

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
OCTOBER 8, 2018
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Tisha S. Waddell (District 3) (via telephone); D. J. Haire (District 4); Johnny Dawkins (District 5); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8) (via telephone); James W. Arp, Jr. (District 9)

Absent: Council Members Katherine K. Jensen (District 1); William J. L. Crisp (District 6)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Jerry Newton, Development Services Director
Michael Petti, Assistant Police Chief
Tracey Broyles, Budget and Evaluation Director
Sheila Thomas-Ambat, Interim Public Services Director
Jay Toland, Interim Chief Financial Officer
Kecia Parker, Real Estate Manager
Barbara Hill, Human Resource Development Director
Alicia Young, Assistant City Attorney
Taurus Freeman, Planning and Zoning Manager
Craig Harmon, Senior Planner
Kim Toon, Purchasing Manager
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 Pastor Reginald Johnson, My Father's House Christian Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS

Mr. Jay Reinstein, Assistant City Manager, provided an update on Hurricane Florence Recovery efforts.

Council Member Waddell introduced Ms. Ravin Musser, Cumberland-Fayetteville Youth Council representative.

Mayor Colvin announced he will be presenting a proclamation in recognition of Public Power Week to the Public Works Commission at their forthcoming meeting to be held on October 10, 2018.

Mayor Colvin presented Mr. Jay Reinstein, Assistant City Manager, with the "Bust of Lafayette" in recognition of his five years of service to the City of Fayetteville. Mayor Colvin wished Mr. Reinstein success and happiness in his future endeavors. All those in attendance gave Mr. Reinstein a standing ovation.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (8-0)

6.0 CONSENT AGENDA

MOTION: Council Member Dawkins moved to approve the consent agenda.
SECOND: Council Member Arp
VOTE: UNANIMOUS (8-0)

6.01 Approval of Meeting Minutes:

September 10, 2018 - Discussion of Agenda Items
September 10, 2018 - Regular
September 14, 2018 - Special
September 15, 2018 - Special
September 16, 2018 - Special
September 17, 2018 - Special
September 24, 2018 - Discussion of Agenda Items
September 24, 2018 - Regular

6.02 Adoption of Two Resolutions Authorizing Municipal Agreements with the North Carolina Department of Transportation for Street Sweeping and Mowing of State Highway System Roadways within the City

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE MOWING OF SPECIFIC NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MAINTAINED ROADWAYS WITHIN THE CITY LIMITS OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2018-062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE SWEEPING OF SPECIFIC NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MAINTAINED ROADWAYS WITHIN THE CITY LIMITS OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2018-063

6.03 Bid Recommendation - Beaver Creek Outfall Rehabilitation Phase I to Insituform Technologies, LLC, the lowest responsive, responsible bidder in the total amount of \$2,240,880.00.

Bids were received on September 11, 2018, as follows:

Insituform Technologies, LLC, Chesterfield, MO ... \$2,240,880.00
Granite Inliner, Gastonia, NC \$2,937,425.00
IPR Southeast, Stone Mountain, GA \$3,552,230.00
SAK Construction, O'Fallon, MO \$3,984,975.00

6.04 Bid Recommendation - One 15 Foot Four-Wheel Drive Backhoe Loader to Hills Machinery Company, LLC, the lowest responsive, responsible bidder in the total amount of \$94,587.19

Bids were received on August 17, 2018, as follows:

Hills Machinery Company, LLC, Raleigh, NC \$94,587.19
James River Equipment, Hope Mills, NC \$110,750.00

6.05 Findings Resolution and Approve Submission of Local Government Commission (LGC) Application

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT A COMPETITIVE SALE AND APPROVING THE FINANCING TEAM ALL IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2018-064

6.06 Proposed 2019 City Council Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2019 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2018-065

6.07 Resolution Declaring Week of October 7-13, 2018, as Public Power Week

RESOLUTION PROCLAIMING PUBLIC POWER WEEK - OCTOBER 7-13, 2018. RESOLUTION NO. R2018-061

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Zoning Commission Annual Report to City Council

Mr. Kevin Hight, Zoning Commission Chair, presented the Zoning Commission Annual Report and stated the City of Fayetteville Zoning Commission is both a quasi-judicial and legislative body responsible for hearing cases related to zoning issues, Special Use Permits (SUP), variances and appeals to administrative decisions. In doing this, the Commission is charged with upholding the purpose and intent of the Unified Development Ordinance (UDO) and any long-range plans of the City. The Zoning Commission is comprised of five regular members and two alternate members appointed by City Council for two-year, staggered terms. Regular meetings are held on the second Tuesday of each month at 6:30 p.m. in the Council Chambers. The City has a legal requirement by General Statute to advertise rezoning, SUP, and variance requests in the local newspaper. In addition, for rezonings and SUPs, the City posts an information sign on the property and sends out notification letters to all property owners within 500 feet of the property to inform them of when the public hearing will be, which property is being considered, and what kind of rezoning or SUP is being requested. For variances, the same steps are followed, except that notices are only sent to property owners within 300 feet of the subject property. A map is enclosed with the letter to show the exact location of the property. Again by General Statute, these notification letters and signs are sent at least ten days prior to the Zoning Commission hearing. The case is heard at a public hearing before the Zoning Commission. Anyone wishing to speak at the hearing, including the applicant, must sign up to speak in advance with the City Planning staff or on the day of the hearing in the City Council Chamber prior to the beginning of the meeting. The City staff will present information relating to the property and surrounding area and the ordinance requirements that relate to the rezoning, variance, or SUP requested. After opening and closing the public hearing, the Commission votes to either recommend approval or denial of SUPs, or to recommend approval or denial of zoning requests. The Commission is a recommending body except that their denial of a zoning case is a final decision, unless the case is appealed to City Council. In the case of variances, the Commission has the final decision authority. Appeals of a Zoning Commission decision must be filed with the Fayetteville City Clerk no more than ten days from the time of the Zoning Commission meeting. All appeals of the Commission are heard by the City Council. The exception to these is with variances. These requests are heard in a quasi-judicial process and any appeal of a variance must be made to Superior Court. Projects that come before the Commission help bring new development and revenue to the City.

MOTION: Council Member Wright moved to accept the Zoning Commission Annual Report.

SECOND: Council Member Haire

VOTE: UNANIMOUS (8-0)

7.02 Ethics Commission Annual Report

Mr. David Bock, Ethics Commission Chair, presented this item and stated the code of ethics was adopted to foster confidence in City

government and describes the general value system, ethical principles and specific ethical rules chosen by the organization. The revised version was adopted by City Council in January 2014. This is a Council appointed commission and its purpose is to hear and investigate complaints, render advisory opinions, and publish findings and recommendations regarding alleged violations of the City's Code of Ethics by employees, board/commission members, and/or appointed or elected officials.

MOTION: Council Member Arp moved to accept the Ethics Commission Annual Report.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (8-0)

8.0 PUBLIC FORUM

Ms. Maria Gonzalez, 1234 Bombay Drive, Fayetteville, NC, expressed concerns regarding Cedar Falls Subdivision flooding during Hurricane Florence.

Ms. Kim Butsch, 1230 Bombay Drive, Fayetteville, NC, expressed concerns regarding Cedar Falls Subdivision flooding during Hurricane Florence.

Mr. Kenyatta Pierce, 1221 Bombay Drive, Fayetteville, NC, expressed concerns regarding Cedar Falls Subdivision flooding during Hurricane Florence.

Ms. Ivey Dowe, 2219 LA Dunham Road, Fayetteville, NC, expressed concerns regarding storm water flooding and the canal at the back of her property.

Mr. Charles Matthews, 2219 Tindall Court, Fayetteville, NC, expressed concerns regarding Rose Lake.

Ms. Channing Perdue, 1531 Cedar Creek Road, Fayetteville, NC, expressed concerns regarding Cedar Falls and Lochs Creek Subdivision flooding during Hurricane Florence.

Mr. Michael Harrison, 1207 Jereens Creek, Fayetteville, NC, expressed concerns regarding Cedar Falls and Lochs Creek Subdivision flooding during Hurricane Florence.

9.0 ADMINISTRATIVE REPORTS

9.01 Monthly Statement of Taxes - August 2018

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

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:09 p.m.