

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
JANUARY 28, 2019
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Absent: William J. L. Crisp (District 6)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Barbara Hill, Interim Assistant City Manager
Gina Hawkins, Police Chief
Gerald Newton, Development Services Director
Kevin Arata, Corporate Communications Director
Tracey Broyles, Budget and Evaluation Director
Sheila Thomas-Ambat, Interim Public Services Director
Jay Toland, Interim Chief Financial Officer
Craig Harmon, Senior Planner
Mark Brown, PWC Customer Relations Director
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 Pastor Michael Mathis, Mission Field Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Jensen introduced Ms. Sarah Richardson, Fayetteville-Cumberland Youth Council representative.

Mayor Colvin announced he is hosting the community's second "One Fayetteville Unity Vigil" on January 31, 2019, at 6:00 p.m. at City Hall.

Council Member Wright thanked everyone that attended this year's annual Martin Luther King Jr. breakfast event and parade.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Arp

VOTE: UNANIMOUS (9-0)

6.0 CONSENT AGENDA

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

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

January 7, 2019 - Work Session
January 14, 2019 - Discussion of Agenda Items
January 14, 2019 - Regular

6.02 P18-40F. Rezoning of property from Single-Family Residential (SF-10) to Limited Commercial (LC) located at 3265 and 3275 Rosehill Road (Tax Map Nos.0439-02-3056 and 0439-02-0061) at the intersection of Rosehill and Country Club Roads, containing a combined total of 5.39 +/- acres and being the property of Robert Benton.

6.03 Bid Recommendation - Hurricane Matthew Shawcroft Road Culvert Replacement to Wells Brothers Construction, Turkey, NC, the lowest recommended, responsive, responsible bidder in the total amount of \$457,060.00.

The following bids were received:

Wells Brothers Construction, Turkey, NC\$457,060.00
Sandy's Hauling & Backhoe Service, Roseboro, NC\$821,675.00
Billy Bill Grading Company, Fayetteville, NC\$1,415,765.55

6.04 Adoption of Special Revenue Fund Project Ordinance 2019-9 to Accept and Appropriate Grant Funding from the Cumberland Community Foundation for Exhibit Renovations at Clark Park Nature Center

The City has received an \$8,190.00 grant from the Cumberland Community Foundation to renovate exhibits at the Clark Park Nature Center. Staff is seeking authorization to accept the grant award and adoption of Special Revenue Fund Project Ordinance 2019-9 to appropriate the grant funding.

6.05 Adoption of Budget Ordinance Amendment 2019-11 for an Update of the Master Plan for Martin Luther King Jr. Park

Budget Ordinance Amendment 2019-11 will appropriate \$50,000.00 to fund the update of the master plan for the Martin Luther King Jr. Memorial Park in partnership with the Fayetteville-Cumberland County Dr. Martin Luther King, Jr. Committee.

6.06 Adoption of Special Revenue Fund Project Ordinance 2019-10 to Appropriate the 2017 Interactive Policing Strategy Grant Awarded by the Governor's Crime Commission of the N.C. Department of Public Safety

Special Revenue Fund Project Ordinance 2019-10 will appropriate \$13,944.00 of federal grant funds passed through the North Carolina Department of Public Safety, Governor's Crime Commission, for the purchase of equipment for the 2017 Fayetteville Police Department Interactive Policing Strategy program.

6.07 Proposed Ordinance Amendment for Fayetteville City Code Chapter 14, Housing, Dwellings, and Buildings, Article VII, Nuisance Properties

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW ARTICLE VII, NUISANCE PROPERTIES, UNDER CHAPTER 14, HOUSING, DWELLINGS AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-001

6.08 Phase 5 Annexation Utility Improvement Project - Areas 22 and 23 Preliminary Assessment Resolution to be Adopted

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 22 AND 23 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT "A". RESOLUTION NO. R2019-005

6.09 Uninhabitable Structures Demolition Recommendations

6548 Lagoon Drive - District 7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. 6548 Lagoon Drive, PIN 0407-11-1160. ORDINANCE NO. NS2019-001

940 Waterless Street - District 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. 940 Waterless Street, PIN 0436-19-0379. ORDINANCE NO. NS2019-002

7.0 PUBLIC HEARINGS

7.01 Public Hearing on Naming of the Plaza in front of the new Minor League Baseball Stadium in downtown Fayetteville in Honor of former Mayor Hurley

Dr. Telly Whitfield, Assistant City Manager, presented this item and stated at the January 7, 2019, City Council work session, discussion took place regarding a City Council agenda item request submitted by Council Members Colvin, Crisp, and Arp pertaining to naming of City property in honor of former Mayor Hurley. At the January 14, 2019, City Council regular meeting, Council unanimously consented to call for a public hearing on naming the plaza in front of the new minor league baseball stadium in downtown Fayetteville after former Mayor Bill Hurley, to be held January 28, 2019, at the regular City Council meeting, beginning at 7:00 p.m. Notice of the public hearing was published in The Fayetteville Observer on January 19, 2019.

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

Mr. John Malzone, 106 Hay Street, Fayetteville, NC, spoke in favor of naming the plaza in front of the new minor league baseball stadium in downtown Fayetteville in honor of former Mayor Hurley.

Mr. Mark Hurley, 177 Ellerslie Drive, Fayetteville, NC, spoke in favor of naming the plaza in front of the new minor league baseball stadium in downtown Fayetteville in honor of former Mayor Hurley.

Ms. Carol Goforth, 325 Murray Hill Road, Fayetteville, NC, spoke in favor of naming the plaza in front of the new minor league baseball stadium in downtown Fayetteville in honor of former Mayor Hurley.

Mr. Jordan Jones, 450 Hay Street, Fayetteville, NC, spoke in favor of naming the plaza in front of the new minor league baseball stadium in downtown Fayetteville in honor of former Mayor Hurley.

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

MOTION: Council Member Arp moved to approve the naming of the plaza in front of the new Minor League Baseball Stadium in downtown Fayetteville in honor of former Mayor Hurley.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

7.02 P18-42F. The issuance of a Special Use Permit to allow Horne Brothers Construction, Inc., to upgrade their fuel station in the Conditional Community Commercial Zoning District (CC/CZ) located at 505 Middle Road (Tax Map No. 0447-34-8472), containing 8.6 +/- acres, near the intersection of Middle and Dunn Roads and being the property of CAROLINA SUN INVESTMENTS LLC.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated in June 2018, this property was rezoned from Community Commercial (CC) to Conditional Community Commercial Zoning (CC/CZ) to accommodate Horne Brothers Construction's relocation of one of their facilities to Fayetteville. The conditional rezoning actively furthers the City's mission to create a business friendly environment where citizens thrive and prosper by welcoming Horne Brothers Construction to the site while protecting the Cape Fear River and infilling a site for new and further business development east of the Cape Fear River. He stated the request is for a Special Use Permit (SUP) to allow above ground outdoor fuel storage tanks. "A special use in a particular zoning district is one that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish procedures and standards for review and approval of Special Use Permits that provide for such special consideration." The issuance of a SUP is intended to provide a landowner and the City an alternative to rezoning the land to a more intense industrial zoning district. The base zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. The SUP allows the City Council to impose additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. The property at 505 Middle Road is used to store and maintain equipment and vehicles used by Horne Brothers Construction. The employees that work out of town also store their vehicles at this site during the week. Monday mornings are their heaviest traffic days, since crews will be coming in and leaving. According to Horne Brothers, traffic is greatly reduced the rest of the week. Presently Horne Brothers is using temporary fuel tanks on the site that hold 500 gallons of diesel and 500 gallons of gasoline. They are seeking approval to upgrade their fuel station to two above ground storage tanks with one being a 3,000 gallon tank for diesel and a 2,000 gallon tank for gasoline. The typical hours of operation are 6:00 a.m. to 5:00 p.m. Monday through Friday. They have about 100 employees that would be gathering at the site and traveling on Monday mornings in 30 vehicles, as well as 10 tractor-trailer type vehicles. The proposed tanks would sit on a concrete slab, which would be surrounded by a containment wall. Fuel would be delivered two times a week versus almost every day with the current 500 gallon tanks. The filling of these tanks would be in the center of the property as shown on the site plan that was approved during the rezoning in June. Horne Brothers Construction has the following three main objectives associated with the installation of these tanks:

1. To install permanent fuel tanks at Horne Brothers Construction's site for fueling of company-owned vehicles and equipment.
2. To protect the environment through best practices and additional preventative measures.

3. To emphasize and highlight Horne Brothers Construction's intentions to exceed all state requirements for above ground fueling if permission is granted for tank installation.

Additional details regarding the type of fuel tanks, their installation, and a materials list is included within the PowerPoint presentation provided by Horne Brothers and Campbell Oil Company.

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

Mr. Rhett Bunce, 1682 Middle River Road, Fayetteville, NC, appeared in favor of approving the Special Use Permit and stated he is an employee of Horne Brothers and is representing the owners.

Mr. Noah Simmons, 2336 Peanut Plant Road, Elizabethtown, NC, appeared in favor of approving the Special Use Permit and stated he is an employee of Horne Brothers and is representing the owners.

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

Discussion ensued.

MOTION: Council Member Culliton moved to approve the Special Use Permit (SUP) in a CC/CZ Conditional Community Commercial district as presented by staff and based on the standards of the City's development code and the evidence presented during this hearing and restricted to the five conditions; that the application is consistent with applicable plans because (1) the development is located in a Conditional Community Commercial District, (2) the City's Cape Fear River Plan calls for Heavy Commercial on this property, (3) this use complies with the findings, and (4) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area; and that all eight findings of fact as stated are met.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0)

8.0 ADMINISTRATIVE REPORTS

8.01 Monthly Statement of Taxes for December 2018

2018 Taxes	14,886,101.93
2018 Vehicle,	3,836.30
2018 Taxes Revit	51,739.83
2018 Vehicle Revit	4.79
2018 FVT	320.00
2018 FTT	320.00
2018 Storm Water	2,800,757.79
2018 Fay Solid Waste Fee	1,713,439.47
2018 Annex	0.00
2017 Taxes	17,191.19
2017 Vehicle	292.72
2017 Taxes Revit	0.42
2017 Vehicle Revit	3.34
2017 FVT	30.00
2017 FTT	30.00
2017 Storm Water	2,334.41
2017 Fay Solid Waste Fee	3,755.47
2017 Annex	0.00
2016 Taxes	4,507.43
2016 Vehicle	0.00
2016 Taxes Revit	0.00

2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	308.70
2016 Fay Storm Water	0.00
2016 Fay S Waste Fee	301.84
2016 Annex	0.00
2015 Taxes	922.98
2015 Vehicle	0.00
2015 Taxes Revit	0.00
2015 Vehicle Revit	0.00
2015 FVT	0.00
2015 FTT	0.00
2015 Storm Water	45.00
2015 Fay Storm Water	90.00
2015 Fay S Waste Fee	132.00
2015 Annex	0.00
2014 and Prior Taxes	478.52
2014 and Prior Vehicle	796.64
2014 and Prior Taxes Revit	0.00
2014 and Prior Vehicle Revit	0.00
2014 and Prior FVT	145.86
2014 and Prior FTT	145.87
2014 and Prior Storm Water	12.00
2014 and Prior Fay Storm Water	24.00
2014 and Prior Fay S Waste Fee	38.00
2014 and Prior Annex	0.00
Interest	3,625.43
Revit Interest	0.00
Fay Storm Water Interest prior	18.70
Fay Storm Water Interest 2015	37.40
Fay Storm Water Interest 2016	284.71
Annex Interest	0.00
Solid Waste Interest	476.67
FTT Interest	112.41
Total Tax and Interest	\$19,492,661.82

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:06 p.m.