

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
AUGUST 28, 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  
Mike Hill, Fire Chief  
Gerald Newton, Development Services Director  
Jodi Picarella, Chief Financial Officer  
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 II  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order at 7:39 p.m.

**2.0 INVOCATION**

The invocation was offered by Dr. Lillie Council, Jesus is the Answer Worship Center.

**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 Haire presented a Certificate of Appreciation and City Coin to Ms. Rita Finner for her volunteer work in the Summerhill community.

Council Member Ingram presented Certificates of Appreciation to the following I Love My Community Honorees: Mr. Vic Frost, Ms. Thomasina Bradley, Ms. Takia Mathis, Mr. Hyawatha Sanders, and Mr. Ray Thomas.

Council Member Ingram presented Certificates of Appreciation to the following Students Striving for Success: Michel and Zacharay Burns.

Council Member Ingram presented Certificates of Appreciation to the following A1 Cook Offs at the 2023 Black BBQ Cook Off: Mr. and Mrs. Yulman, Mr. William Wright, Mr. Carl Pringle, Mr. Carlos Jones, Mr. Cedric Harris, Mr. Jerome Northly, and Mr. DJ Bearing.

Council Member Ingram presented a Certificate of Appreciation to Ms. Elizabeth Stiff for her community involvement.

Council Member Jensen read a proclamation proclaiming August 26, 2023, Women's Equality Day.

## **5.0 CITY MANAGER REPORT**

Mr. Douglas Hewett, City Manager, stated his weekly update to City Council is published and posted online.

## **6.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Ingram moved to approve the agenda and moved to appoint Ms. Lachelle Pulliam as the Interim City Attorney, effective September 16, 2023.  
**SECOND:** Mayor Pro Tem Dawkins  
**VOTE:** UNANIMOUS (10-0)

## **7.0 CONSENT AGENDA**

**MOTION:** Council Member Hondros moved to approve the consent agenda with the exception of Items 7.01, 7.03, and 7.04; pulled for separate votes.  
**SECOND:** Mayor Pro Tem Dawkins  
**VOTE:** UNANIMOUS (10-0)

**7.01** Pulled for separate vote.

**7.02** P23-24. Conditional Rezoning from Single-Family Residential 6 (SF-6) to Multi-Family Residential 5 Conditional Zoning (MR-5/CZ) to add three more dwelling units to the subject properties and address the front and rear setbacks on 0.73 ± acres, located at 812 Ridge Road (REID # 0429672563000), and being the property of Tawfik Sharifi, represented by Michael Adams of MAPS Surveying Inc.

**7.03** Pulled for separate vote.

**7.04** Pulled for separate vote.

**7.05** Adoption of Resolution to Direct the Expenditure of Opioid Settlement Funds and Adoption of Accompanying Special Revenue Ordinance 2024-7

**A RESOLUTION BY THE CITY OF FAYETTEVILLE TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS. RESOLUTION NO. R2023-033**

**7.06** Approval of the FY2023 Audit Contract and Annual Communications from the Independent Auditors Regarding the FY2023 Audit

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 PBMares, LLP, and City Council approved PBMares, LLP, as well.

**7.07** Proposed Text Amendment to Section 2-95 Ethics Commission, of Article IV Code of Ethics, of Chapter 2, Administration

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-95, ETHICS COMMISSION, OF ARTICLE IV, CODE OF ETHICS, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-023**

**7.08** Preliminary Resolution Authorizing the Filing of an Application with the Local Government Commission Requesting the Local Government Commission Sell Bonds at a Competitive Sale and Approving of the Financing Team

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT A COMPETITIVE SALE AND APPROVING THE FINANCING TEAM ALL IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2023-033

7.09 Brunswick Road No Parking Ordinance

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2023-011

7.010 Bid Recommendation - Zinc Orthophosphate Annual Contract

Award the Zinc Orthophosphate Annual Contract to Sterling Water Technologies, LLC, Columbia, TN, the lowest responsive, responsible bidder, in the total amount of \$392,865.00, with the option to renew for additional one-year periods upon the agreement of both parties.

7.01 P23-19. Initial zoning of one non-contiguous parcel totaling 2.95 ± acres, requesting annexation, to Community Commercial (CC) located at 133 Bethune Drive (0541297074000), being the property of John N. Bantsolas and Lloyd S. Goodson, represented by Michael Adams of MAPS Surveying Inc.

Council Member Hondros stated he needs to be recused from voting on Item 7.01, due to a conflict of interest.

MOTION: Mayor Pro Tem Dawkins moved to recuse Council Member Hondros from voting on Item 7.01; conflict of interest.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (9-0)

MOTION: Mayor Pro Tem Dawkins moved to approve Item 7.01.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (9-0)

7.03 TA23-019: Proposed Text Amendment to Chapter 14 of the City Code of Ordinances (City Council Request)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE VI, REGULATION OF BOARDED UP RESIDENTIAL STRUCTURES, OF CHAPTER 14, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-022

MOTION: Council Member Banks-McLaughlin moved to deny Item 7.03.

SECOND: Council Member Hondros

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

MOTION: Mayor Pro Tem Dawkins move to approve Item 7.03.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Benavente, Banks-McLaughlin, and Hondros)

7.04 Uninhabitable Structures: Demolition Recommendations

420 Alfalfa Street - District 2

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. ORDINANCE NO. NS2023-012

**1805 Ramsey Street - District 2**

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. ORDINANCE NO. NS2023-013

**401 Johnson Street - District 4**

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. ORDINANCE NO. NS2023-014

**834 Rembrandt Drive - District 7**

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. ORDINANCE NO. NS2023-015

**7352 Pebblebrook Drive - District 8**

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. ORDINANCE NO. NS2023-016

**MOTION:** Council Member Haire moved to approve Item 7.04.

**SECOND:** Mayor Pro Tem Dawkins

**VOTE;** UNANIMOUS (10-0)

**8.0 STAFF REPORTS**

**8.01 Fayetteville Fire Department 2023 Second Quarter Review**

Mr. Mike Hill, Fire Chief, presented the Fire Department 2023 Second Quarter Report with the aid of a PowerPoint presentation. Chief Hill reported on Regional Hazmat Response, Response Times, Call Volume, Fires, Top Fire Losses, EMS, Hazardous Materials, Human Resources Branch, Training, Community Preparedness Branch, Emergency Management, and Security.

Discussion ensued.

**MOTION:** Council Member Ingram moved to accept the Fire Department Report.

**SECND:** Council Member Banks-McLaughlin

**VOTE:** UNANIMOUS (10-0)

**8.02 Fayetteville Police Department 2023 2nd Quarter Review**

Mr. Kemberle Braden, Police Chief, presented the Police Department 2023 Second Quarter Report with the aid of a PowerPoint presentation and reported on Crime Statistics, Crime Trend Analysis, Crime Fighting Strategies, Community Engagement, Death Investigations, Homicide Analysis, Aggravated Assault, Domestic Violence, Domestic Violence Services, Property Crimes, Juvenile Crime, Pro-active Police Actions, Opioid Epidemic, Drug Seizures, Federal Partnerships, Internal Affairs, License Plate Reader Technology, Traffic Fatalities, Traffic Stop Data, Homelessness/Mental Health Responses, Staffing, Employee Retention, Community Watch Groups, and Community Engagement.

Dr. Perkins, Police Chaplain, presented information on the programs administered by the Faith in Action group.

Discussion ensued.

**MOTION:** Council Member Thompson moved to accept the Police Department Report.  
**SECND:** Council Member Ingram  
**VOTE:** UNANIMOUS (10-0)

#### **9.0 PUBLIC HEARINGS (Public & Legislative Hearings)**

**MOTION:** Mayor Pro Tem Dawkins moved to recuse Council Member Hondros from voting on this item; conflict of interest  
**SECOND:** Council Member Jensen  
**VOTE:** UNANIMOUS (9-0)

**9.01 AX23-03:** Slocomb @ Bethune, LLC, is petitioning to annex into the corporate limits of the City of Fayetteville one non-contiguous parcel totaling 2.95 ± acres. This parcel is located on the eastern side of Ramsey Street at 133 Bethune Drive and can be further identified by PIN # 0541-29-7074 and REID # 0541297074000.

Mr. Demetrios Moutos, Planner I, presented this item with the aid of a PowerPoint presentation and stated Slocomb @ Bethune, LLC, is petitioning to annex into the corporate limits of the City of Fayetteville and initially zone one parcel, a total of 2.95 ± acres, to Community Commercial (CC). This parcel is located on the eastern side of Ramsey Street at 133 Bethune Drive and can be further identified by PIN # 0541-29-7074 and REID # 0541297074000.

The site is currently zoned as Planned Commercial District [C(P)] under the Cumberland County zoning district map. The petitioner has requested to initially zone the parcel to Community Commercial (CC). The community commercial district accommodates the proposed use as well as a broad range of other commercial use types. The Zoning Commission has recommended approval of the requested map amendment.

According to the Future Land Use Map, this parcel has been identified for development with neighborhood-scale commercial uses, including smaller-scale multi-family and attached and small lot single-family, under the Neighborhood Mixed Use (NMU) designation. The Community Commercial (CC) district allows for uses that fit within this category of land uses. As this parcel is located in the City of Fayetteville's Municipal Influence Area (MIA), the connection to PWC sewer requires that the parcel be annexed into the corporate limits, City Council Policy No. 150.2. The petitioner is requesting annexation in order to connect to PWC sewer.

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

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA** East of Ramsey Street located at the intersection of Slocomb Road and Bethune Drive, PIN # 0541-29-7074/ REID # 0541297074000. Annexation Ordinance No. 2023-08-591

**MOTION:** Council Member Jensen moved to adopt the proposed ordinance annexing the parcel with an effective date of August 28, 2023, and establish the initial zoning consistent on prior action taken by Council concerning the map amendment.  
**SECOND:** Mayor Pro Tem Dawkins  
**VOTE:** UNANIMOUS (9-0)

#### **10.0 EVIDENTIARY HEARINGS**

**10.01 SUP23-07:** The issuing of a Special Use Permit for monitored electrified fencing in a Community Commercial zoning district, located at 4514 Bragg Boulevard (REID # 0418468673000) and being

**the property of WSWN Investments LLC, represented by Danny Pitts, AMAROK, LLC.**

Ms. Heather Eckhardt, Planner II, presented this item with the aid of a PowerPoint presentation and stated in 2012, Fayetteville's City Council amended its development code to allow electrified fencing under certain circumstances with a Special Use Permit in the CC - Community Commercial zoning district. This application does meet the standards for such uses. The applicant asserts that this type of security fencing is needed where their business is located, due to significant losses and multiple break ins. The design required by the UDO for these types of fences substantially lowers the visibility of such fences. Several of these fences have been approved since the ordinance was amended.

For a motion to approve, all six findings below must be met:

- (1) The special use complies with all applicable standards 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 use 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 use 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.

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

Ms. Cindy Williams, 550 Assembly Street, Columbia, SC, appeared in favor.

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

Discussion ensued.

**MOTION:** Council Member Haire moved to approve the Special Use Permit (SUP) to allow the installation of a monitored electrified fence in a Community Commercial zoning district 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 the applicable plans because (1) the development is located in a Community Commercial (CC) zoning district; (2) the fence will be placed behind the existing chain link fence, making the chain link fencing a buffer protecting pets, children, and passersby from accidental contact; and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area and will help protect the assets of this business.

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 Ingram

VOTE: UNANIMOUS (10-0)

## **11.0 OTHER ITEMS OF BUSINESS**

### **11.01 Appointment of a Public Works Commissioner**

Mayor Colvin presented this item and stated the five applicants for the 2023 fall PWC appointment are Patricia Archie-Jackson, William Gothard, Josef Hallatschek, Richard King, and Michael Larson. Mr. Hallatschek is unable to attend this evening.

Mayor Colvin stated the candidates will be allowed three minutes each to individually introduce themselves to the City Council and address the City Council on why they believe they should be appointed to the Public Works Commission. The candidates will then be asked three questions and will be provided an opportunity to respond to the City Council.

The four candidates introduced themselves and responded to the three questions asked by Mayor Colvin.

Mayor Colvin thanked the applicants for their participation in the interview process.

## **12.0 ADMINISTRATIVE REPORTS**

### **12.01 City Manager's Update - City Council Agenda Item Requests**

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

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 11:07 p.m.