

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
JUNE 24, 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) (via Zoom); Lynne Greene (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
Lachelle Pulliam, 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
Kevin Dove, Fire Chief
Gerald Newton, Development Services Director
Loren Bymer, Marketing & Communications Director
Craig Harmon, Senior Planner
Will Deaton, Planning and Zoning Manager
Sheila Thomas-Ambat, Public Services Director
Byron Reeves, Assistant Public Services Director
Brian McGill, Deputy City Traffic Engineer
Kimberly Leonard, Budget and Evaluation Director
Kim Toon, Purchasing Manager
Jennifer Ayre, Deputy 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 Lionel Cartwright with Power of Christian Faith Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Benavente presented a proclamation to Ms. Krystal Maddox, Fayetteville Pride President, proclaiming June 24, 2024, in honor of Fayetteville Annual Pride Fest. Ms. Maddox stated the festival is scheduled for June 29, 2024, at Festival Park from 12:00 to 6:00 p.m.

Mayor Colvin read a proclamation proclaiming June 19, 2024, as Juneteenth in the City of Fayetteville and urged everyone to remember the significance of Juneteenth.

Mayor Pro Tem Jensen presented a proclamation to women Veterans proclaiming June 7, 2024, in honor of Military Women's Health.

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: Council Member Benavente moved to approve the agenda with the exception of Item 7.0A14, pulled for a separate vote.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (10-0)

7.0A CONSENT AGENDA

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

7.0A1 Approval of Meeting Minutes:

May 28, 2024 - Discussion of Agenda Items
May 28, 2024 - Regular
June 3, 2024 - Work Session
June 10, 2024 - Special
June 10, 2024 - Regular
June 12, 2024 - Special Budget

7.0A2 P24-07. Initial Rezoning of 3.5 acres ± from Planned Industrial [M(P)] to Light Industrial (LI), located at 2246 Angelia M Street (REID # 0447927785000), and being the property of Judd Brook 6, LLC, represented by Gordon Rose.

7.0A3 P24-21. Rezoning from Single-Family Residential 6 (SF-6) to Limited Commercial (LC), located at 1202 Irving Drive (REID # 0438523391000), totaling .24 acres ± and being the property of Charles Davenport.

7.0A4 P24-23. Rezoning of multiple properties from Single-Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI), located on the north side of Village Drive between Roxie Avenue and Owen Drive, totaling 7.54 acres ± and being the properties of Cumberland County Hospital System Inc.

7.0A5 P24-24. Rezoning from Limited Commercial Conditional Zoning (LC/CZ) to Limited Commercial (LC), located at 7376 and 7376 Stoney Point Road (REID #s 9495108581000 and 9495109789000), totaling 8.65 acres ± and being the property of Kazi Hasiba Burns.

7.0A6 P24-27. Rezoning from Mixed Residential 5 Conditional Zoning (MR-5/CZ) to Single-Family Residential 10 (SF-10), located at 0 Carvers Falls Road (REID # 0530996236000), totaling 3.32 acres ± and being the property of TG Ventures LLC.

7.0A7 SUP24-04. Order of Approval - Findings of Fact; Special Use Permit (SUP) to allow the reduction of the separation requirement between an automotive wrecker service and residentially zoned property located at 639 Gillespie Street (REID # 0436592379000) and being the property of H & A Joint Adventures LLC and Jainelys Prather of J & P Towing and Transporting LLC.

7.0A8 Bid Recommendation - Resurface Various Streets 2024 - Phase II

Bids were received for the resurfacing of 13 streets totaling approximately 4.16 miles and milling and resurfacing of 7 streets totaling approximately 2.91 miles. The lowest responsive, responsible bidder was Barnhill Contracting Company in the total amount of \$3,679,382.11.

7.0A9 Bid Recommendation, Adoption of Capital Project Ordinance Amendment 2024-34, Capital Project Ordinance Amendment 2024-35, Capital Project Ordinance Amendment 2024-36, and Resolution to

Authorize Supplemental Agreement for U-5528FA Rosehill Road Sidewalk (Country Club Drive to Shaw Mills Road)

Award contract and authorize the City Manager to execute a contract with the lowest responsive, responsible bidder, Morgan Trucking & General Construction, in the amount of \$1,334,282.16. In addition, adopt the Capital Project Ordinance Amendment (CPOA) 2024-34, CPOA 2024-35, and CPOA 2024-36 to appropriate additional funds to cover expenses that exceeded the amount to be reimbursed by the North Carolina Department of Transportation (NCDOT), and authorize the City Manager to execute a Supplemental Agreement with NCDOT to extend the project end date.

7.0A10 Adoption of Special Revenue Fund Project Ordinances 2025-1, 2025-2, and 2025-3 for the funding of the Community Development Block Grant, HOME Investment Partnership Grant, and Housing Opportunities for Persons with AIDS FY 2024-2025 Programs

Adoption of Special Revenue Fund Project Ordinance 2025-1, 2025-2, and 2025-3 to appropriate the operating budgets for the Community Development Block Grant (CDBG) for a total of \$1,708,868.00, HOME Investment Partnership Grant (HOME) for a total of \$874,315.00, and Housing Opportunities for Persons with AIDS (HOPWA) for a total of \$878,892.00; to support activities identified in the Economic & Community Development Department's proposed 2024-2025 Annual Action Plan.

7.0A11 Adoption of Budget Ordinance Amendment 2024-15 for the General Fund, Stormwater Management Fund, Transit Fund, and Fleet Management Fund

Adoption of Budget Ordinance Amendment (BOA) 2024-15 to increase the annual operating budget for the General Fund by \$1,0050,520.00, the Stormwater Management Fund by \$2,000,000.00, the Transit Fund by \$120,000.00, and the Fleet Maintenance Internal Fund by \$600,000.00. This is to ensure sufficient budget is available to meet year-end expenditure projections.

7.0A12 Professional Service Contract Execution Recommendation - Russell & Person Street Bridge and Stream Improvement Project Design Services

Authorize the execution of an engineering service contract for professional services to the consulting firm Arcadis G&M of North Carolina, Inc., in the amount of \$1,489,124.00 for the Russell Person Bridge and Stream Improvement Project.

7.0A13 Fayetteville Downtown Parking Hours Change

Approve the change to the downtown paid parking hours to 9:00 a.m. to 5:00 p.m. Monday through Friday effective July 1, 2024.

7.0A14 This item was pulled for a separate vote at Item 7.0B1.

7.0B ITEMS PULLED FROM CONSENT

7.0B1 Request for Legal Representation of City Employees

Authorize legal representation for City employees Timothy Rugg and Zacharius Borom in the matter of *Estate of Jada Johnson, L.J. the minor daughter of Jada Johnson, Richard Iwanski, and Maria Iwanski v. City of Fayetteville, Sergeant Timmothy Rugg, Officer Zacharius Borom, John and Jane Doe's 1-100, City of Fayetteville Employees and Police Officers*, while acting within the scope and course of their employment with the City when the alleged incident occurred.

MOTION: Council Member Benavente moved to approve the request for legal representation of City employees.
SECOND: Council Member Greene

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Benavente moved to direct staff to reach out to the appropriate partnerships to establish a sentinel review process.

SECOND: Council Member Banks-McLaughlin

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

8.0 PUBLIC HEARINGS (Public & Legislative Hearings)

8.01 AX24-01: Judd Brook 6, LLC, is petitioning to annex into the corporate limits of the City of Fayetteville one non-contiguous parcel totaling 3.51 ± acres. This parcel is located north of NC HWY 24 on the corner of Whitehead Road and NC HWY 24 at 2246 Angelia M Street and can be further identified by PIN 0447-92-7785 and REID # 0447927785000.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner and applicant of the subject property are submitting a petition for annexation into the corporate limits of the City of Fayetteville. The property is approximately 3.51 acres located at 2246 Angelia M Street at the corner of Whitehead Road and North Carolina Highway 24 and is identified by PIN 0447-92-7785 and REID # 0447927785000.

During consent, Council did pre-approve the zoning to Light Industrial. The property is an existing business and is a Bobcat Facility to sell equipment. The owners are asking for annexation in order to access City water and sewer utilities. It is currently zoned as manufacturing in Cumberland County. The 2040 Future Land Use Plan does call for Industrial zoning on the property. The properties surrounding the property are also industrial in nature.

The Zoning Commission held a legislative hearing on May 14, 2024, and unanimously voted 5 to 0 to recommend approval for the proposed map amendment related to this annexation. The petition does meet the requirements of North Carolina General Statutes 160A-31 and 160A-58.1 and the Real Estate Department has verified the determination of petition sufficiency. The application does align with the standards for non-contiguous annexation. The departments and emergency services reported that they can absorb the expansion of services with minimal additional resources.

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

Mr. Gordon Rose, 7933 McArtans Ford, Linden, NC, stated he is an engineer with Gradient that is doing the site design work for the property, representing the owner, and appeared in favor.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (North of NC HWY 24 on the corner of Whitehead Road and NC HWY 24 - 2246 Angelia M Street - PIN 0447-92-7785; REID # 0447927785000. ANNEXATION ORDINANCE NO. 2024-06-595

MOTION: Council Member Davis moved to adopt the annexation ordinance with an effective date of June 24, 2024.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (10-0)

8.02 TA24-10. Proposed amendments to the Hospital Area Overlay and Plan

Mr. Craig Harmon, Senior Planner, presented this item and stated this is a text amendment to the Unified Development Ordinance (UDO) Hospital Area Overlay (HAO) District and Plan.

The current HAO's purpose is to protect the public health, safety, and welfare of residents in the vicinity of the Cape Fear Valley Hospital by lessening conflicts between residential and non-residential land uses and by promoting compatible quality development. The proposed text amendments states the purpose of the HAO is to uphold the public health, safety, and welfare of the community in the vicinity of the Cape Fear Valley Hospital and aims to foster harmony between residential and non-residential land uses, advocating for development that is not only compatible and of high quality, but also specifically designed to support the expansion of the Cape Fear Valley Medical Center, implement a more adaptable and resilient approach for future development, and balance growth and community well-being through compatible land use planning. The proposed text amendments would allow for expansion on the north side of Village Drive and use the south side of Village Drive from Conover Drive to Roxie Avenue as a buffer to continue to protect the residential area.

The Planning Commission held a public hearing on April 16, 2024, and unanimously recommended approval of the proposed text amendments.

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

Mr. David Sumner, 1638 Owen Drive, Fayetteville, NC, stated he is the project manager for Cape Fear Valley Health System, and appeared in favor.

Mr. Macklyn "Bo" Sellars, 1638 Owen Drive, Fayetteville, NC, appeared in favor.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-3.H., OVERLAY ZONING DISTRICTS, OF ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING SECTION 30-3.H., OVERLAY ZONING DISTRICTS, OF ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-015

MOTION: Council Member Greene moved to approve the proposed amendments to the hospital area overlay plan as presented.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

8.03 P24-22. Initial map amendment from Rural Residential (RR) (County) to Mixed Residential 5 Conditional (MR-5/CZ), located at 1666 and 1674 Cedar Creek Road and 1678 and unaddressed parcel on Fields Road (REID #s 0446709250000, 0446804556000, 0445894268000, and 0445892478000), totaling 27.72 acres ± and being the property of Cedar Creek Road, LLC.

MOTION: Council Member Hondros moved to recuse Mayor Colvin from Items 8.03 and 8.04.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Hondros moved to recuse Council Member Greene from Items 8.03 and 8.04.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner and applicant of the subject property are submitting a request for initial zoning from County zoning of RR to MR-5/CZ. The property is approximately 27.72 acres located at 1666 and 1667 Cedar Creek Road and 1678 and unaddressed parcel on Fields Road and is identified by REID #s 0446709250000, 0446804556000, 0445894268000, and 0445892478000. This property is attached to an annexation request.

One parcel has a portion at the front of abutting Cedar Creek Road already in the City. The surrounding area is zoned A1 (County) and LC to the north; RR, C(P) (County) and LC to the South; CC to the East; and RR (County) to the west. The 2040 Future Land Use Plan recommends zoning as low-density residential with some office and institutional along the front on both sides of Cedar Creek Road. Mr. Harmon stated this is a conditional zoning, however, the site plan is not a condition. The owners have conditioned it to no more than 300 units on the property. Staff analysis states the development appears to fit with the growing needs of the area and the City as a whole, the site's location is on an underutilized major thoroughfare making it ideal for multi-family development, the area's suitability rating for residential development makes the area appropriate for residential densities of more than those allowed in a low-density zoning, and Fayetteville's ongoing Locks Creek Drainage Improvements Project.

The Zoning Commission held a legislative hearing on May 14, 2024, and voted 4 in favor to 1 in opposition to recommend approval for the application. The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan and Strategic Plan and policies within the UDO, the uses permitted by the proposed change in zoning district classification and standards apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding the property, and there are no other factors that will substantially affect public health, safety, morals, or general welfare.

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

Mr. Jonathan Charleston, 201 Hay Street, Fayetteville, NC, representing the owner, appeared in favor.

Mr. Tom Lloyd, 11100 Claredon Street, Fayetteville, NC, appeared in favor.

Mr. Darren Collins, 324 Mason Street, Fayetteville, NC, yielded his time to Mr. Jonathan Charleston.

Mr. Robert Naylor, 1997 Water Oaks Drive, Fayetteville, NC, appeared in opposition.

Mr. Jeremy Stanley, 2313 Cleveland Avenue, Fayetteville, NC, appeared in opposition.

Mr. Brandon Perdue, 1531 Cedar Creek Road, Fayetteville, NC, appeared in opposition.

Mrs. Channing Perdue, 1531 Cedar Creek Road, Fayetteville, NC, stated he is an engineer with city planning experience, appeared in opposition.

Ms. Janene Ackles, 1684 Cedar Creek Road, Fayetteville, NC, appeared in opposition.

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

Discussion ensued regarding traffic, flooding, environmental issues, and the restrictive covenants attached to the land.

MOTION: Council Member Hondros moved to approve the map amendment to MR-5/CZ as presented based on the evidence submitted and find that the map amendment/rezoning is consistent with the future plan of the City demonstrated by the consistency and reasonableness statement with an update to the land use plan and to reflect this map amendment.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 5 in favor to 3 in opposition (Council Members Davis, Benavente, and McNair)

Mayor Pro Tem Jensen recessed the meeting at 8:35 p.m., and reconvened the meeting at 8:51 p.m.

8.04 AX24-02: Cedar Creek Road, LLC, is petitioning to annex into the corporate limits of the City of Fayetteville four contiguous parcels totaling 27.72 ± acres. These parcels are located on the western side of Cedar Creek Road at 1666 and 1674 Cedar Creek Road, and 0 and 1678 Fields Road, and can be further identified by PINs 0445-89-2478, 0446-70-9250, 0446-80-4556, and 0445-89-4268, and REID #s 0445892478000, 0446709250000, 0446804556000, and 0445894268000.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner and applicant of the subject property are submitting a petition for annexation into the corporate limits of the City of Fayetteville and is related to the rezoning request on Cedar Creek Road. The property is approximately 27.72 acres located at 1666 and 1667 Cedar Creek Road and 1678 and unaddressed parcel on Fields Road and is identified by REID #s 0446709250000, 0446804556000, 0445894268000, and 0445892478000.

The surrounding area has single-family residential houses and vacant land to the north, vacant and undeveloped land to the south, single-family homes to the west, and commercial businesses to the east. It is adjacent to the site of a proposed Fire Station for the City of Fayetteville on Cedar Creek Road.

The Zoning Commission held a public hearing on May 14, 2024, to consider the map amendment associated with the annexation petition and voted 4 in favor to 1 in opposition to recommend approval of the rezoning. The petition does meet the requirements of North Carolina General Statutes 160A-31 and 160A-58.1 and the Real Estate Department has verified the determination of petition sufficiency. The application does align with the standards for non-contiguous annexation. The departments and emergency services reported that they can absorb the expansion of services with minimal additional resources. The annexation will lead to an increase in property taxes due to the inclusion of City taxes.

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

Mr. Jonathan Charleston, 201 Hay Street, Fayetteville, NC, appeared in favor.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [West of Cedar Creek Road between Fields Road and Water Oaks Drive - 1666 and 1674 Cedar Creek Road, and 0 and 1678 Fields Road, PIN #s 0446-80-4556 (Previously 0446-80-3573), 0446-70-9250, 0445-89-2478, and 0445-89-4268 and REID #s 0446803573000 (Previously 0446803573000), 0446709250000, 0445892478000, and 0445894268000] ANNEXATION ORDINANCE NO. 2024-03-595

MOTION: Council Member Davis moved to adopt the annexation ordinance with an effective date of June 24, 2024.
SECOND: Council Member Hondros
VOTE: UNANIMOUS (8-0)

9.0 OTHER ITEMS OF BUSINESS

9.01 Fiscal Year (FY) 2024-2025 Budget Ordinance, Adoption of the FY 2024-2025 Fee Schedule, FY 25 Capital Project Ordinances and Amendments, and FY 25 Special Revenue Fund Ordinance Amendment

Mr. Jeffery Yates, Assistant City Manager, presented this item and stated everything has been submitted in accordance with the general statute and the public hearing was held. In addition to the ad valorem tax rate increase of 4 cents to the new rate of 57.95 cents to fund public safety salaries, the Municipal Service District will increase 7 cents to the new rate of 17 cents, the ordinance also increases the stormwater monthly rate by \$1.00 to \$7.00 and the solid waste annual rate by \$10.00 to \$275.00, and fund the Office of Community Safety (OCS) with \$2,300,000.00 in direct funding and \$2,500,000.00 in OCS related activities. The budget ordinance also addresses market and compression adjustments for police, fire and emergency services with \$11,000,000.00, and a 4 percent merit increase and 1 percent 401(K) increase for all other employees. Mr. Yates presented the additional parking lot items that were included in the budget ordinance.

Discussion ensued.

MOTION: Council Member Thompson moved to approve Fiscal Year 2024-2025 Budget Ordinance, Fee Schedule, Capital Project Ordinance and Amendments 2025-1 through 2025-16, and Special Revenue Fund Ordinance Amendment 2025-1.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Residential Traffic Management Program - Traffic Calming Measures

This item was moved forward to the August 5, 2024, work session.

10.02 Mandatory Education for Council Members

This item was for information only and was not presented.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:22 p.m.