

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
AUGUST 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); 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
Sheila Thomas-Ambat, Public Services Director
Christopher Cauley, Economic & Community Development
Director (departed at 7:15 p.m.)
Brian McGill, Interim Assistant Public Services
Director
Joshua Hall, Police Attorney
Erin Swinney, Police Attorney
Will Deaton, Planning and Zoning Division Manager
Alicia Lanier, Stormwater Project Manager
Craig Harmon, Senior Planner
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 Mr. Jeff Darling, YMCA of the Sandhills Director.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Ms. Alicia Lanier, Stormwater Project Manager, presented the 2024 Association of State Floodplain Managers (ASFPM) James Lee Witt Award for Excellence for its Watershed Master Planning Program to the Mayor and City Council. This award recognized Fayetteville's significant contribution to the organization's vision of an adaptable nation resilient to flooding and prepared for tomorrow's changing climate.

Police Chief Kemberle Braden stated today was the first day of school and the first day for the School Resource Officers (SROs) and Traffic Control Officers (TCOs). Police Major Charles Hunt stated the Police Department would not have been able to hire everyone in time without the assistance of the Human Resources Development Department. The 6 SROs and 2 of the TCOs were introduced to Council.

Mayor Pro Tem Jensen stated she made a bet with Council Member Davis to wear the school colors of the winning team for the first football game of the season between Cape Fear High School and Pine Forest High School. She congratulated the Cape Fear Colts on their shutout win and

stated she did her best to find an outfit in blue and gold to celebrate their win.

Mayor Pro Tem Jensen stated August 26, is recognized as Women's Equality Day and it is the 103rd anniversary of women winning the right to vote.

Mayor Colvin presented the Key to the City to Mr. Johnny Wilson with Fayetteville Urban Ministries in recognition of his devoted interest and untiring commitment to the community for more than 25 years.

Mayor Colvin presented a proclamation to Ms. Angela Tatum Malloy proclaiming August 25 - 31, 2024, in honor of Black Breastfeeding Week.

5.0 CITY MANAGER REPORT

Ms. Kelly Olivera, Assistant City Manager, stated the Federal Aviation Administration announced the award of \$5,000,000.00 to the City of Fayetteville for the Airport Improvement Grant which will fund the building of the new International Terminal. She thanked Congressman Rouzer's Office for their support in the project. Ms. Olivera stated later this week staff plans to announce the new Airport Director. An offer has been made and accepted.

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 Banks-McLaughlin moved to approve the agenda.
SECOND: Council Member Davis
VOTE: UNANIMOUS (10-0)

7.0A CONSENT AGENDA

MOTION: Council Member Jensen moved to approve the consent agenda.
SECOND: Council Member Thompson
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Benavente)

7.0A1 Adoption of Special Revenue Ordinance to Appropriate the Governor's Highway Safety Program Grant Award

Adoption of Special Revenue Fund Project Ordinance 2025-4 to appropriate the North Carolina Department of Transportation's Governor's Highway Safety Program award of \$25,000.00 to conduct high-visibility enforcement on main highways and thoroughfares throughout the City and increase patrols in neighborhoods and school zones.

NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM LOCAL GOVERNMENTAL RESOLUTION. RESOLUTION NO. R2024-030

7.0A2 Adoption of Special Revenue Ordinance to Appropriate the Energy Efficiency Conservation Block Grant Award

Adoption of Special Revenue Fund Project Ordinance 2025-5 to appropriate the Department of Energy's Energy Efficiency Conservation Block Grant award of \$245,040.00 to facilitate the hiring of a technical consultant, execution of energy audits, develop regional Energy Efficiency and Conservation Strategies, and engage the community through educational initiatives.

7.0A3 Adoption of Special Revenue Ordinance to Appropriate the FY2025 Juvenile Restitution Program Grant Award

Adoption of Special Revenue Fund Project Ordinance 2025-6 to appropriate the North Carolina Department of Public Safety Fiscal Year 2025 Juvenile Restitution Program Grant award of \$99,384.00 for personnel

and operating costs of the Fayetteville-Cumberland Juvenile Restitution Program. The appropriation includes the \$67,482.00 grant award, \$15,951.00 local match from Fayetteville, and \$15,951.00 local match from Cumberland County.

7.0A4 Approval of a Resolution Authorizing Fayetteville Area System of Transit's Disadvantaged Business Enterprise (DBE) Program Update and Goal

The Fayetteville Area System of Transit's (FAST) updated 2024-2027 Disadvantaged Business Enterprise Program and goals to the Federal Transit Administration (FTA). FAST is required to update the program and goals every three years for contracting opportunities that use FTA funds.

A RESOLUTION AUTHORIZING FAYETTEVILLE AREA SYSTEM OF TRANSIT TO ESTABLISH AND SUBMIT THE 2024-2027 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM AND GOAL TO THE FEDERAL TRANSIT ADMINISTRATION. RESOLUTION NO. R2024-031

7.0A5 Approval of the Fayetteville Comprehensive Transportation Plan

The Fayetteville Comprehensive Transportation Plan identified subdivisions with limited access and prioritized connectivity improvements to meeting public safety needs based on resiliency, feasibility, equity, multimodal access, and community access. There were 17 connections recommended and the consultant, Kittelson & Associates, Inc., developed planning-level concept designs and cost estimates for each connection as well as a comprehensive multimodal mobility and safety analysis on major travel corridors resulting in a series of project recommendations.

7.0A6 Authorize an Updated Affordable Housing Loan Commitment Letter for Eutaw Landing Apartments

The Eutaw Landing Apartments is a proposed 54-unit apartment community for 55+ located adjacent to 839 Elm Street. The loan commitment letter and subsequent loan documents are for the amount of \$800,000.00 from Home Investment Partnership Funds to construct the new housing development. The development requires a 1 percent low-interest loan over 20 years. The commitment is valid until December 31, 2024, with a six-month extension allowed at the Director's discretion.

7.0A7 Approval of Hillside Manor Rehabilitation Loan Commitment

Hillside Manor is a 50-year-old senior living complex located at 1920 Rosehill Road. The loan commitment letter and subsequent loan documents are for the amount of \$2,000,000.00 from the American Rescue Plan Act Funds for substantial repairs. The project loan requires 1 percent payment of interest only payments for the first five years and transitioning to 1 percent fully amortized over a 25-year term for a total of 30 years. The commitment is valid until December 31, 2024, with a six-month extension allowed at the Director's discretion.

7.0A8 Resolution Authorizing a Proposed Lease for the Police Substation Located at 1944 Cedar Creek Road

A RESOLUTION AUTHORIZING THE LEASE AGREEMENT FOR THE CITY OF FAYETTEVILLE POLICE SUBSTATION LOCATED AT 1944 CEDAR CREEK ROAD. RESOLUTION NO. R2024-032

7.0A9 Adoption of Ordinance Amendment to Chapter 2, Article IV - Code of Ethics

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. ORDINANCE NO. S2024-016

7.0B ITEMS PULLED FROM CONSENT

There were no items pulled from consent.

8.0 STAFF REPORTS

8.01 Fayetteville Fire Department 2024 2nd Quarter Review

Mr. Kevin Dove, Fire Chief, presented the 2024 Second Quarter Report with the aid of a PowerPoint presentation. Chief Dove recognized the retirement of five individuals each with a total of 140 years of combined fire experience and thanked them for their service and commitment to the City. Chief Dove also recognized the promotion of David Richtmeyer to Deputy Chief in charge of Operations, Michael Autry to Assistant Chief in charge of Hazardous Materials, Daniel Maffia to Assistant Chief in charge of EMS Coordination, Andrew Bumgarner to Captain, Jeremiah Price-Picon to Lieutenant, Jonathan Raub to Lieutenant, and Benjamin Williams to Lieutenant. The Fire Department has also hired the first Community Risk Reduction Specialist who will assist in identifying risks within different areas of the City and create and provide focused education for those areas.

Fire Chief Dove reported on regional hazmat response, response times, call volume, fires, top fire losses, EMS responses, hazardous materials responses, human resources, inspections, training, and community involvement.

Discussion ensued.

MOTION: Council Member Hondros moved to accept the report.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (10-0)

8.02 Fayetteville Police Department 2024 2nd Quarter Review

Mr. Kemberle Braden, Police Chief, presented the Police Department 2024 Second Quarter Review with the aid of a PowerPoint presentation and reported on crime statistics, crime trend analysis, crime fighting strategies, homicide analysis, rape, aggravated assault, robbery incidents, death investigations, Sound Thinking Program, federal partnerships, domestic violence, property crimes, juvenile crime, narcotics seizures, 911 Communications, homelessness/mental health responses, traffic fatalities, traffic stop data, internal affairs, use of force review, employee retention, and community engagement programs.

Discussion ensued.

MOTION: Council Member Benavente moved to accept the report.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

9.0 EVIDENTIARY HEARINGS

9.01 Conduct an Evidentiary Hearing on SUP24-05. Special Use Permit (SUP) to allow the construction of 8 townhomes (single-family attached units) on 0.98 acres of property zoned Single-Family 6 Residential (SF-6) located at 1011 Cain Road (REID # 0428145182000) and being the property of Michael Pleasant, applicant George Rose, George M. Rose, P.E.

Mr. Craig Harmon, Senior Planner, presented this item and stated the subject property is located at 1011 Cain Road, is approximately 0.98 acres in District 4, and is identified by REID # 0428145182000. The request is for a special use permit for single-family attached dwellings for 8 townhome units.

It is near the intersection of Varrene Street and Cain Road. There are a set of 12 apartments in two different buildings right beside the property and the parking lot of the current building and the proposed

buildings would be adjoined. The property beside it is zoned Single-Family 6 and all other surrounding properties are zoned Single-Family 10. The Land Use Plan does call for medium-density residential in the area. Surrounding properties to the north, east, and west are single-family homes and to the south are apartments. The proposed site plan provides for 2 separate buildings with 4 units each.

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

Mr. George Rose, 1206 Longleaf Drive, Fayetteville, NC, representing the owner, appeared in favor.

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

MOTION: Council Member Greene moved to approve the Special Use Permit (SUP) to allow single-family attached dwellings in a Single-Family Residential 6 (SF-6) 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 6 (SF-6) 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. The SUP meets all of the following findings of facts as presented:

1. The special use complies with all applicable standards, conditions, and specifications in the Ordinance, including in Section 30-4.C, Use-Specific Standards because the allowable units per the code is 8;
2. The special use will be in harmony with the area in which it is located because the adjacent property to the south is also rental townhomes;
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 because the new construction will have higher rental rates and attract quality tenants;
4. The special use is in general conformity with the City's adopted land use plans and policies because there are two buildings planned with 4 units each;
5. The special use will not substantially injure the value of the abutting land, or the special use is a public necessity because multi-family units currently exist to the south and the site incorporates all UDO requirements in terms of setbacks, buffers, parking, and stormwater management; and
6. The special use complies with all other relevant City, State, and Federal laws and regulations because the proposed use complies with all laws and regulations with connections to public roads, utilities, stormwater site management, and all building code requirements.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Unaccompanied Minors in City Facilities - Fayetteville-Cumberland Parks and Recreation Advisory Commission Response

This item was for information only and was not presented.

10.02 Section 108 Policy Draft for Development Finance

This item was for information only and was not presented.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:26 p.m.