

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
JUNE 26, 2023
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
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Gerald Newton, Development Services Director
Loren Bymer, Marketing & Communications Director
Lachelle Pulliam, Assistant City Attorney
Paul Allen, Assistant City Attorney
Will Deaton, 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 Rabbi Dov Goldberg, Beth Israel Congregation Community.

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 Mr. Joshua Williams for his support of the youth and exceptional leadership on and off the football field which led to his team the Kansas City Chiefs winning the 2023 Super Bowl.

Mr. Jerry Clipp, Human Resource Development Director, introduced the 14 high school ICON Program Interns who are participating in the ICON Internship program for 6 weeks with the City of Fayetteville. Mayor Colvin presented each intern with a Certificate of Excellence.

Mayor Colvin presented a proclamation to Mr. Nicko Poulos, owner of Superior Bakery, proclaiming June 26, 2023, in honor of Superior Bakery being the 13th best doughnut shop in the nation.

Council Member Ingram announced Mr. Christopher Cauley, Economic and Community Development Director, and Mr. Deontae Watson, Deputy Airport Director, have been named in the 40 Under 40 of Fayetteville.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated Item 7.019, Budget Adoption, includes a modification to show the Capital Project

Ordinance identifies additional funding from FAMPO for the Glenville Lake project.

6.0 APPROVAL OF AGENDA

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

7.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda.
SECOND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

June 7, 2023 - Special Budget
June 12, 2023 - Discussion of Agenda Items
June 12, 2023 - Regular
June 14, 2023 - Special Budget

7.02 P23-15. Rezoning from Agricultural Residential (AR) to Limited Commercial (LC) on 4.5 acres ±, located at 8205 Stoney Point Road (REID # 9485651707000) and 0 Rockfish Road (REID # 9485557246000) and being the properties of Dennis E. Canady, John D. Gillis, James Wright Gillis, and Robert Lewis Gillis, being represented by Thomas Neville of Yarborough, Winters & Neville, PA

7.03 P23-16. Rezoning from Agricultural Residential (AR) to Community Commercial (CC) of 3.43 acres ±, located at REID # 9485763126000 and being the property of John D. Gillis, represented by Mark Candler of Candler Development Group LLC.

7.04 SUP23-05. Order of Approval - Findings of Fact: Special Use Permit (SUP) to allow the construction of 42 townhomes (single-family attached units) on property zoned Single-Family 6 Residential (SF-6) located on Old Bunce Road (REID # 9497843830000) and being the property of King Model Homes Construction Co. Inc., Project owner Ben Stout, Stout Land Development, LLC., applicant Scott Brown, 4D Site Solutions, Inc.

7.05 Fayetteville Forward Infrastructure Bonds - Proposed Bike Plan Project Locations

The City Council placed a ballot measure seeking authorization of the issuance of up to \$25 million in General Obligation Bonds to support capital investments in public infrastructure on the November 8, 2022, ballot. The bond authorization measure was subsequently approved by voters. Council provided consensus on the proposed locations for the bike plan public infrastructure improvements. The proposed locations will provide additional connectivity to existing bike lanes and facilities.

7.06 Adoption of CPOA 2023-27 and CPOA 2023-28 for Mayor Beth Finch Park Signage

City Council approved the renaming of Cross Creek Park to Mayor Beth Finch Park in March 2021. At that time, funds were not appropriated to complete the work necessary to update signage for the renaming. City funds are currently available in the Hurley Plaza project account and staff are requesting to reallocate funds at this time.

7.07 Adoption of Special Revenue Fund Project Ordinances 2024-1, 2024-2, and 2024-3 for the funding of the CDBG, HOME, and HOPWA FY 2023-2024 Programs per the Economic & Community Development Department's Annual Action Plan.

The City of Fayetteville is expected to be awarded three grants from the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2023-2024. The Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME), and Housing Opportunities for Persons with AIDS (HOPWA) will support activities identified in the Economic and Community Development Department's proposed 2023-2024 Annual Action Plan as approved by City Council on April 24, 2023. Special Revenue Fund Project Ordinances 2024-1, 2024-2, and 2024-3 will appropriate the operating budgets for the CDBG, HOME, and HOPWA programs, including the anticipated Federal grant proceeds and program income. The HOME grant requires a local match from the City.

7.08 Adoption of Capital Project Ordinance Amendment 2023-29 for Historic Buildings and Site Renovations - Renovations to the Wall of Honor

Adoption of the Capital Project Ordinance Amendment (CPOA) 2023-29 will appropriate Umoja Group Inc. funding. CPOA 2023-29 will appropriate \$150,000.00 for the Umoja Wall project.

7.09 Authorize the City Manager to Execute a Professional Services Contract for the Public-Safety Operational and Technical Management of a New Emergency 911 Dispatch Facility

Authorizing the City Manager to execute a Professional Services Contract with Mission Critical Partners for the Public-Safety Operational and Technical Management of the New Emergency 911 Dispatch Facility.

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 736 Topeka 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. R2023-026

7.011 Approve Proposal Bid and Lease from DK Enterprise Inc. to Lease Parking Spaces in the Franklin Street Parking Deck and Downtown Area

A RESOLUTION AUTHORIZING THE LEASE AGREEMENT FOR FIFTEEN PARKING SPACES IN THE FRANKLIN STREET PARKING DECK AND FIVE PARKING SPACES IN THE DOWNTOWN AREA TO DK ENTERPRISE, INC. RESOLUTION NO. R2023-030

7.012 Resolution Authorizing the Setting of a Public Hearing to Consider Closing Calhoun Street

A RESOLUTION AUTHORIZING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF CALHOUN STREET. RESOLUTION NO. R2023-027

7.013 Sole Source Recommendation - Purchase of 230kV, 3000 Amp Outdoor Breaker

Approval of the sole source purchase of 230kV, 3000 Amp Outdoor Breaker for standardization and compatibility purposes and reliability of PWC's System from Siemens Energy, Inc.

7.014 Sole Source Recommendation - Purchase of 27kV Class Outdoor Distribution 1200-AMP Vacuum Interrupting Circuit Breakers

Approval of the sole source purchase of 27kV Class Outdoor Distribution 1200-AMP Vacuum Interrupting Circuit Breakers and associated equipment for PWC's electric system from Siemens Industry, Inc.

7.015 Resolution of Support for Sustainability and Energy Initiatives

**RESOLUTION OF SUPPORT FOR SUSTAINABILITY AND ENERGY INITIATIVES.
RESOLUTION NO. R2023-028**

7.016 Funding Support for the Cape Fear Regional Theatre at Fayetteville, Inc.

A RESOLUTION OF INTENT - THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IN SUPPORT OF THE CAPE FEAR REGIONAL THEATRE FUNDING REQUEST. RESOLUTION NO. R2023-029

7.017 Bid Recommendation - Resurface Various Streets 2023 - Phase II

Authorization for the City Manager to execute a contract for Resurface Various Streets, 2023 - Phase II with the lowest responsive, Barnhill Contracting Company, in the total amount of \$6,624,451.90.

7.019 Adoption of Budget Ordinance Amendment 2023-16 for the General Fund, Central Business Tax District Fund, Emergency Telephone System Fund, and Fleet Maintenance Internal Service Fund

Adoption of Budget Ordinance Amendment (BOA) 2023-16 to adjust the annual operating budget for the General Fund by \$3,833,069.00, the Central Business Tax District (CBTD) Fund by \$50,000.00, the Emergency Telephone System Fund by \$200,000.00 and the Fleet Maintenance Internal Fund by \$800,000.00 to ensure a sufficient budget is available to meet year-end expenditure projections developed with the FY2024 budget process, to provide for additional funding needs recently identified, and to ensure sufficient budget availability should unexpected expenditures arise before the close of the fiscal year.

7.020 Adoption of the Fiscal Year 2023-2024 Budget Ordinance Addendum - Section 15, Capital Project Ordinance 2024-1, Capital Project Ordinance Amendment 2024-1, and Special Revenue Fund Ordinance Amendment 2024-1.

Adoption of the proposed Fiscal Year 2023-2024 Fee Schedule, the FY 2023-2024 Budget Ordinance Addendum - Section 15, Capital Project Ordinance 2024-1, Capital Project Ordinance Amendment 2024-1, and Special Revenue Ordinance Amendment 2024-1.

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

8.01 Phase 5 Annexation Areas 28 and 33 North Public Hearing on the Preliminary Assessment Resolution

Mayor Colvin introduced this item.

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

Mr. Christopher Parkhurst, 6806 Beaver Stone Road, Fayetteville, NC, appeared in opposition, and stated he is on Aqua water service; not PWC.

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

9.0 OTHER ITEMS OF BUSINESS

9.01 SUP23-04. Tabled Evidentiary Hearing for a decision on a Special Use Permit to allow a duplex in the Single-Family Residential 15

(SF-15) zoning district on property located at 105 Arbor View Court (REID # 0427471706000) and owned by Nikki Creecy, Shinelight Properties, LLC.

Ms. Karen McDonald, City Attorney, stated the public hearing for this item was held on May 22, 2023, and is now closed. She stated it is necessary for Council members to state if they engaged in exparte conversations with the parties related to this case. Mayor Pro Tem Dawkins asked to be recused from voting on this item as he had spoken with both parties related to this case.

MOTION: Council Member Jensen moved to recuse Mayor Pro Tem Dawkins from voting on this item.
SECOND: Council Member Thompson
VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Haire)

Council Member Benavente stated he had also engaged in exparte conversations. Ms. McDonald clarified it is the substance of the conversation that creates the conflict. Council Member Hondros stated he had also engaged in conversation with the neighbors. Ms. McDonald stated those conversations were not substantive. Council Member Benavente stated this item should not have been tabled, and Council needs to do a better job and apply the standards equally for Special Use Permit requests.

MOTION: Council Member Ingram moved to approve the Special Use Permit (SUP) to allow Two- to Four-Family Dwellings (1 duplex) in a Single-Family Residential 15 (SF-15) zoning district subject to 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 15 (SF-15) zoning district, (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.

All six findings must be met:

1. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;
2. The special use will be in harmony with the area in which it is located;
3. The special will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
4. The special use is in general conformity with the City's adopted land use plans and policies;
5. The special us will not substantially injure the value of the abutting land, or the special use is a public necessity; and
6. The special use complies with all other relevant City, State, and Federal laws and regulations.

SECOND: Council Member Banks-McLaughlin
VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Jensen, Benavente, and Haire)

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:56 p.m.