

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
COUNCIL CHAMBER
APRIL 15, 2021
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (arrived at 5:23 p.m.); 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) (departed 7:37 p.m.); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Gina Hawkins, Police Chief
Mike Hill, Fire Chief
Sheila Thomas-Ambat, Public Services
Kevin Arata, Corporate Communications Director
Gerald Newton, Development Services Director
Anthony Wade, Human Relations Director
Cliff Isaacs, Construction Management Director
Rebecca Jackson, Chief of Staff
Alicia Moore, Senior Planner
Taurus Freeman, Planning and Zoning Manager
Lisa Harper, Assistant City Attorney
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

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

5.0 APPROVAL OF AGENDA

MOTION: Council Member Dawkins moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

6.0 CONSENT AGENDA

MOTION: Council Member Dawkins moved to approve the consent agenda.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (9-0)

6.01 Award of Contract with Innovative Emergency Management, Inc. for Administration of the Emergency Rental Assistance Grant Program

Approval and award of, and authorize the execution of, a contract with Innovative Emergency Management, Inc., to administer a \$6,343,864.00 grant from the U.S. Department of the Treasury to administer an Emergency Rental Assistance Program benefiting low- and moderate-income households within the City of Fayetteville. The requested action is necessary due to the previous awarded contract

administrator notifying staff that they would not be prepared to move forward in a timely manner due to unforeseen circumstances internally.

6.02 Adoption of a Resolution in Support of the City's Participation in the Fayetteville Diversity Coalition

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO ENDORSE THE CITY OF FAYETTEVILLE'S PARTICIPATION IN THE FAYETTEVILLE DIVERSITY COALITION. RESOLUTION NO. R2021-025

7.0 OTHER ITEMS OF BUSINESS

7.01 Options for Relocation or Repurposing of the Fayetteville Market House

Mr. Cliff Isaac, Construction Management Director, stated at the request of the City Manager, Construction Management and Capital Projects Director Cliff Isaac was assigned the responsibility of assessing the feasibility of relocating the Market House to the following three locations: Lamon Park, Arsenal Park, and the Cape Fear River Park site. Staff has met and/or spoken with PWC, moving companies, and a structural engineering consultant to assess the locations. In an effort to protect the Market House from potential damage due to underground utility failures, PWC has installed over \$1 million of underground infrastructure around the Market House in the recent past.

Also at the request of the City Manager, on January 29, 2021, Fayetteville-Cumberland Human Relations Director Dr. Anthony Wade was assigned the responsibility of assembling a working group to identify, develop, and prioritize strategic recommendations to the City for the repurposing of the Fayetteville Market House as a community asset. If strategically repurposed, the historic Market House has the potential to make a significant contribution to local and regional African-American history, positive community race and human relations, residents' quality of life, as well as municipal tourism and the regional economy. The working group was comprised of diverse individuals from the community as well as the civic, business and higher education sectors, and the Human Relations Commission, along with City government staff.

Mr. Steve Fleming, PE, with the structural engineering firm Fleming and Associates, PA, reviewed the estimated costs generated by the relocation assessment and concluded that the cost to relocate the Market House to Lamon Park would be approximately \$2 million which may increase after complete plans and specifications are developed. Mr. Fleming did not estimate the cost to move the Market House to the Arsenal Park or Cape Fear River Park locations because an engineering analysis would be needed to determine the feasibility of safely crossing the bridge and other structures along those routes. Further, Mr. Fleming noted in his letter on March 11, 2021, that ". . . relocation of the building and the demolition of the existing masonry columns required to support the building on a moving platform may impact the historical designation of the building and the historic districts as a whole."

The repurposing group initially met on February 11, 2021, and held several meetings, including both large group meetings and small committee meetings, prior to their final meeting on March 19, 2021. This resulted in 17 potential options that the group refined down to 5. The top five options are as follows:

Top Five Responses in Order:

1. Structural Modification - Inside lane of the traffic circle bricked in to create a larger footprint for outside activities.

2. Art Exhibits - Activate the four sidewalk corners to speak to the diversity of the community (not just Black history). Corners can host temporary art. Make it active space that people can engage with.
3. Art Exhibits - In depth with the emotional connectivity associated with the history of Fayetteville and the Market House highlighting successful Black contributors to the structure. Upstairs - present/future. Downstairs - past.
4. Commerce - Monthly market activity on the lower level. Vendor emphasis on people of color (i.e., farmers, entrepreneurs, artists, etc.) that carries down the streets in front of the shops. Can also include a space for collection and sharing of oral history.

Themed Events - Destination visit for education of the student community (Pre-K through 12 and college/university) with a combination of static displays, plays, volunteer opportunities, master classes.

The relocation of the Market House would have a profound effect on the General Fund in excess of more than \$2 million.

MOTION: Council Member Ingram moved to remove "Relocation" as an option for the Market House.

SECOND: Council Member Dawkins

Discussion ensued.

Council Member Ingram withdrew her motion.

MOTION: Council Member Banks-McLaughlin moved to postpone discussing this item until after the NCDOJ present and involve the community.

SECOND: Council Member Kinston

Council Member Waddell stated she wants to hear the rest of the presentation.

Council Member Haire stated he wants to hear the rest of the presentation.

VOTE: FAILED by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Jensen, Ingram, Waddell, Haire, Dawkins, Davis, Wright)

Mr. Eric Lindstrom, AIA, LEED AP, Director of Design, SFL+A Architects, presented a PowerPoint presentation of various repurposing options and stated the individual action to consider the repurposing group's suggested repurposing options will not increase contributions from the General Fund. However, if an option is selected, a funding source will need to be identified. City staff recommend that the City Council not relocate the Market House and move to approve consideration of the proposed repurposing options as listed above (recommended). This action is consistent with the intent and spirit of the Human Relations ordinance which provides guidance to the Human Relations Commission.

MOTION: Council Member Banks-McLaughlin moved to relocate the Market House.

Motion died for lack of a second.

Discussion ensued.

MOTION: Council Member Waddell moved to receive the report and to direct staff to move forward with repurposing the Market House and to further research cost and scope of

repurposing, and to engage the citizens of Fayetteville using the Human Relations Commission and the USDOJ Citizen Engagement facilitation; City Spirt.

SECOND: Council Member Wright

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

7.02 Affordable Housing Study Presentation

Mr. Chris Cauley, Acting Economic and Community Development Director, stated during the Fiscal Year 2021 Budget process, the City commissioned an affordable housing study to guide public investment efforts and provide recommendations to address the housing needs with the community. Similar studies have been conducted throughout the state by regional Council of Governments and Fayetteville has partnered with Mid-Carolina Council of Governments (MCCOG) and TJCOG to review past City efforts, identify trends in regional data and propose opportunities for success.

The study provides goals, strategies, and recommended actions over a ten-year period to address affordable housing trends shown in market data and community input. The work of this study balances quantitative data with qualitative feedback to represent the interests of a variety of engaged stakeholders across the community. TJCOG and City staff met and spoke with a wide cross section of community members to develop the recommendations and will continue to refine the strategy with City Council direction.

The project team is requesting feedback from Council regarding the direction and feasibility of strategies prior to further community engagement.

Mr. Cauley introduced Ms. Erica Brown, Triangle J Council of Governments. Ms. Brown presented the Affordable Housing Study with the aid of a PowerPoint presentation. Ms. Brown covered the following: Review of Key Housing Needs and Affordability Gaps, Stakeholder Engagement and Feedback, Goals and Strategies to Support Housing in Fayetteville.

Discussion ensued.

Mr. Hewett advised Council to send additional comments and questions via e-mail to Dr. Wade and Mr. Cauley.

Mr. Cauley stated this item will come back for official adoption in a few months.

7.03 Day Resource Center April 2021 Update

Mr. Chris Cauley, Acting Economic and Community Development Director, presented this item and stated the impacts of Hurricane Matthew resulted in Federal and State assistance to help fund a Homeless Day Resource Center and Emergency Shelter through the Community Development Block Grant - Disaster Recovery (CDBG-DR). The North Carolina Office of Recovery and Resiliency (NCORR) is the primary award recipient and the City of Fayetteville is a subrecipient. Council is asked to receive a brief update on the status and explanation of the process to date.

Hurricane Matthew hit central and eastern North Carolina on October 8 and 9, 2016, and caused devastation to the people, infrastructure, businesses, and schools of entire communities. The President of the United States declared the area a major disaster on October 9, 2016, and request for Federal Aid was granted on October 10, 2016. Funds were awarded to the State through the CDBG-DR program and \$3.99 million was allocated to the Homeless Day Resource Center and Emergency Shelter project.

The relationship of the Federal, the State, and the City governments creates additional process steps that are required by each agency and by the specific enabling legislation for the funds being utilized for the project.

The presentation explored some of those regulations and the prescribed steps required.

Discussion ensued.

Mayor and Council thanked Mr. Cauley for the presentation.

7.04 TA21-001: Text Amendment to Article 30 of the Unified Development Ordinance for a Food Truck Court by Jordan Sherrod.

Ms. Alicia Moore, Senior Planner, presented this item and stated the applicant, Jordan Sherrod, requests an amendment to the Unified Development Ordinance to create a new land-use category of Food Truck Court. Current regulations allow food trucks as a temporary use for special events or as an accessory use on private lots.

A food truck court differs from this usage of food trucks, which operate in a transitory manner in areas not specifically developed or contemplated for food trucks. Instead, a food truck court operates as a permanent eating establishment on a parcel specifically developed to accommodate food trucks. In this way, food truck courts are akin to brick and mortar eating establishments but with the regular use of food trucks at the crux of their business plan. The proposed changes would create a new use category with specific regulations and would not impact the current regulations applicable to food trucks as an accessory use.

On March 4, 2021, the Planning Commission heard the request at a special called meeting. The applicant expressed support for the staff-proposed ordinance. The Planning Commission voted unanimously to recommend approval for the staff-proposed ordinance by a vote of 9 to 0. On March 22, 2021, the City Council heard the request, and upon motion by Council Member Haire, voted to postpone review and decision by a vote of 5 to 4, with Council Member Dawkins absent.

Three versions of the proposed changes are submitted for review:

- Ordinance 1: The first version is the original submission by the applicant.
- Ordinance 2: The second version, referred to as the staff-proposed ordinance, is based on the applicant's submitted version and includes recommended changes for adherence to the policies and requirements of the City Code. (This version is supported by the applicant and recommended by the Planning Commission.)
- Ordinance 3: The third version, referred to as the reduced-standards ordinance, is based on concerns that the proposed version may be too limiting, and has minimal development standards except for safety and environmental protection standards.

In addition to use at City-approved special events, food trucks are permitted as an accessory use; they are allowed only where their use is "incidental, appropriate, and subordinate to the principal use" on the same lot. (Section 30-9, Definitions.) This requirement prevents a food truck vendor from utilizing an otherwise undeveloped or vacant lot. Instead, food trucks can operate only in the parking lots of existing uses, provided that the owner provides permission, and the parking lot has extra parking spaces (which is not based on actual customer use of the spaces, but upon regulatory minimums). Section 30-4.D.3, Specific Standards for Certain Accessory Uses, sets

the maximum number of trucks per lot, establishes separation requirements, parking, hours of operation, and operational standards. Under these accessory use regulations, a maximum of two food trucks are allowed on lots up to one acre. For parcels greater in size, the maximum is three trucks. Temporary seating is permissible on lots that are at least two acres in size. Food trucks are also restricted from setting up within 50 feet of each other, 100 feet from brick and mortar restaurants, and 100 feet from any residential district (including single-family and multi-family districts). Hours of operation are required to end by 10:00 p.m. if the location is within 150 feet of a residential dwelling. These restrictions apply regardless of whether seating is provided. For comparison, other types of outdoor eating establishments are not restricted in proximity from each other; separation from residential districts only applies for single-family districts; and the hours of operation are not restricted.

Potential food truck vendors seeking to establish or promote their businesses in Fayetteville have faced regulatory roadblocks. The applicant, Jordan Sherrod and his business team, seek to repurpose a defunct gas station into a destination spot as a food truck court. The food truck court would feature four trucks and provide outdoor seating. The site location in Haymount is near public transit and walkable from the Downtown area, thus contributing to the Downtown and expanding its draw.

The proposed amendment would not change the existing regulations for food trucks as an accessory use. The accessory use would continue under the existing requirements. By adding a new use category, the proposed amendment would increase the options for food truck vendors to choose whether to operate as an accessory use or as a principal use, thereby increasing opportunities for business ventures and choices for patrons.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-004.

MOTION: Council Member Davis moved to adopt Option 2 Ordinance TA21-001.
SECOND: Council Member Waddell
VOTE: UNANIMOUS (9-0)

8.0 CLOSED SESSION

MOTION: Council Member Ingram moved to go into a closed session for attorney-client privileged and confidential matters.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

The regular session recessed at 8:26 p.m. The regular session reconvened at 9:36 p.m.

MOTION: Council Member Dawkins moved to go into open session.
SECOND: Council Member Davis
VOTE: UNANIMOUS (9-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:34 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
041521

MITCH COLVIN
Mayor

