

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
FEBRUARY 26, 2024
6:30 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Lynne Greene (District 5); Derrick Thompson (District 6); Brenda McNair (District 7) (via zoom); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Kemberle Braden, Police Chief
Gerald Newton, Development Services Director
Loren Bymer, Marketing & Communications Director
Byron Reeves, Assistant Public Services Director
Lisa Harper, Senior Assistant City Attorney
Craig Harmon, Senior Planner
Will Deaton, Planning and Zoning Manager
Heather Eckhardt, Planner II
Demetrios Moutos, Planner I
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 Alfonza McAllister, Rapha Ministries

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Colvin and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Colvin presented a Proclamation to Mr. Byron Reeves, Assistant Public Services Director, proclaiming February 18-24, 2024, as National Engineers Week.

Council Member Banks-McLaughlin read a Proclamation to honor former Council Member Mable C. Smith in recognition of Black History Month.

Council Member Banks-McLaughlin presented a Certificate of Excellence to Ms. Tiffany Campbell for all her significant contributions to the community.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated the City Manager newsletter is published weekly and residents can sign up to receive it via the City's website.

6.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Jensen moved to approve the agenda with moving Items 9.0 and 10.0 after Item 7.0.
SECOND: Council Member Davis
VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda, with the exception of Item 7.02; pulled for presentation and separate vote.
SECOND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:
February 5, 2024 - Work Session
February 12, 2024 - Discussion of Agenda Items
February 12, 2024 - Regular

7.02 Pulled for presentation and separate vote.

7.03 P24-02. Rezoning from Agricultural Residential (AR) to Community Commercial (CC) located at 0 Stoney Point Road (9485667168000 and 9485750853000) totaling 9.77 acres ± and being the property of Margaret Nicole Ritter, represented by Mark Candler of Candler Development Group LLC.

7.04 P24-03. Conditional Rezoning of six parcels from Neighborhood Commercial (NC) and Community Commercial (CC) to Neighborhood Commercial Conditional Zoning (NC/CZ) totaling 0.84 acres ± and being the property of Cape Fear Regional Theatre at Fayetteville Inc., represented by Danielle Hammond of Urban Design Partners.

7.05 Adoption of Capital Project Ordinance Amendment (CPOA) 2024-12 to appropriate the required local match for Terminal Renovations Phase III.

Adopt Capital Project Ordinance Amendment (CPOA) 2024-12 to appropriate the required local match of \$187,045.00 to the Terminal Renovations Phase III project. The local match will be provided by a transfer from the Airport Operating Fund.

7.06 Rescind Demolition Ordinance

901 Person Street - District 2

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2023-030

5523 Meharry Drive - District 3

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2023-023

7.07 Addition of Certain Streets to the City of Fayetteville System

The Fayetteville street system includes 751.46 center line miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance with the City's standards and can be designated for private or public ownership and maintenance. When streets are constructed to City standards, it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major city streets.

Staff has identified 14 recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets. These streets and drainage systems within the street rights-of-way have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 1.80-mile addition will bring the City's street system total to 753.26 miles.

7.08 Stormwater Ordinance Text Amendment, Sec. 23-33 Ownership and Maintenance of Stormwater Management Facilities

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 23 STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-002

7.09 State Action Plan 2024

The City has prepared, with input from staff and Council, the State Action Plan for consideration and formal adoption. The adopted plan will communicate and coordinate state funding and legislative advocacy agenda priorities.

7.010 PWC - Bid Recommendation - One 33,000 GVWR Regular Cab and Chassis and One 33,000 GVWR Crew Cab and Chassis

Bids were received for the purchase of one 33,000 GVWR Regular Cab and Chassis, and one 33,000 GVWR Crew Cab and Chassis. The lowest responsive, responsible bidder is Cleveland Freightliner, Inc., Parma, OH, in the total amount of \$226,118.00.

7.011 PWC - Bid Recommendation - Sensus 1-1/2 Water Meter Replacement

Bids were received for the purchase of 540 each, Sensus 1-1/2 Water Meter Replacement. The lowest responsive, responsible bidder is Sensus USA, Uniontown, PA, in the total amount of \$203,520.00.

7.02 P24-01. Rezoning from Office/Institutional (OI) and Community Commercial (CC) to Single-Family Residential 10 (SF-10) located on unaddressed lots on Summer Hill Road (0409214573000 and 0409215651000) totaling .67 acres ± and being the property of Rescue Rehab Resale LLC, represented by Jeremy Sparrow of Longitude Planning Group, PLLC.

Mr. Demetrios Moutos, Planner I, presented this item and stated the applicant is seeking to rezone two parcels totaling 0.67 acres ± from Office and Institutional (OI) and Community Commercial (CC) to Single-Family Residential 10 (SF-10). The Zoning Commission held a legislative hearing for this case on January 17, 2024, and voted to approve the rezoning unanimously, 5 to 0.

MOTION: Council Member Haire moved to approve the map amendment to SF-10.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (10-0)

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 P23-53. Rezoning from Single-Family Residential 10 (SF-10) to Single-Family Residential 6 (SF-6) located at 1040 Stamper Road (REID 0428335880000) totaling .25 acres ± and being the property of Rockfish Run Land and Development LLC.

Ms. Heather Eckhardt, Planner II, presented this item and stated the applicant is seeking to rezone 1040 Stamper Road from Single-Family Residential (SF-10) to Single-Family Residential 6 (SF-6). The Zoning Commission held a legislative hearing on December 12, 2023. There was one speaker in favor and eight speakers in opposition. The Zoning Commission voted to deny the request (4-1). The applicant

appealed the denial to City Council. This item was tabled to February 26, 2024, during the January 22, 2024, City Council meeting at the request of the applicant.

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

Mr. Tim Evans, 4239 Cameron Road, Fayetteville, NC, appeared in favor.

Ms. Elizabeth Vasser, 1924 Cherokee Drive, Fayetteville, NC, appeared in opposition of the rezoning.

Ms. Barbara Niemtzyk, 1914 Manteo Street, Fayetteville, NC, appeared in opposition of the rezoning.

Mr. Alexei Shakhirev, 1923 Manteo Street, Fayetteville, NC, appeared in opposition of the rezoning.

Mr. Rick Bryant, 1803 Catawba Street, Fayetteville, NC, appeared in opposition of the rezoning.

Mr. Stephen Garner, 1905 Manteo Street, Fayetteville, NC, appeared in opposition of the rezoning.

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

MOTION: Council Member Hondros moved to approve the rezoning of 1040 Stamper to SF6.
SECOND: Council Member Greene
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Jensen, Davis, Benavente, and Haire)

10.0 EVIDENTIARY HEARINGS

10.01 P24-01. Special Use Permit to locate a Duplex (two- to four-family dwelling) at 1040 Stamper Road (REID 0428335880000) totaling .25 acres ± and being the property of Rockfish Run Land and Development LLC.

MOTION: Council Member Davis moved to table this item to the March 25, 2024, Council meeting.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (10-0)

8.0 STAFF REPORTS

8.01 Fayetteville Fire Department 2023, 4th Quarter Review

Mr. Moisbiell Alvarez, Interim Fire Chief, presented the Fire Department 2023 Fourth 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 Banks-McLaughlin moved to accept the report.
SECOND: Council Member Hondros
VOTE: UNANIMOUS (10-0)

8.02 Fayetteville Police Department 2023, 4th Quarter Review

Mr. Kemberle Braden, Police Chief, presented the Police Department 2023 Fourth 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.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to accept the report.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Benavente moved to have the Internal Community Safety Committee review and report back on Police Department traffic stops and searches.

SECOND: Council Member Davis

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

11.0 ADMINISTRATIVE REPORTS

11.01 Liens Resulting from City-Initiated Demolitions

Mayor Colvin requested this item be presented at a future work session.

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:48 p.m.