

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
NOVEMBER 25, 2024  
6:30 P.M.**

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

Absent: Mayor Mitch Colvin

Others Present: Douglas Hewett, City Manager  
Lachelle Pulliam, City Attorney  
Kelly Olivera, Assistant City Manager  
Jeffrey Yates, Assistant City Manager  
Jodi Phelps, Assistant City Manager  
Adam Lindsay, Assistant City Manager  
Kemberle Braden, Police Chief  
Kevin Dove, Fire Chief  
Lisa Harper, Senior Assistant City Attorney  
Will Deaton, Planning and Zoning Manager  
Joshua Hall, Police Attorney  
Erin Swinney, Police Attorney  
Will Deaton, Planning and Zoning Division Manager  
Loren Bymer, Marketing and Communications Director  
Derrick Planter, Code Enforcement Supervisor  
Kecia Parker, Real Estate Manager  
Craig Harmon, Senior Planner  
Kim Toon, Purchasing Manager  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Pro Tem Jensen called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Pastor Lakisha Dunham, Greater Harvest Global Ministries.

**3.0 PLEDGE OF ALLEGIANCE**

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

**4.0 ANNOUNCEMENTS AND RECOGNITIONS**

Miss Fayetteville, Janae Johnson and Miss Fayetteville Teen Jenna Grace Nance announced their respective platforms for the year.

Mayor Pro Tem Jensen presented a proclamation to members of the Lumbee Tribe proclaiming Native American Heritage Month.

Mayor Pro Tem Jensen and the City Council wished everyone a safe and Happy Thanksgiving.

**5.0 CITY MANAGER REPORT**

Ms. Ashanti Bennett, Director of Special Projects, Cool Springs Downtown District announced the activities for the 4<sup>th</sup> Annual Night Circus New Year's Eve Celebration and upcoming events.

Mr. Hewett stated the City Manager newsletter is published weekly and residents can sign up to receive it via the city's website, loose leaf season runs through January 2025, and City offices are closed on Thursday and Friday in observance of the Thanksgiving holiday.

## 6.0 APPROVAL OF AGENDA

MOTION: Council Member Thompson moved to approve the agenda.  
SECOND: Council Member Hondros \_\_\_\_\_  
VOTE: UNANIMOUS (9-0)

## 7.0A CONSENT AGENDA

MOTION: Council Member Thompson moved to approve the consent agenda.  
SECOND: Council Member Banks-McLaughlin  
VOTE: UNANIMOUS (9-0)

### 7.0A1 Approval of Meeting Minutes:

October 23, 2024 - Agenda Briefing  
October 28, 2024 - Discussion of Agenda Items  
October 28, 2024 - Regular

7.0A2 P24-37. Rezoning from Residential 6 (R6A) to Heavy Industrial (HI) located at 3424 Cumberland Road (0426015026000) totaling 2.47 acres ± and being the property of Kodjo Sam Kouassi.

7.0A3 P24-39. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5) located at 411 Jefferson Dr (0406880746000) totaling 0.32 acres ± and being the property of Sophia Rickard .

7.0A4 P24-43. Rezoning from Single Family Residential 10 (SF-10) to Neighborhood Commercial (NC) located at 202 Hope Mills Road (0416194844000) totaling 2.62 acres ± and being the property of Saint Matthews United Methodist Church.

7.0A5 P24-44. Rezoning request from Neighborhood Commercial (NC) to Limited Commercial (LC), located at 822 Hope Mills Rd. (REID #: 0416175053000), owned by Robert Wayne Johnson and Pamela F. Johnson.

### 7.0A6 Uninhabitable Structures: Demolition Recommendations

215 S. King 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. NS2024-007

1210 Durden Lane - 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. NS2024-008

850 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. NS2024-009

**7.0A7 Resolution Calling for Public Hearing Regarding the Permanent Closing of a Portion of Ottis F. Jones Parkway**

**A RESOLUTION CALLING A PUBLIC HEARING REGARDING THE PROPOSED PERMANENT CLOSING OF A PORTION OF OTTIS F. JONES PARKWAY. RESOLUTION NO. R2024-041**

**7.0A8 Adoption of Capital Project Ordinances and Capital Project Ordinance Amendments to appropriate expenditures for projects included in the FY25 Budget, currently unappropriated**

Adoption of Capital Project Ordinances and Capital Project Amendments for the purpose of appropriating the remaining expenditures as approved in the FY2025 Capital Improvement Plan.

**7.0A9 PWC - Frame 5 Gas Turbine Compressor Discharge Casing Replacement**

Fayetteville City Council approves the recommendation to reject all bids for the Frame 5 Gas Turbine Compressor Discharge Casing Replacement.

**7.0A10 PWC - AFT Compressor Casing Recommendation**

Fayetteville City Council approved the recommendation to reject non-conforming bids for AFT Compressor Casing.

**7.0A11 PWC - Stator Vane Kit Bid Recommendation**

City Council approved the bid recommendation to award the bid for the Stator Vane Kit to Turbine Service, Ltd. Saratoga Springs, NY, the lowest, responsive, responsible bidder and in the best interest of PWC, in the total amount of \$275,000.00, and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its purchase.

**7.0A12 PWC - Frame 5 Gas Turbine Compressor Discharge Casing Replacement Bid Recommendation**

City Council approved the bid recommendation to award the bid for the Frame 5 Gas Turbine Compressor Discharge Casing Replacement to Turbine Services, Ltd., Saratoga Springs, NY, the lowest, responsive, responsible bidder and in the best interests of PWC, in the total amount of \$345,000.00, and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its purchase.

**7.0A13 PWC - Rehabilitation and Refurbishment of # 4 Raw Water Pump at P.O. Hoffer Water Plant Bid Recommendation**

City Council approved the bid recommendation to award the bid for the Rehabilitation and Refurbishment of #4 Raw Water Pump at P.O. Hoffer Water Plant to Charles R. Underwood, Inc., Sanford, NC, the lowest, responsive, responsible bidder and in the best interests of PWC, in the total amount of \$225,257.00, and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its purchase.

**7.0A14 PWC - AFT Compressor Casing Bid Recommendation**

City Council approved the bid recommendation to award the bid for the AFT Compressor Casing to Turbine Services, Ltd., Saratoga Springs, NY, the lowest, responsive, responsible bidder and in the best interests of PWC, in the total amount of \$195,500.00, and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its purchase.

**7.0B ITEMS PULLED FROM CONSENT - None.**

**8.0 REPORTS FROM BOARDS AND COMMISSIONS**

## **8.01 Zoning Commission Annual Report 2024**

Mr. Will Deaton, Planning and Zoning Manager, presented the annual report with the aid of a PowerPoint presentation, and stated the Zoning Commission, established in line with North Carolina General Statutes (including Chapter 160D, Article 3), was formed when Ord. No. S2015-018 merged the Board of Adjustment with the Zoning Commission on December 14, 2015. The Commission holds several key powers and duties, including recommending map amendments (rezonings) and conditional rezonings to the City Council. It also reviews and decides on applications for variances and appeals related decisions on sign permits, clear-cutting permits, temporary use permits, administrative adjustments, certificates of occupancy, and City Manager interpretations, along with vested rights and certificates of appropriateness issued by the Historic Resources Commission. Additionally, the Commission has the authority to carry out any other responsibilities the City Council assigns, as allowed by state law.

**MOTION:** Council Member Benavente moved to accept the report.  
**SECOND:** Council Member McNair  
**VOTE:** UNANIMOUS (9-0)

## **9.0 STAFF REPORTS**

### **9.01 Fayetteville Fire Department 2024 Third Quarter Review**

Mr. Kevin Dove, Fire Chief, presented this report with the aid of a PowerPoint presentation, and provided an overview of the following items: operations, response time averages, top three fire losses, medical responses, hazardous materials, tropical storm Debby, Hurricane Helene, Hoke County water system failure, human resources, staffing, diversity, promotions/training, Fire Marshal's Office, inspection data, community involvement, and smoke alarms.

Discussion ensued.

**MOTION:** Council Member Hondros moved to accept the report  
**SECOND:** Council Member Benavente  
**VOTE:** UNANIMOUS (9-0)

### **9.02 Fayetteville Police Department 2024 Third Quarter Review**

Mr. Kemberle Braden, Police Chief, presented this report with the aid of a PowerPoint presentation, and provided an overview of the following items: crime statistics, trend analysis, fighting strategies, community engagement, FBI crime data, property crimes, person crimes, felony arrests, violent crime, traffic stops, crimes against society, criminal apprehensions, homicide, suicide overdoses, robbery analysis, aggravated assault incidents, domestic assaults, ShotSpotter, Federal partnerships, school resource officer program, narcotics and vice, homelessness, mental health responses, 911 Communications Center, traffic enforcement, staffing, recruitment video, Police Activity League Summer Camp, National Night Out, Special Olympics, Torch Run, and promotions.

Discussion ensued.

**MOTION:** Council Member Benavente moved to accept the report  
**SECOND:** Council Member Thompson  
**VOTE:** UNANIMOUS (9-0)

### **9.03 Discussion of the School Resource Officer Program and Process**

Mr. Jeffery Yates, Assistant City Manager, presented this item and stated at the August 12, 2024, City Council meeting, the City Council ratified the School Resource Officer (SRO) agreement and the Traffic Control Officer (TCO) agreement with Cumberland County Public

Schools (CCPS). The ratification fulfilled direction provided at the July 11, 2024, special meeting.

As part of the July 11, 2024, action, the City Council directed staff to "seek to revise a longer-term agreement that would contemplate changes similar to the Wake County agreement." This process is the fulfillment of that direction.

The SRO program is funded on a reimbursement basis, quarterly by CCPS. The City is operating under a one-year agreement with the Cumberland County Public Schools to provide SROs for the school's within the City limits. The City has engaged with the Science Policy Action Network, Inc. (SPAN) to develop a comprehensive program and scope of services, based around the Wake County model. The overarching goal of the process is to collaboratively develop a framework for the SRO program that not only maintains safety within the schools but supports the comprehensive approach to violence reduction in the City.

The process has begun to engage the City Council Members and gather input. SPAN's project plan focuses on four key tasks:

1. Review and analysis focused on the immediate implementation plan. This portion of the project will provide the proposed scope of services to negotiate a longer-term agreement with the school system.
2. Review and analysis of the best practices and historical context of the SRO program. This portion of the project will rely heavily on best practices, literature reviews, historical analysis, and data analysis to inform the development of a comprehensive framework.
3. Provide a framework for a holistic approach to the SRO program that involves social workers and families. Informed by research and engagement, develop and recommend a comprehensive approach.

The deliverables for this process include:

1. Staffing models for the SRO program that include roving coverage, dedicated high school coverage, middle school and elementary school coverage.
2. Holistic, comprehensive framework for a model SRO program, including collaborative strategies, training, key performance indicators, and other components.
3. SRO program scope of services developed collaboratively with the stakeholders, based on the Wake County agreement.

The cost for this work is \$99,000.00 and is being funded through the Office of Community Safety budget as part of the youth engagement pillar.

Discussion ensued.

**MOTION:** Council Member Hondros moved to accept the report  
**SECOND:** Council Member Benavente  
**VOTE:** UNANIMOUS (9-0)

Mayor Pro Tem Jensen recessed the meeting at 8:15 p.m., and reconvened the meeting at 8:25 p.m.

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

### **10.01 TA24-09. Amendment to Uses and Standards in the UDO Requiring Special Use Permits**

Mr. Will Deaton, Planning and Zoning Manager, presented this item with the aid of a PowerPoint presentation and stated the report details proposed amendments to the Unified Development Ordinance (UDO) Use Table and additional standards. The focus is on streamlining the development process, encouraging a wider variety of development types, and promoting a flexible and adaptable approach that prioritizes resilience. These amendments originated as a City Council request item from the third quarter of 2023 and were subsequently brought to a City Council Work Session in the first quarter of 2024. The initial request directed staff to research the number of items required to trigger a Special Use Permit and to compare the City's results with those of our peer cities. These findings were presented to the City Council during the first quarter of 2024, here the consensus was to direct staff to move the item forward and submit it to the Planning Commission for review.

These amendments follow from a discussion held during the Planning Commission's March meeting. The Planning Commission requested further revisions in May, which were incorporated. Additionally, feedback received between the April and May meetings from the Regional Land Use Advisory Commission (RLUAC) resulted in maintaining SUP requirements for Freestanding Telecommunications Towers. This change was reflected in the final Use Table, which the Planning Commission unanimously recommended for approval, along with the proposed adjustments to some additional standards concerning SUPs.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.A., USE TABLE, OF ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.C., USE-SPECIFIC STANDARDS, OF ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.C., USE-SPECIFIC STANDARDS, OF ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-025**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.C., USE SPECIFIC STANDARDS, OF ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-026**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.C., USE-SPECIFIC STANDARDS, OF ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-027**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.C., USE-SPECIFIC STANDARDS, OF ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-028**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.C., USE-SPECIFIC STANDARDS, OF ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-029**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.C., USE SPECIFIC STANDARDS, OF ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2024-030**

**MOTION:** Council Member Hondros moved to approve the proposed text amendments with the exception of single family attached dwelling and two-to-four-unit family dwelling, and to revisit with the UDO/Housing Committee in January.

**SECOND:** Council Member Thompson

**VOTE:** UNANIMOUS (9-0)

**10.02 AX24-04:** Kodjo Sam Kouassi, the owner of the property in question and Sam's Towing, is requesting to annex a contiguous parcel of land into the City of Fayetteville corporate limits. This parcel encompasses approximately 2.53 acres and is situated on the northern side of Cumberland Road at 3424 Cumberland Road. It can be further identified by PIN: 0426-01-5026 and REID: 0426015026000.

Mr. Will Deaton, Planning and Zoning Manager presented this item with the aid of a PowerPoint presentation, and stated Kodjo Sam Kouassi is petitioning for annexation into the corporate limits of the City of Fayetteville. They propose to initially zone one parcel, comprising approximately 2.53 ± acres, as Heavy Industrial (HI). This parcel is located on the northern side of Cumberland Road between Hopedale Street and Ladyslipper Drive at 3424 Cumberland Road and can be further identified by PIN: 0426-01-5026, and REID: 0426015026000.

The initial zoning for this annexation was discussed during the September 10, 2024, Zoning Commission meeting. Speakers favoring the rezoning included David Holmes, who stated that the expansion is necessary for Sam's Towing to provide more storage space to accommodate additional cars. Kodjo Kouassi explained that the wrecker service seeks to expand its operations in compliance with city ordinances to provide truck parking. Herbert Townes, a representative from Nationwide Insurance, voiced his support for the owner's adherence to city regulations and noted that the property was purchased a decade ago to expand the business. Daniel Barron, a long-time company associate, emphasized the business's positive impact on the community, including job creation and cleaning up the area.

On the opposing side, Hernandez Carlos raised concerns about increased property taxes, noting a 17 percent rise this year, and questioned the benefits of the development for residents. He expressed skepticism about the broader economic impacts, suggesting that business expansions could worsen inequality. During the discussion Mr. McCorquodale reviewed the map and sought clarification on the parcels involved, which Mr. Moutos confirmed consisted of two distinct parcels. He explained that rezoning to Heavy Industrial (HI) would prevent the property from being classified as nonconforming and highlighted additional stipulations under the HI zoning classification. Inquiries about tax implications were made, with Mr. Moutos noting potential impacts but deferring to tax experts for specifics. He also clarified that the property is currently zoned as Community Commercial (CC), and any expansion on the CC-zoned portion would require a special use permit.

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

Mr. Kodjo Kouassi, 3424 Cumberland Road, Fayetteville, NC., appeared in favor.

Mr. Daniel Barron, 3424 Cumberland Road, Fayetteville, NC., appeared in favor.

Mr. Hurburt Townsing, 3424 Cumberland Road, Fayetteville, NC., spoke 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. ANNEXATION ORDINANCE NO. 2024-11-  
598**

**MOTION:** Council Member Greene moved to adopt the proposed ordinance annexing the parcel with an effective date of November 25, 2024, and establish the initial zoning consistent with prior action taken by Council concerning the map amendment.

**SECOND:** Council Member McNair

**VOTE:** UNANIMOUS (9-0)

**11.0 EVIDENTIARY HEARINGS**

**11.01 SUP24-06.** Special Use Permit (SUP) to allow the separation requirement for a Small Group Home located at 6302 Cool Shade Drive (REID # 0409411717000) and being the property of James L. Conyers Jr Trustee & Kendra Conyers.

**MOTION:** Council Member Benavente moved to recuse Mayor Pro Tem Jensen from voting on this item due to a conflict of interest.

**SECOND:** Council Member Hondros

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

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the owner is requesting a reduction in the 2,640-foot separation standards between group homes. The applicant's request would reduce the separation down to approximately 2,100 feet. This separation includes crossing over Yadkin Road. Additionally, this property is surrounded by other SF-10 zoning and single-family residences. The property in question is part of the Cottonade Subdivision and was platted in 1962.

In the City's Unified Development Ordinance (UDO) a Small Group Home is defined as a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for between two and six resident persons with disabilities- i.e., persons with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others. The definition does not include hospitals, rest homes, nursing homes, boarding homes, homes for orphans or aged, sub-acute-care detoxification centers, or halfway house/mainstreaming facilities.

The Special Use Permit must meet all of the following findings of fact:

1. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including 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 set date and time of the public hearing. The public hearing was opened.



Ms. Kendra Conyers, 6302 Cool Shade Drive, Fayetteville, NC., appeared in favor.

Ms. Holly Grob, 630 Galloway Drive, Fayetteville, NC., appeared in opposition.

Ms. Deb Barton, 507 Halifax Drive, Fayetteville, Nc., appeared in opposition.

Ms. Stephanie La France, 608 York Road, Fayetteville, NC., appeared in opposition.

Mr. Lawrence Garcia, 6421 Whitehall Drive, Fayetteville, NC., appeared in opposition.

Mr. Uroyo Caraballo, 6306 Cool Shade Drive, Fayetteville, NC., appeared in opposition.

Ms. Leslie Mitchell, 5703 Comstock Court, Fayetteville, NC appeared in opposition.

Ms. Tammy Garcia, 6421 Whitehall Drive, Fayetteville, NC., appeared in opposition.

Ms. Aura Belaval, 6306 Whitehall Drive, Fayetteville, NC., appeared in opposition.

Mr. Adolph Holloman, 6232 Cool Shade Drive, Fayetteville, NC., appeared in opposition.

Ms. Loletha Porter, 624 York Road, Fayetteville, NC., appeared in opposition.

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

**MOTION:** Council Member Benavente moved to deny the Special Use Permit (SUP) for the reduction of the separation requirement between Group Homes as depicted on the attached 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 does not meet the finding(s) of fact listed below. More specifically finding(s)# 2, 3, 5.

**SECOND:** Council Member Greene

**VOTE:** PASSED by a vote of 4 in favor to 3 in opposition (Council Members Davis, Banks-McLaughlin, and Hondros)

**11.02 SUP24-07. Special Use Permit (SUP) to allow a Large Group Home and the reduction of the separation requirement located at 709 Hay Street (REID #0437259126000) and being the property of J & D Managements LLC.**

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the owner is requesting to operate a Large Group Home and also seeks a reduction in the 2,460-foot separation standards between group homes. The applicant's request would reduce the separation down to approximately 2,100 feet. However, this separation includes crossing over the Martin Luther King Jr. Freeway (MLK).

In the City's Unified Development Ordinance (UDO) an large group home is defined as a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for seven or more resident persons with disabilities—i.e., persons with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but

not including mentally ill persons who are dangerous to others. The definition does not include hospitals, rest homes, nursing homes, boarding homes, homes for orphans or aged, sub-acute-care detoxification centers, or halfway house/mainstreaming facilities.

The Special Use Permit must meet all of the following findings of fact:

1. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including 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 set date and time of the public hearing. The public hearing was opened.

Mr. Saeed Mohammed, 709 Hay Street, Fayetteville, NC, appeared in favor.

Mr. Henry Tyson, 109 Hay Street, Fayetteville, NC, appeared in opposition.

Mr. John Tyson, 109 Hay Street, Fayetteville, NC, appeared in opposition.

Mr. Tim Jackson, 645 Hay Street, Fayetteville, NC, appeared in opposition.

Dr. Dave Walton, 203 Hillside Avenue, Fayetteville, NC appeared in opposition.

Ms. CJ Malson, 215 Hillside Avenue, Fayetteville, NC appeared in opposition.

Ms. Michaela Hogg, 109 Hale Street, Fayetteville, NC, appeared in opposition.

Mr. William Drewry, 210 Hillside Avenue, Fayetteville, NC appeared in opposition.

Mr. Greg Schell, 114 Hillside Avenue, Fayetteville, NC appeared in opposition.

Ms. Katy Stevick, 701 Hay Street, Fayetteville, NC, appeared in opposition.

Dr. Casey Benander, 214 Hillside Avenue, Fayetteville, NC appeared in opposition.

**MOTION:** Council Member Davis moved to disapprove the Special Use Permit (SUP) for the operation of a Large Group Home and the reduction of the separation requirements based on the plans submitted, and 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 does not meet the finding(s) of fact listed below. More specifically finding(s) # 1, 2, 6.

**SECOND:** Council Member Benavente

**VOTE: UNANIMOUS (9-0)**

**12.0 ADMINISTRATIVE REPORTS**

**12.01 Day Resource Center FY25 First Quarter Report**

This item was for informational purposes and was not presented.

**12.02 2024-2025 Equal Employment Opportunity (EEO) Report**

This item was for informational purposes and was not presented.

**12.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 11:44 p.m.