

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
AUGUST 14, 2023  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Deno Hondros (District 9)

Absent: Council Members D. J. Haire (District 4); Courtney Banks-McLaughlin (District 8)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Adam Lindsay, Assistant City Manager  
Kelly Olivera, Assistant City Manager  
Jodi Phelps, Chief of Staff  
Kemberle Braden, Police Chief  
Mike Hill, Fire Chief  
Jody Picarella, Chief Financial Officer  
Gerald Newton, Development Services Director  
Toney Coleman, Airport Director  
Byron Reeves, Assistant Public Services Director  
Paul Allen, Assistant City Attorney  
Lachelle Pulliam, Assistant City Attorney  
Loren Bymer, Marketing & Communications 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 Bishop Jeffery Scott, First Fruits Family Ministry.

**3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Mayor Pro Tem and City Council.

**4.0 ANNOUNCEMENTS AND RECOGNITIONS**

Council Member Thompson announced August is National Psoriasis Month.

Council Member Benavente announced the Community Outreach at Kingdom Global Ministries will take place at 2503 Murchison Road on August 19, 2023.

Council Member Ingram announced the Second Harvest Food Bank will hold a drive-through food bank at 406 Deep Creek Road on August 19, 2023.

Council Member Ingram announced a Black BBQ Community Cook-off will be taking place at the Old Walmart on Murchison Road.

**5.0 CITY MANAGER REPORT**

There was no report for this meeting.

## 6.0 APPROVAL OF AGENDA

MOTION: Council Member Benavente moved to approve the agenda.  
SECOND: Council Member Thompson  
VOTE: UNANIMOUS (8-0)

## 7.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda.  
SECOND: Council Member Thompson  
VOTE: UNANIMOUS (8-0)

### 7.1 Approval of Meeting Minutes:

June 21, 2023 - Special Budget  
June 21, 2023 - Agenda Briefing  
June 26, 2023 - Discussion of Agenda Items  
June 26, 2023 - Regular

7.02 P23-21. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), located at 0 Carvers Falls Road (REID # 0530996236000), totaling 3.32 acres ± and being the property of TG Ventures LLC, represented by Michael Adams of MAPS Surveying Inc.

7.03 P23-25. Rezoning from Downtown (DT) to Mixed Residential 5 (MR-5), Community Commercial (CC), and Light Industrial (LI), located at 0 and 117 N. Broad Street; 115 N. Racepath Street; 120 Pepsi Lane; and 801, 802, 804, 805, 810, 815, 820, 821, 901, 902, 913, 914, 915, and 0 Person Street totaling 6.16 acres ± and being the property of Wiener King of Cumberland County Inc., Hurtado, Max Tobias, Sutton, M. Keith; Sutton, Deborah C., Racepath Investments LLC, Evans Properties of Fay LLC, Beatty, Jerry; Beatty, Janice D., Hayner LLC, Geddie, James W. Sr.; Geddie, Berthina; Geddie, Tom, Melvin, Sharon Samona, Christ Gospel Church of Fayetteville NC, City of Fayetteville, Christ Gospel Church of Fay, and Hubbard, Vivian S.

7.04 P23-27. Amendment to Business Park Conditional Zoning (BP/CZ), for a portion of 1220 Bridgehead Circle (REID # 0409925221000), totaling 16.72 acres ± and being the property of Military Business Park Inc. represented by Moorman, Kizer, and Reitzel, Inc.

7.05 SUP23-04. Order of Approval - Findings of Fact: 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.

7.06 Adoption of Capital Project Ordinance Amendment 2024-2 to adjust Federal Aviation Administration collections allocation and grant funding of Airport Improvement Program (AIP) II Grant No. 3-37-0021-046-2019.

Capital Project Ordinance (CPOA) 2024-2 will reduce the running Passenger Facility Charge (PFC) application by \$1,083,607.00 to reflect the approved Federal Aviation Administration (FAA) collections. In addition, the amended CPOA 2024-2 will appropriate an additional \$100.00 to AIP Grant 46, to correct the FY20-21 amendment. The combination of these actions will take the total project appropriation for the Part II Terminal Renovation Project from \$37,336,294.00 to \$36,252,787.00.

**7.07 Adoption of Capital Project Ordinance 2024-2 to Appropriate Customer Facility Charges (CFCs) for Consolidated Rental Car Facility (CONRAC) Development**

Customer Facility Charges (CFCs) are collected from users by rental car agencies at an airport. Collected funds are used exclusively for rental car-related capital improvement projects.

Capital Project Ordinance (CPO) 2024-2 will appropriate \$594,333.00 of CFC funds to support consultant services for the Design and Bidding package being completed by WK DICKSON & CO., Inc.

**7.08 Adoption of Special Revenue Fund Project Ordinance 2024-4 to Appropriate Grant Awarded for the Cape Fear River Trail Expansion**

The City has received notification of a state grant award from the NC Department of Natural and Cultural Resources (NC DNR). This grant in the amount of \$1,000,000.00 will support the expansion of the Cape Fear River Trail project. Staff is seeking authorization to accept the grant award and Council adoption of Special Revenue Fund Project Ordinance 2024-4 to appropriate the funding.

**7.09 Adoption of Special Revenue Fund Project Ordinance 2024-6 for the FY24 Juvenile Restitution Program**

The City has been awarded grant funding for fiscal year 2023-2024 for the Fayetteville-Cumberland County Juvenile Restitution Program. Council is asked to adopt Special Revenue Fund Project Ordinance 2024-6 to accept the grant funding and appropriate \$88,970.00 needed for personnel and operating costs for fiscal year 2023-2024. The funding sources for this program include a \$57,068.00 grant awarded by the North Carolina Department of Public Safety, a local match of \$15,951.00 from Cumberland County and the City's local match of \$15,951.00.

**7.010 Request for Legal Representation of City Employee**

The purpose of this agenda item is to receive authorization from the City Council to provide legal representation for City employee Deangelo Andrews in the matter of *Ja'Lana Dunlap-Banks v. City of Fayetteville, Officer Ryan Haddock, Detective Amanda Bell, Sergeant Deangelo Andrews, and John and Jane Doe's 1-100, City of Fayetteville employees and police officers*. The employee was acting within the scope and course of his employment with the City when the alleged incident(s) occurred.

**7.011 Resolution Authorizing the City Manager to Acquire Real Property Located at 1710 Cedar Creek Road for Fire Station 16 Relocation Project**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY FOR FIRE STATION #16 RELOCATION. RESOLUTION NO. R2023-031**

**7.012 Approval of the Amended Independent Auditor Contract for the Year Ended June 30, 2022**

The City and PWC are required by North Carolina state statutes and granting agencies to have an annual audit and the Local Government Commission requires annual contracts.

The City's Finance-Purchasing Division prepared and advertised a request for proposals (RFP) for the selection of the independent auditor on February 10, 2021. Two proposals were received on March 2, 2021. The RFP is for three annual audits for the fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023. The Audit Committee recommended PB Mares, LLP, and City Council approved PB Mares, LLP.

**7.013 Bid Recommendation - Resurface Various Streets 2024 - Phase I**

Award and authorize the execution of a contract for Resurface Various Streets 2024 Phase I to Highland Paving, Company, LLC, Fayetteville, NC; the lowest responsive, responsible bidder, in the total amount of \$4,570,620.

**7.014 Bid Recommendation - Primary Cable 750 MCM AL & Reject Bids for Primary Cable 10 AL**

Award the bid for the purchase of Primary Cable 750 MCM AL to WESCO Distribution, Clayton, NC, and Border States Electric, Greenville, SC, the lowest responsive, responsible bidders, in the total amounts of \$1,210,770.00 and \$1,043,460.00, respectively and reject all bids for Primary Cable 1/0 AL.

**7.015 Bid Recommendation - Water Treatment and Water Reclamation Chemicals Contract 2024**

The Fayetteville Public Works Commission recommends the Fayetteville City Council approve the bid recommendation to award the bid for Water Treatment and Water Reclamation Chemicals Contract 2024 as recommended below, the lowest responsive, responsible vendors, and find the bid of JC Jones Chemicals, Inc., for Sodium Hypochlorite to be nonresponsive. The recommended lowest responsive, responsible bidders are listed below. City Council authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its construction.

A.	Caustic Soda (Sodium Hydroxide, 50%)	Univar Solutions USA Inc.	\$780,850.00
B.	Fluorosilicic Acid	Univar Solutions USA Inc.	\$64,400.00
C.	Powdered Activated Carbon	Brenntag Mid-South Inc.	\$76,230.00
D.	Sodium Hypochlorite	Oltrin Solutions LLC	\$1,433,750.00
E.	Sodium Bisulfite	Southern Ionics	\$75,000.00
F.	Aqueous Ammonia (19.2%)	Univar Solutions USA Inc.	\$78,750.00
G.	Magnesium Hydroxide	Premier Magnesia, LLC	\$51,060.00
H.	Hydrated Lime (Bulk)	Lhoist North America of VA	\$133,233.00
I.	Ferric Sulfate Liquid	Pennco, Inc.	\$1,992,000.00
J.	Caustic Soda (Sodium Hydroxide, 25%)	Univar Solutions USA Inc.	\$122,550.00

**8.0 PUBLIC FORUM**

Mr. Bruce Carpenter, 5586 Ashgrove Drive, Fayetteville, NC 28311, expressed concerns regarding handicapped citizens having to pay for parking.

Ms. Janene Ackles Dublin, 1684 Cedar Creek Road, Fayetteville, NC, expressed concerns regarding the poor service provided by United Management.

Ms. Anne Schrader, 223 Stedman Street, Fayetteville, NC, expressed concerns regarding the sustainability and climate action plan.

Ms. Angela Tatum Malloy, 404 Pilot Avenue, Fayetteville, NC, expressed concerns regarding a situation with Police Officers and an unhoused community member in the downtown area during the July 4th events.

Mr. Kenneth Fox, 810 Varsity Drive, Fayetteville, NC, expressed concerns regarding aggressive dogs in his neighborhood and poor service from Animal Control.

Ms. Lisette Rodriguez, 1701 Cherokee Drive, Fayetteville, NC, invited everyone to attend an Office of Community Safety Celebration Cook-off on September 21, 2023. Ms. Rodriguez also requested a public forum on the hiring of the Community Safety Director.

Mr. Robert Walls, 1436 Valencia Drive, Fayetteville, NC, expressed concerns regarding multiple issues within the community.

Mr. Joseph Wheeler, 531 Hillsboro Street, Fayetteville, NC, stated he is an advocate for the homeless and made complaints against Cumberland Healthnet management of the Homeless Day Center.

Mr. Shaun McMillan, 6024 Goldenrain Drive, Fayetteville, NC, requested independent police oversight and requested Council to repeal the homeless camping ordinance.

## **9.0 PUBLIC HEARINGS**

### **9.01 Public Hearing to Consider Closing Calhoun Street**

Ms. Kecia Parker, Real Estate Manager, presented this item and stated N.C.G.S. § 160A-299 gives authority and procedures for the City to be able to close a City street or alley. The City received a petition to close approximately 7,455.23 square feet portion of an unopened street known as Calhoun Street to allow for the development of the North Carolina Civil War and Reconstruction History Center.

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

Mr. Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC, appeared in favor.

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

#### **A RESOLUTION AND ORDER CLOSING CALHOUN STREET. RESOLUTION NO. R2023-032**

**MOTION:** Council Member Ingram moved to adopt the Resolution and Order Closing Calhoun Street.

**SECOND:** Council Member Hondros

**VOTE:** UNANIMOUS (8-0)

## **10.0 OTHER ITEMS OF BUSINESS**

### **10.01 Presentation of Appointment Committee Recommendations for Fayetteville Advisory Committee on Transit (FACT) and Stormwater Advisory Board Appointments**

Council Member Thompson presented this item and stated the Appointment Committee met on June 29, 2023, to review applications for partial term appointments to the Fayetteville Advisory Committee on Transit (FACT) and Stormwater Advisory Board. It is from that meeting the Appointment Committee presents the recommendations for the following partial term appointments:

#### Fayetteville Advisory Committee on Transit (FACT)

Matthew Anderson August 14, 2023 - March 30, 2025

Dwight Thompson August 14, 2023 - March 30, 2025

#### Stormwater Advisory Board

Laurie Linder August 14, 2023 - March 30, 2025

**MOTION:** Council Member Ingram moved to accept the Appointment Committee recommendations for partial term appointments as stated.

**SECOND:** Council Member Hondros

**VOTE:** UNANIMOUS (8-0)

## **11.0 ADMINISTRATIVE REPORTS**

### **11.01 Homeless Encampment Impact Reduction Program - After Action Report**

This item was for information only, and was not presented. Mayor Colvin directed the City Manager to move this item to the September work session agenda.

### **11.02 FY 2023 City Council Scorecard**

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

## **12.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 7:47 p.m.