the Continuum of Care and Ms. NaTonya Hassell with the Fayetteville Metropolitan Housing Authority provided a brief explanation of the emergency housing vouchers.

Council Member Ingram congratulated the FSU Broncos Football Team for winning the New CIAA 2022 Championship.

Council Member Ingram stated the City of Fayetteville is mandated to do certain things, the Cumberland County Board of Commissioners are mandated for public health services which includes homelessness. While the City tries to stretch the dollars to help the community, she urged residents to attend the next County Commissioners meeting on November 21, 2022, and voice concerns.

Council Member Jensen announced the Saints Constantine and Helene Greek Orthodox Church is holding its 63rd Spaghetti Dinner at 6104 Oakridge on November 16, 2022.

Mayor Colvin presented a proclamation to Lumbee Tribe Chairman John Lowery; District 13 Tribal Council Representative Mr. Ricky Burnett; and Mr. Greg Richardson, Executive Director of the N.C. Commission of Indian Affairs, proclaiming November as Native American Heritage Month. Approximately 75 members of the Lumbee Tribe were present.

Council Member Banks-McLaughlin stated the "Still Here, Still Native" Art Exhibit runs through November 27, 2022, at the Arts Council.

5.0 CITY MANAGER REPORT

No report was provided.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Hondros moved to approve the consent agenda.

SECOND: Council Member Jensen

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

7.01 Approval of Meeting Minutes:

October 3, 2022- Work Session

October 10, 2022 - Discussion of Agenda Items

October 10, 2022 - Regular

October 19, 2022 - Agenda Briefing

October 24, 2022 - Discussion of Agenda Items

7.02 Approval of Interlocal Agreement Between City and Cumberland County Regarding Martin Luther King, Jr. Memorial Park Project

Authorize the execution of an Interlocal Agreement with Cumberland County regarding the Martin Luther King, Jr. Memorial Park project.

7.03 Adoption of Special Revenue Fund Project Ordinance Amendment 2023-3 to Appropriate an Emergency Rental Assistance Grant Awarded by the U.S. Department of the Treasury and Authorization of Subrecipient Agreements

Special Revenue Fund Project Ordinance Amendment (SROA) 2023-3 to appropriate a \$273,284.00 grant from the U.S. Department of the Treasury to fund Emergency Rental Assistance payments for those impacted by COVID-19. Council is also asked to approve staff proposals to partner with Fayetteville Urban Ministry and Connections of Cumberland County to administer the programs.

7.04 Bid Recommendation - Subsurface Switch 600 AMP

Bids were received for the Subsurface Switch 600 AMP. The recommended lowest responsive, responsible bidder is WESCO Distribution, Inc., Clayton, NC, in the total amount of \$148,535.15.

7.05 Authorization to Accept the FY2022 Historic Preservation Fund Grant and Adoption of Special Revenue Fund Project Ordinance 2023-8

Authorizing the acceptance of the FY2022 Historic Preservation Fund Grant to update and revise design guidelines for an architectural survey in the Broadell Community. Council is also asked to adopt Special Revenue Fund Project Ordinance (SRO) 2023-8 to appropriate \$24,000.00 of federal grant funds, passed through the Historic

Preservation Office of the North Carolina Department of Natural & Cultural Resources, and the required local match of \$16,000.00, for a total project appropriation of \$40,000.00. The required local match funds will be provided by a General Fund transfer from the Economic and Community Development Department's Annual Operating Budget.

7.06 Housing for People with AIDS (HOPWA) Contract with Robeson County Health Department (through Dogwood Health Care Network) for Housing Support Services

Authorizing the City Manager to execute a contract with the Robeson County Health Department (through Dogwood Health Care Network) to provide housing stability and support services to qualified populations within the Fayetteville/Cumberland Metropolitan Statistical Area (MSA). The amount of the contract will be \$534,528.00 and is funded through the Economic and Community Development Department's (ECD) Annual Action Plan (AAP) through the Department of Housing and Urban Development.

7.07 Authorization to Execute a Memorandum of Understanding with the North Carolina Civil War History Center Foundation and Adoption of Budget Ordinance Amendment 2023-7

Authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the North Carolina Civil War History Center Foundation to reaffirm the City's funding commitment for the construction of the NC History Center for the Civil War, Emancipation and Reconstruction. Council is also asked to adopt Budget Ordinance Amendment (BOA) 2023-7 to appropriate \$3.3 million of General Fund fund balance for the project.

8.0 PUBLIC FORUM

Mr. Rick Iwanski, 2308 Colgate Drive, Fayetteville, NC, expressed concerns regarding police accountability.

Mr. Alex Rodriguez, 265 Kenwood Drive, Fayetteville, NC, expressed concerns regarding quarterly crime statistics.

Ms. Angela Tatum Malloy, 404 Pilot Avenue, Fayetteville, NC, expressed concerns regarding police conduct and the need for a citizen review board.

Mr. Shaun McMillian, 6024 Goldenrain Drive, Fayetteville, NC, expressed concerns regarding the potential for an Office of Public Safety.

Mr. Cheliko Hurst, 1485 Wayside Drive, Fayetteville, NC, expressed concerns regarding homelessness in Fayetteville.

Ms. Sherie McNeill, 702 Eccles Drive, Fayetteville, NC, expressed concerns regarding drainage problems in the Eccles Park neighborhood.

Mr. Jose Cardona, 233 Addison Street, Fayetteville, NC, requested assistance to repair a sinkhole near Mr. Neil Bullard's property on All American Freeway.

Mr. William Warren, 601 McLamb Drive, Fayetteville, NC, expressed concerns regarding drainage problems in the Eccles Park neighborhood.

Mr. Raheem Harris, 913 Person Street, Fayetteville, NC, expressed concerns regarding the homeless population.

Mr. Matthew Jones, 887 Flintwood Road, Fayetteville, NC, expressed concerns regarding the homeless population.

Ms. Margie Whitehead, 618 McLamb Drive, Fayetteville, NC, expressed concerns regarding drainage problems in the Eccles Park neighborhood.

Ms. Lindsey Wofford, 345 Desmond Drive, Fayetteville, NC, expressed concerns regarding the anti-camping ordinance.

Ms. Benay Cathey, 766 Eccles Drive, Fayetteville, NC, expressed concerns regarding drainage problems in the Eccles Park neighborhood.

Ms. Sharman Tober expressed concerns regarding herself and her son being homeless.

Council Member Ingram asked when the Police quarterly reports are made public. Mr. Douglas Hewett, City Manager, responded when the agenda packets are posted to the City website.

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 Public Hearing on Adoption of Fayetteville's Downtown Social District

Ms. Bianca Shoneman, Executive Director, Cool Springs Downtown District, presented this item with the aid of a PowerPoint presentation and stated on September 6, 2022, at the City Council work session, the City Council directed staff to work with Cool Springs Downtown District, Inc. (CSDD) to bring back the required subsequent actions for implementation of a social district in the downtown footprint. Council is asked to approve a pilot program for six months from December 2022 to June 2023. After three months, staff and CSDD will present a progress report on the impacts to both downtown businesses and the City's departments. In June 2023, staff will request direction from Council to rescind the pilot or create an ordinance amendment for a Social District.

Pursuant to N.C.G.S. § 160A-175, the proposed social district ordinance has to be presented to the City Council twice on November 14 and 28, 2022, since violation of the ordinance is a misdemeanor.

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

Mr. Nate Cuffee, 719 Marketview Court, Fayetteville, NC, appeared in favor.

Ms. Molly Arnold, 227 Hay Street, Fayetteville, NC, appeared in favor.

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

Discussion ensued.

MOTION: Council Member Ingram moved to approve the creation of a temporary Downtown Social District for 12 months, from December 2022 to December 2023, to operate Monday through Saturday from 12:00 p.m. to 10:00 p.m. and on Sunday 10:00 a.m. to 10:00 p.m. After three months, CSDD will present a progress report on the impact to City Council at the March 2023 work session. In June 2023, the action will be reintroduced to rescind the pilot, extend it for six months, or create an ordinance amendment for a Social District.

SECOND: Council Member Jensen

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

9.02 P22-33. Rezoning from Agricultural Residential (AR) to Limited Commercial (LC) 1.94 acres ±, to be rezoned, located to the north of Raeford Road and west of Hoke Loop Road (REID #s 9476572873000 and 9476574127000), and being the property of Palmer Williams of

Sycamore Corner LLC and represented by Lori Epler, Larry King & Assoc.

Mr. Craig Harmon, Senior Planner, presented this item and stated the applicant is seeking to rezone 1.94 acres ± of a 20.56 acre ± parcel from AR - Agricultural Residential to LC - Limited Commercial. The parcels are currently undeveloped. These properties sit at the northwest corner of the intersection of Hoke Loop and Raeford Roads. Originally part of a larger 25 acre ± lot that was rezoned and subdivided in 2018. A portion of the site was developed as the Fresenius Kidney Care - Rockfish Dialysis Center. Now the owners wish to rezone for possible development of the section of this property bordering Raeford Road.

The LC zoning district is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods.

This item was originally on the September 26, 2022, consent agenda, but was pulled for a legislative hearing.

On October 24, 2022, the City Council held a legislative hearing regarding this case. Ms. Lori Epler spoke in favor of the rezoning. There were no speakers in opposition. At the close of the hearing, the City Council voted to table this item to the November 14, 2022, regular meeting.

MOTION: Council Member Banks-McLaughlin moved to approve the map amendment/rezoning as presented based on the evidence submitted and finds that the map amendment/rezoning is consistent with the Future Land Use Plan.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Parks and Recreation Bond Project - Cape Fear River Park Update

Mr. Rob Stone, Construction Management Director, introduced Mr. Steven Armano with Moffatt & Nichol, Design Firm.

Mr. Armano presented this item with the aid of a PowerPoint presentation and stated in March 2016, Fayetteville voters passed a \$35 million bond referendum for parks and recreation. To date, nine substantial projects, totaling over \$11 million, have been completed. The Cape Fear River Park, which is located on approximately 13 acres along the Cape Fear River on either side of N. Water Street is currently in the design phase and nearing completion. When first imagined, this project was believed to cost \$6 million. That number has been reduced down for various reasons. The complete design, which includes walkways, community lawns, story gardens, restrooms, docks, playgrounds, and a parking lot, is expected to be in excess of the current project budget of \$2.3 million. A phasing plan will be developed to determine how to best utilize the current project budget and to provide direction for any future funding decisions provided by Council.

The design phase of the Cape Fear River Park project is nearing completion. The all-inclusive design, including walkways, community lawns, story gardens, restrooms, docks, and a parking lot, is expected to be in excess of the current project budget of \$2.3 million. A phasing plan will be developed, with several construction bid alternates, to determine the most effective way forward with the approved funding.

The funding for the Cape Fear River Park comes from the Parks and Recreation Bond and has a current budget of \$2.3 million. At full buildout, including walkways, community lawns, story gardens, restrooms, docks, playgrounds, and a parking lot, the project is

expected to be well in excess of the current approved funding. A phasing plan will be developed to determine the most effective use of the current budget and to provide direction for any future funding decisions provided by Council.

Discussion ensued.

MOTION: Council Member Ingram moved to accept the Cape Fear River Park Update as provided by the design firm Moffatt & Nichol so staff can move forward with developing a phasing plan to meet the approved funding.

SECOND: Council Member Banks-McLaughlin

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

10.02 Reconsideration of the Execution of a Contract for Gunshot Detection Technology Services

Mayor Colvin introduced this item and stated at the beginning of the September 12, 2022, regular City Council meeting, Council Member Hondros motioned to reconsider Item 7.07, Execution of ShotSpotter Contract, from the August 22, 2022, regular City Council meeting agenda. The motion was seconded by Council Member Benavente, and the motion passed by a vote of 6 in favor to 3 in opposition (Council Members Dawkins, Jensen, and Haire).

As a result, this matter is back before Council for reconsideration of Council's authorization to execute a contract with ShotSpotter, Inc., Fremont, CA.

Discussion ensued.

MOTION: Council Member Benavente moved to not proceed with the ShotSpotter contract.

SECOND: Council Member Ingram

VOTE: FAILED by a vote of 3 in favor to 7 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Thompson, McNair, and Hondros)

MOTION: Council Member Jensen moved to approve ShotSpotter with conditions of holding public forums on three available dates and once the provisions are met, authorize the City Manager to execute the contract.

SECOND: Mayor Pro Tem Dawkins

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Ingram, Benavente, Banks-McLaughlin and Hondros)

10.03 Appointment of a Public Works Commissioner

Mayor Colvin introduced this item and stated the Appointment Committee met on September 7, 2022, to discuss and make recommendations of appointments to Boards and Commissions for the Fall 2022 Appointments.

On September 12, 2022, City Council accepted the Appointment Committee appointment recommendations for all Boards and Commissions with the exception of an appointment to the Public Works Commission.

A separate vote was taken for the Public Works Commission:

September 12, 2022 minutes: Council Member Haire moved to appoint Mr. Chris Davis to the Public Works Commission, and was seconded by Council Member Thompson. The motion failed by a vote of 4 in favor to 6 in opposition (Council Members Jensen, Ingram, Benavente, McNair, Banks-McLaughlin, and Hondros).

Council Member Ingram moved to delay the appointment of a Public Works Commissioner, and was seconded by Council

Member Hondros. The motion passed by a vote of 6 in favor to 4 in opposition (Council Members Colvin, Haire, Thompson, and Banks-McLaughlin).

At the November 7, 2022, work session, Mayor Colvin requested this item be brought back to the November 14, 2022, regular City Council meeting agenda; to move this item out of limbo and have it back on the radar.

There were eight (8) qualified applicants for the Fall 2022 Public Works Commission vacancy. One has been appointed to the Planning Commission and one has been appointed to the Zoning Commission. The list of the six (6) applicants and their respective application forms/resumes are included in your agenda packet.

MOTION: Council Member Haire moved to appoint Mr. Chris Davis to the Public Works Commission; term of office to begin after the new Chief Executive Officer has been installed.

SECOND: Council Member Thompson

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Jensen, Ingram, Benavente, McNair, and Banks-McLaughlin)

MOTION: Council Member Jensen moved to interview the six applicants for the Public Works Commission.

SECOND: Council Member Ingram

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

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:42 p.m.