

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
OCTOBER 26, 2020
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Sheila Thomas-Ambat, Public Services Director
Kevin Arata, Corporate Communications Director
Gerald Newton, Development Services Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Michael Gibson, Parks, Recreation and Maintenance Director,
Taurus Freeman, Planning and Zoning Manager
Craig Harmon, Senior Planner
Jennifer Baptiste, Senior Planner
Pamela Megill, City Clerk
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 Council Member Davis.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Dawkins announced the Rembrandt art exhibit taking place at Methodist University.

Council Member Ingram announced Fayetteville State University signed a Memorandum of Understanding with Meharry Medical Dental School.

Council Member Ingram stated October, 31, 2020, is the last day for early voting in the General Election.

Mayor Colvin presented a plaque and congratulated Ms. Rebecca Jackson, Strategic Performance and Analytics Director, and Chris McMillian, Management Analyst, for the ICMA Certificate of Excellence for preceding the standards and identification of key outcome measures for performance management.

Mr. Scott Bullard, Emergency Management Coordinator, provided an update on the COVID-19 pandemic.

Ms. Gina Hawkins, Police Chief, stated Police Departments across the nation are monitoring as much as possible for any threats for Election Day and at least a week after.

Senator Kirk deViere and Representative Billy Richardson presented Council Member Haire with the Order of the Long Leaf Pine.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Dawkins moved to approve the agenda; with the removal of Item 8.01, Discussion on Pole Attachment Ordinance.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Dawkins moved to approve the consent agenda with the exception of Items 6.08 and 6.013 for presentation and separate vote.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

August 10, 2020 - Regular

August 19, 2020 - Discussion of Agenda Items

August 24, 2020 - Regular

September 8, 2020 - Work Session

September 14, 2020 - Discussion of Agenda Items

September 14, 2020 - Regular

September 23, 2020 - Special

September 28, 2020 - Discussion of Agenda Items

September 28, 2020 - Regular

October 5, 2020 - Work Session

October 7, 2020 - Special

October 12, 2020 - Discussion of Agenda Items

October 12, 2020 - Regular

October, 21, 2020 - Agenda Briefing

6.02 P20-24F. Initial Conditional Zoning of three properties currently zoned by Cumberland County as R-7.5 Residential District to Single-Family 10/Conditional Zoning (SF-10/CZ), located off Lindbridge Drive (Tax Map #s 9495-33-9869, 9495-33-9659, and 9495-43-1863), totaling 3.56 acres ± and being the property of the Sharlene R. Williams Revocable Trust, represented by Scott Brown of 4D Site Solutions, Inc.

6.03 P20-29F. Conditional zoning of a property currently zoned as Agricultural-Residential (AR) to Single-Family 10/Conditional Zoning (SF-10/CZ), located off Dundle Road (Tax Map # 9495-34-6633), totaling 25.20 acres ± and being the property of Cliffdale Corner, LLC, represented by Scott Brown of 4D Site Solutions, Inc.

6.04 P20-31F. Rezoning of property from Single-Family 10 (SF-10) to Conservation District (CD), located near the intersection of Lake Trail Drive and Lake Meadow Drive (Tax Map # 0405-29-5125), totaling 1.27 acres ± and being the property of Carlos Davis.

6.05 P20-33F. Rezoning of two parcels currently zoned as Single-Family 6 (SF-6) to Mixed Residential 5 (MR-5), located at the corner of Faison Avenue and David Street (Tax Map #s 0416-69-7499 and 0416-69-6448), totaling 0.51 acres ± and being the property of Vulcan Homes, LLC, represented by Robert Doran.

6.06 Phase 5 Annexation Area 22 - Resolution Confirming Assessment Roll and Levying Assessments

**RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R2020-040**

6.07 Adoption of Special Revenue Fund Project Ordinance 2021-10 for the Fayetteville Fire Department's Fiscal Year 2019 Staffing for Adequate Fire and Emergency Response (SAFER) Grant

Special Revenue Fund Project Ordinance 2021-10 will appropriate \$2,882,466.00 of Federal grant funding from the Department of Homeland Security, administered by the Federal Emergency Management Agency (FEMA). The Fayetteville Fire Department (FFD) was awarded an Assistance to Firefighters, Staffing for Adequate Fire and Emergency Response (SAFER) Grant on September 11, 2020. The SAFER Grant will provide for the reimbursement of the personnel costs for 18 new firefighter positions for a period of three years. There is no local match requirement for this grant.

6.08 This item was pulled for presentation and separate vote.

6.09 Approval of the Second Amendment to the FY 2020 Annual Action Plan and Adoption of Special Revenue Project Ordinance (SRO) 2021-11 to Appropriate a Second Community Development Block Grant Award for COVID-19

The City has been awarded a second direct allocation of \$943,468.00 as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). An amendment of the Fiscal Year 2020 Annual Action Plan is required to access and expend these funds. Council is asked to approve the amendment of the Annual Action Plan and adopt Special Revenue Project Ordinance 2021-11 to appropriate this funding.

6.010 Resolution of Support for an Application for Funding from Federal Transit Administration (FTA) for the Public Transportation COVID-19 Research Demonstration Grant Program

RESOLUTION OF SUPPORT FOR AN APPLICATION FOR FUNDING FROM FEDERAL TRANSIT ADMINISTRATION (FTA) FOR THE PUBLIC TRANSPORTATION COVID-19 RESEARCH DEMONSTRATION GRANT PROGRAM. RESOLUTION NO. R2020-041

6.011 Resolution Accepting a State Loan Offer under the NC Water Revolving Loan and Grant Act of 1987

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT A STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2020-042

6.012 Authorization to Apply for North Carolina Department of Commerce Rural Economic Development Grant for Showcase Restoration

RESOLUTION AUTHORIZING THE CITY MANAGER AND MAYOR OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO APPLY FOR FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF COMMERCE BUILDING REUSE PROGRAM FOR THE SHOWCASE RESTORATION BUILDING REUSE PROJECT. RESOLUTION NO. R2020-043

6.013 This item was pulled for presentation and separate vote.

6.014 Bid Recommendation - Rockfish Creek Basin Peak Flow Facility Project to J. Cumby Construction, Inc., the recommended lowest responsive, responsible bidder in the total amount of \$11,170,485.00.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA FOR TENTATIVE AWARD OF BID CONTRACT. RESOLUTION NO. R2020-044

Bids were received on September 29, 2020, as follows:

J. Cumby Construction Inc., Cookeville, TN \$11,170,485.00

M. B. Kahn Construction, Co., Inc., Columbia SC . \$11,898,099.50
 Crowder Construction Company, Apex, NC \$11,908,025.00
 Wharton-Smith, Inc., Charlotte, NC \$12,198,400.00
 T. A. Loving Company, Goldsboro, NC \$12,452,175.00
 Adams Robinson Enterprise, Inc., Dayton, OH \$12,817,000.00
 State Utility Contractors, Inc., Monroe, NC \$14,393,000.00

6.015 Bid Recommendation - Two 33,000 GVWR Cab and Chassis Equipped with Service Body and PTO Mount Compressor to White's International, recommended lowest responsive, responsible bidder in the total amount of \$245,586.88.

Bids were received on September 30, 2020, as follows:

White's International, Greensboro, NC \$245,586.88
 H&H Freightliner, Hope Mills, NC \$248,202.00

6.016 Bid Recommendation - Boiler Tube Replacement/Installation of 3 Heat Recovery Steam Generators at PWC Butler Warner Generation Plant. The recommended lowest responsive, responsible bidder is Vogt Power International, Louisville, KY, in the total amount of \$8,309,000.00.

Bids were received on August 20, 2020, as follows:

Vogt Power International, Louisville, KY \$8,309,000.00
 GE Power, Atlanta, GA \$13,848,941.00

6.017 Award Contract for the Upfit of 26 Marked Full-Size Police Pursuit Rated Dodge Chargers and the Upfit of 27 Unmarked Full-Size Police Pursuit Rated Dodge Chargers Police Cars to Batteries of NC, the lowest responsive, responsible bidder

Bids received are as follows:

Batteries of NC, LLC, Angier, North Carolina
 26 Marked Upfit \$271,312.49
 27 Unmarked Upfit \$163,389.77

Performance Automotive Group, Clinton, North Carolina
 26 Marked Upfit \$288,809.71
 27 Unmarked Upfit \$173,066.99

6.018 Award Contract for the Purchase of 53 Full-Size Police Pursuit Rated Dodge Chargers to Performance Automotive Group, the lowest, responsive, responsible bidder

Bids received are as follows:

Performance Automotive Group, Clinton, NC, 53
 Full-Size Police Pursuit Rated Dodge Chargers \$1,317,421.00

Hall Automobile, Virginia Beach, VA, Full-Size
 Police Pursuit Rated Dodge Chargers \$1,378,979.97

Hendrick Chrysler Dodge Jeep Ram Fiat,
 Wilmington, NC, 53 Full-Size Police Pursuit Rated
 Dodge Chargers \$1,541,028.00

6.08 Adoption of Budget Ordinance Amendment 2021-3 (Carryover of Encumbered, Assigned and Donated Funds from Fiscal Year 2020 and Other Items) and Adoption of Related Capital Project Ordinance Amendments 2021-31, 32 and 33

This item was pulled from consent for presentation and separate vote.

Ms. Tracey Broyles, Budget and Evaluation Director, presented this item and stated Budget Ordinance Amendment 2021-3 will

appropriate \$2,049,903.00 across several annually budgeted funds for outstanding purchase orders and contracts at the close of fiscal year 2019-2020 (FY 20). These appropriations will primarily be funded by fund balance or net asset appropriations for the various funds.

Discussion ensued.

MOTION: Council Member Dawkins moved to adopt Budget Ordinance Amendment 2021-3 and Capital Project Ordinance Amendments 2021-31, 32 and 33 as presented.

SECOND: Council Member Davis

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Banks-McLaughlin)

6.013 Communities in Schools Program Recommendation

This item was pulled from consent for presentation and separate vote.

Mr. Chris Cauley, Interim Economic and Community Director, presented this item and stated the City Council allocated \$80,000.00 in the Fiscal Year 2021 Budget to support efforts undertaken by the collaborative, Pathways for Prosperity. These funds were allocated to the Economic and Community Development Department (ECD) as a member of the core leadership team associated with this effort. ECD sought guidance from the core leadership team and is recommending a partnership with Communities in Schools to fund a student support specialist at Luther Nick Jeralds Middle School.

Discussion ensued.

MOTION: Council Member Wright moved to direct staff to enter into a contract with Communities in Schools to provide a student support specialist at Luther Nick Jeralds Middle School.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

7.01 P20-27F. Rezoning of an existing apartment complex from Single-Family 10 (SF-10) to Mixed Residential 5 (MR-5), located off McArthur Road (Tax Map # 0439-39-0892), totaling 33.27 acres ± and being the property of Aspen Point, LLC; Crystal Lake Apartments, LLC, represented by Lori Epler.

Ms. Jennifer Baptiste, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated this complex began the Technical Review Committee process in 2011. Under the ordinance and zoning district in effect at the time, the property was zoned Residential 10 (R-10) which allowed the development of an apartment complex. Once the initial building construction began, the site became vested. With the adoption of the current UDO, the zoning for the complex converted to Single-Family Residential 10 (SF-10). Since apartment complexes are not allowed in the SF-10 zoning district, the complex is considered an existing nonconforming site.

With the adoption of the 2040 Comprehensive Plan: Future Land Use Plan and Map on May 26, 2020, all properties within the City limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan. According to the plan, this area should develop as a mixture of residential housing densities. The majority of this property and to the north across McArthur Road should develop as high-density residential, properties to the east and west should develop as medium-density residential, while properties to the south should develop as low-density residential.

The applicant, Lori Epler, has submitted a request to rezone the current property from Single-Family 10 (SF-10) to Mixed Residential 5 (MR-5) to bring the site into full conformity with the current Unified

Development Ordinance. On August 11, 2020, the Zoning Commission voted 3 to 0 to recommend City Council approve the rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5).

This item was initially placed on the City Council agenda for the September 28, 2020, meeting. It was subsequently pulled from the consent agenda by Council Member Waddell and scheduled for a public hearing.

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

Ms. Lori Epler, 1333 Morganton Road, Fayetteville, NC, appeared in favor.

Mr. Murray Duggins, 1107 Oxford Drive, Fayetteville, NC, appeared in favor.

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

Discussion ensued.

MOTION: Council Member Waddell moved to approve the rezoning request as presented.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (10-0)

7.02 AX20-002: Annexation Request for Three Properties Located in the Autry Lake at Gates Four Development Site; related to P20-24F: Initial Zoning

Ms. Jennifer Baptiste, Senior Planner, presented this item with the aid of PowerPoint presentation and stated Autry Lake at Gates Four is a proposed new residential development, which will be located near the Gates Four community, along the eastern side of Dundle Road. The proposed development is named for an existing lake that is on the site. The development will consist of single-family and townhouse units that will be located south of the existing lake. The developer would like to use PWC water and sewer for this new development. Most of this site was annexed in 2005 as part of the Phase 5 annexation. Yet, three parcels in the southeastern part of the site are not in the City. These three parcels are in the Fayetteville Municipal Influence Area (MIA). Since the three parcels are in the MIA, the use of PWC sewer requires that the three parcels be annexed, per City Council Policy No. 150.2.

The three parcels are owned by Sharlene R. Williams (Trustee of the Sharlene R. Williams Revocable Trust). The total size is approximately 3.62 acres, according to the Legal Description Map prepared by Engineering. The three parcels are currently vacant. According to the Overall Site Plan Map, some of this land will become a street which will connect with Linbridge Drive to the south. Also, the Overall Site Plan Map shows that there is a possibility of future development of this land. The three parcels, when taken together, are an area that is contiguous to the City. This means that the annexation request has been processed as a contiguous annexation.

On September 8, 2020, the Zoning Commission held an initial zoning public hearing for these three parcels. The Zoning Commission voted to recommend approval as Single-Family 10/Conditional Zoning, if the properties are annexed. It is expected that the initial zoning case will be a consent item at the October 26, 2020, City Council meeting.

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

Mr. Scott Brown, 409 Chicago Drive, Suite 112, Fayetteville, NC, appeared in favor.

Mr. Palmer Williams, 2709 Thorngrove Drive, Fayetteville, NC, appeared in favor.

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

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (Three Properties in the Autry Lake at Gates Four Development Site, PINs 9495-33-9869, 9495-33-9659, and 9495-43-1863). ANNEXATION ORDINANCE NO. 2020-10-573

MOTION: Council Member Davis moved to adopt the Annexation Ordinance with an effective date of October 26, 2020, and include approval of the final action consistent with the prior action on the zoning.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Kinston)

Mayor Colvin recessed the meeting at 8:29 p.m., and reconvened the meeting at 8:35 p.m.

8.0 OTHER ITEMS OF BUSINESS

8.01 Discussion on Pole Attachment Ordinance

This item was removed from the agenda.

8.02 Approval of Lease Agreement with Methodist University for Use of Property on Treetop Drive

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated in 2015, a package of Parks and Recreation bond projects was developed for voter consideration. During a special meeting on February 24, 2020, Council directed that the funding for this project be divided between three locations--McArthur Road, Fields Road, and Jordan Soccer Complex at Methodist University.

A plan has been developed for the Jordan Soccer Complex by a design team including architecture and engineering professionals. The plan was developed based on a budget allocation of \$3.5 million, however Council reduced the budget allocation to \$1.5 million on February 24, 2020. The proposed improvements include lighting of six soccer fields, repairing stormwater issues in the parking lot, repaving of the parking lot, expanding the existing restrooms, handicap site accessibility features, and an outside patio area.

The Lease Agreement contains the lease amount, proposed improvements, and operational items.

Discussion ensued.

MOTION: Council Member Jensen moved to authorize the City Manager to execute the proposed Lease Agreement with Methodist University and to take all actions necessary to implement that agreement.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.03 Approval of an Amendment to Senior Center East Memorandum of Understanding with Fayetteville State University

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated in March 2016 Fayetteville voters

passed a \$35 million bond referendum for Parks and Recreation. Council approved a Memorandum of Understanding (MOU) with Fayetteville State University (FSU) to study the joint development of a wellness facility and the eastern senior center on the corner of Murchison and Filter Plant Roads. A feasibility study was completed and was discussed by Council which decided that co-location of facilities was the preferred option. Working with the Park Bond Committee, staff developed a financial plan that supported an initial investment in property acquisition and site design, which is currently underway. On December 27, 2018, Council approved a MOU between the City and FSU which provided guidance to accomplish the following:

- Site Control (acquiring all the property necessary)
- Site Design and Permitting
- Property Recombination and Division
- Site Development

The proposed MOU Amendment provides additional cost distribution clarification for Site Design and Permitting and Site Development.

Discussion ensued.

MOTION: Council Member Haire moved to authorize the City Manager to execute the proposed MOU Amendment with FSU for the development of the Senior Center East, to take all actions necessary to implement that agreement.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

8.04 Approval of Memorandum of Agreement with Fort Bragg for Use of Federal Property on McArthur Road

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated the Parks and Recreation Bond Referendum, passed by voters in March 2016 included the construction of a Sports Field Complex. Council provided direction to pursue three separate locations for improvements to the City's inventory of sport fields--McArthur Road, Fields Road, and the Jordan Soccer Complex. Moving forward with the McArthur Road location requires an agreement with Fort Bragg. City Council requested a 50-year lease; however, Fort Bragg has offered a 5-year license for use of the property. The next step is the execution of a Memorandum of Agreement (MOA) regarding the eventual development and operation of that site and the acceptance of the 5-year license. Staff is asking Council to authorize the City Manager to execute the proposed draft MOA which will then form the basis for a license request approval from the Department of Defense.

Discussion ensued.

MOTION: Council Member Wright moved to authorize the City Manager to execute the proposed MOA Amendment with Fort Bragg for the development of the McArthur Road Sports Complex, and to take all actions necessary to implement that agreement.

SECOND: Council Member Davis

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

8.05 Tennis Center at Mazarick Park - Conceptual Design Approval

Mr. Michael Gibson, Parks, Recreation, and Maintenance Director, presented this item and stated in 2015 a package of Parks and Recreation bond projects was developed for voter consideration. The package included several new projects as well as renovations to certain existing parks/facilities. Voters approved the package and work has been completed for a number of projects to date. Included in that bond package was a Tennis Center planned for Mazarick Park. The intended site is currently undeveloped and will allow for the courts and clubhouse to overlook Glenville Lake and an existing walking trail

that extends approximately one mile from the currently developed area of Mazarick Park, to Filter Plan Drive. The conceptual design was developed by the United States Tennis Association (USTA) in conjunction with City staff. This design was developed at no cost to the City of Fayetteville, due to receipt of a facilities grant from USTA that would provide the schematic design for the new facility. The Tennis Center project includes all aspects of architectural design required to deliver a functional and aesthetically facility. The design includes restrooms, a clubhouse, parking lots, lighting, tennis and pickle ball courts, and more. The amount of improvements will be adjusted accordingly during the bid process to ensure construction will remain within the proposed \$6.0 million budget.

City Council is asked to approve the Concept Design for the Tennis Center which will be located at Mazarick Park, on acreage that is currently undeveloped, overlooking Glenville Lake.

Discussion ensued.

MOTION: Council Member Jensen moved to approve the Conceptual Design as presented and directed staff to move forward with the bidding process.
SECOND: Council Member Dawkins
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Ingram)

8.06 State Action Plan FY 21 Adoption

Mr. Ches McDowell, Kilpatrick Townsend, State lobbying services, provided an overview of the following items he and his team are working on for the City of Fayetteville: Economic Development, Transit, Public Infrastructure, Quality of Life and Public Safety.

Council Member Dawkins noted he would like to see the following additional items added to the list: Red Light Cameras, Protections for municipal water and sewer, sales tax, and hotel/motel tax.

Council Member Waddell noted she would like to see the Police Citizens Review Board added to the list.

Mr. McDowell stated the list of items can be reviewed and revised, and recommended to do so in December; after the General Election has taken place.

MOTION: Council Member Haire moved to adopt the FY 21 State Action Plan.
SECOND: Council Member Kinston
VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.01 Small Local Business Enterprise (SLBE) Program Update

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

MOTION: Council Member Davis moved to add the Small Local Business Enterprise (SLBE) Program Update to an upcoming work session agenda for further discussion.
SECOND: Council Member Haire

Discussion ensued pertaining to administrative reports and city council agenda item requests. A vote was not taken on the stated motion.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:53 p.m.