

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
FEBRUARY 25, 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); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Deputy City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Barbara Hill, Interim Assistant City Manager
Ben Major, Fire Chief
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
Cynthia Blot, Economic and Community Development
Director
Lee Jernigan, Traffic Engineer
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 Scott Foster, of St. Andrews United Methodist Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the North Carolina Coastal Pines Girl Scouts.

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Waddell introduced Fayetteville-Cumberland Youth Council Member Ms. RaVielle Musser, Home Schooled Senior, Fayetteville-Cumberland County Youth Council Secretary and North Carolina State Youth Council Secretary; representing the Youth Council this evening.

Mayor Colvin presented a proclamation to Ms. Shinica Thomas, Director of Advocacy and Educational Partnerships, troop leaders and girl scouts proclaiming March 11-15, 2019, in honor of Girl Scout Week.

Mayor Colvin presented a proclamation to Mr. Randy Hume and Transit Department staff proclaiming March 18, 2019, in honor of Transit Driver Appreciation Day.

Mayor Colvin presented a proclamation to Mr. Phil Harris, Executive Director of Fayetteville Red Cross, proclaiming the month of March 2019 in honor of American Red Cross Month.

Mayor Colvin presented a proclamation to Ms. Jay Johnson and her family members proclaiming a Celebration of Life of January 17, 2019, for the recently deceased Chief Warrant Officer 2 Ret Tonya Jackson.

Mayor Colvin presented the "Key to the City" to Benjamin Major, Jr., Fire Chief, in recognition of his retirement from the City of Fayetteville after 35 years of honorable service.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Arp moved to approve the consent agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

January 22, 2019 - Special
January 28, 2019 - Discussion of Agenda Items
January 28, 2019 - Regular
February 1, 2019 - Special (Strategic Planning)
February 2, 2019 - Special (Strategic Planning)
February 11, 2019 - Discussion of Agenda Items
February 11, 2019 - Regular

6.02 P19-02F. Rezoning a portion of property from Community Commercial (CC) to Mixed Residential (MR-5), located at 322 E. Russell Street (Tax Map No. 0437-72-5633), near the intersection of E. Russell and Alexander Streets, containing 0.118 +/- acres of 0.44 acres and being the property of J. Duane Gilliam, Jr.

6.03 Resolution Honoring the Red-Cockaded Woodpecker with the Title of Fayetteville City Bird

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IN SUPPORT OF ADOPTING THE RED-COCKADED WOODPECKER AS THE OFFICAL CITY BIRD. RESOLUTION NO. R2019-007

6.04 Adoption of Capital Project Ordinance Amendment (CPOA) 2019-28 to Appropriate Payment In-Lieu-Of Sidewalk Revenue for FY 19 Sidewalk Projects

Capital Project Ordinance Amendment 2019-28 will appropriate \$30,159.00 of payments-in-lieu-of sidewalk funding to the FY 19 Sidewalk Project.

6.05 Approval for the Naming of the New Minor League Baseball Stadium in Downtown Fayetteville

Consistent with the Use and Operating Agreement entered into on December 13, 2016, the naming of the Minor League Baseball Stadium was presented to City Council for approval. On February 7, 2019, the Fayetteville Woodpeckers announced that the official name of the Minor League Baseball Stadium in Downtown Fayetteville would be SEGRA.

6.06 Consideration to Waive Interest Penalties

The property, 442 S. Eastern Boulevard, is located in an Opportunity Zone and has attracted investment for redevelopment. The City's current assessments on the property totals \$290,463.77, which includes \$87,554.77 in interest penalties.

6.07 Award Contract for Construction of an Outdoor Family Aquatics Center at Lake Rim Park to M&E Contracting, Inc., the lowest responsive, responsible bidder in the amount of \$2,414,393.00

Authorization to execute a contract for construction of an Outdoor Family Aquatics Center to be located at Lake Rim Park. The lowest responsive, responsible bidder, M&E Contracting, Inc., is recommended. Bids for construction of the Outdoor Family Aquatic Center were received February 5, 2019, as follows:

M & E Contracting, Inc.	\$2,414,393.00
Player, Inc.	\$2,504,700.00

6.08 Adoption of Capital Project Ordinances 2019-24 and 2019-25, and Capital Project Ordinance Amendments 2019-27, 2019-29 and 2019-30 for Parks and Recreation Bond Projects

Capital Project Ordinance 2019-24 will appropriate bond proceeds of \$600,000.00 for initial design and site assessments for the Sports Field Complex at McArthur Road.

Capital Project Ordinance 2019-25 will appropriate bond proceeds of \$250,000.00 for initial design and site assessments for the Jordan Soccer Complex.

Capital Project Ordinance Amendment 2019-27 will appropriate \$195,500.00 from anticipated premium payments on the sale of the bond to fund bond issuance costs.

Capital Project Ordinance Amendment 2019-29 will appropriate \$100,000.00 from Cumberland County for the improvements at Dorothy Gilmore Therapeutic Recreation Center.

Capital Project Ordinance Amendment 2019-30 will modify the previous appropriation of \$429,166.00 of bond proceeds for a splash pad at the downtown stadium to instead provide a play space and plaza fountain at \$380,000.00.

6.09 Adopt Resolution to Accept a Report of Unpaid Taxes from Cumberland County and Direct the Advertisement of Tax Liens

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2019-008

6.010 Approval of Municipal Speed Limit Certificates with NCDOT for speed limit revisions on Hoke Loop Road from Raeford Road to Cliffdale Road and at Lake Rim Elementary School

APPROVAL OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS BETWEEN 1.09 MILES WEST OF SR1400 AND .065 MILES WEST OF SR 1400 (LAKE RIM ELEMENTARY SCHOOL, IN EFFECT FROM 30 MINUTES BEFORE TO 30 MINUTES AFTER SCHOOL BEGINS AND ENDS ON SCHOOL DAYS ONLY). ORDINANCE NO. NS2019-004

APPROVAL OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS BETWEEN 1.09 MILES WEST OF SR 1400 AND 0.65 MILE WEST OF SR 1400 (LAKE RIM ELEMENTARY SCHOOL, IN EFFECT FROM 30 MINUTES BEFORE TO 30 MINUTES AFTER SCHOOL BEGINS AND ENDS ON SCHOOL DAYS ONLY). ORDINANCE NO. 2019-005

APPROVAL OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS FROM US 401 NORTHWARD TO SR 1400 (CLIFFDALE ROAD). ORDINANCE NO. NS2019-006

6.011 Bid Recommendation - Installation of Fenix #2 Substation to award the contract for the Installation of Fenix No. 2 69 to 25 kV Substation to Carolina Power & Signalization, Inc.,

Fayetteville, NC, the lowest responsive, responsible bidder in the total amount of \$699,993.00.

Bids were received on January 17, 2019, as follows:

Carolina Power & Signalization, Inc., Fayetteville, NC....\$699,993.00
Lee Electrical Construction, LLC, Aberdeen, NC.....\$707,342.50
Aubrey Silvey Enterprises, Inc., Carrollton, GA.....\$948,000.00
David H. Elliot Construction, Roanoke, VA.....\$1,195,000.00
A West Enterprise, LLC, Albany, GA.....\$1,227,840.00
William E. Groves Construction, Inc., Madisonville, KY..\$1,482,000.00

6.012 Bid Recommendation to Substation Enterprises, Inc., Alabaster, AL, the lowest responsive, responsible bidder in the total amount of \$312,418.00.

Bids were received on January 17, 2019, as follows:

Substation Enterprises, Inc., Alabaster, AL\$312,418.00
M.D. Henry Co., Inc., Pelham, AL\$331,000.00
Peak Substation, Birmingham, AL\$337,900.00
DIS-TRAM Packaged Substation, LLC, Pineville, LA ...\$360,165.00

6.013 Tax Refunds Greater than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Novare National Settlement Service, LLC	2017	Corrected Assessment	\$4,168.83

6.014 Consideration of Adopting a Resolution in Support of Legislative Action to Direct Shared Allocations of Food and Beverage Tax Proceeds between Cumberland County and its Municipalities

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO SUPPORT LEGISLATIVE ACTION TO DIRECT SHARED ALLOCATIONS OF FOOD AND BEVERAGE TAX PROCEEDS BETWEEN CUMBERLAND COUNTY AND ITS MUNICIPALITIES. RESOLUTION NO. R2019-009

7.0 PUBLIC HEARINGS

7.01 P18-41F. The issuance of a Special Use Permit to convert a vacant motel to self-service storage (mini-warehouse) in the Community Commercial (CC) Zoning District, located at 220 South Eastern Boulevard (Tax Map No. 0437-91-9027), containing 4.2± acres, near the intersection of E. Russell and Locust Streets and being the property of W. B. Fayetteville Properties, LLC.

Ms. Sharon Williams, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated currently, the property is developed with an unoccupied, two-story motel in need of repair. The applicant is requesting a Special Use Permit to convert the vacant motel to a self-service storage (mini-warehouse) facility, construct two additional buildings for the same use and to create an open storage area for recreational vehicles, travel trailers and pleasure boats. The property contains a dilapidated two-story motel, which was previously known as the Budget Inn. Primary access to the individual guestrooms is provided directly from the exterior of the building. The motel is deteriorated and open to the elements, due to the removal of the windows and doors. 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 an SUP is intended to provide a landowner and the City an alternative to rezoning the land to a more intense 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 Special Use Permit 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. A SUP shall be approved only upon a finding that all of the following standards are met:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

This SUP must comply with any and all City, State, and Federal laws and regulations to remain in business.

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

Mr. Darryl Barker, 1912 Hawthorne Road, Wilmington, NC, stated he is the architect for the project and appeared in favor of the SUP request.

Mr. Dennis Chisum, 3305 Amber Drive, Wilmington, NC, stated he is the applicant for the SUP, and appeared in favor of the SUP request.

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 Community Commercial (CC) zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. Additionally, the application is consistent with applicable plans because (1) the development is located in a Community Commercial (CC) District, (2) the use specific standards for Self-Service Storage (mini-warehouse) have been met, (3) that this use complies with the eight findings of fact previously listed, and (4) the proposed permit is in the public interest because the proposed SUP does fit with the character of the

area. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is March 7, 2019. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

7.02 Amortization of Existing Nonconforming Extended Stay Hotels and Motels

Mr. Michael Martin, Development Services Assistant Director, presented this item with the aid of a PowerPoint presentation and stated on June 27, 2016, the City Council adopted Ordinance No. S2016-007, defining the requirements for the extended occupancy of a resident(s) for more than 30 days in transient residential facilities such as hotels and motels. The requirements for the newly defined extended stay occupancies include the minimum presence of a built-in two burner stove and a refrigerator measuring a minimum of 5 cubic feet. Hotels and motels not in compliance with these requirements at the time the ordinance was adopted were subsequently classified as existing nonconforming uses. The proposed ordinance amendment was presented to City Council during the November 5, 2018, work session. Council consensus supported moving forward with the presented ordinance amendment. The proposed ordinance amendment was presented to the Planning Commission during the December 18, 2018, meeting. A public hearing was held pursuant to Section 30-2.C.2.d.3, and the Planning Commission unanimously approved the proposed ordinance amendment in accordance with Section 30-2.C.2.e. Extended stay hotels and motels are often found to meet the immediate needs of a population otherwise presented with limited affordable housing options. Since the adoption of Ordinance No. 2016-007, staff has identified approximately eight hotels and motels operating as an ordinance-defined extended stay occupancy not currently in compliance with the minimum code requirements. Staff has also identified multiple locations in which occupants have resided within extended stay occupancies for several decades. Due to the long-term occupancy of the residents, extended stay hotels and motels are not required to participate in the Health Department's Food and Lodging Program through an exemption by NCGS § 130A, Article 8, Part 6, Regulation of Food and Lodging Facilities. The proposed ordinance would institute a five-year amortization period and require all existing nonconforming uses to comply by March 2024.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

Discussion ensued regarding amending the proposed ordinance to institute a three-year amortization period and require all existing nonconforming uses.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REQUIRING NONCONFORMING EXTENDED STAY HOTELS AND MOTELS THREE YEARS TO BECOME CONFORMING UNDER SECTION 30.4.C, USE-SPECIFIC STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-002

MOTION: Council Member Arp moved to adopt the proposed ordinance amendment consisting of a text amendment to Section 30-4.C.4.1, adding a new subsection (c) that requires any existing nonconforming extended stay hotel or motel use to be conforming by March 2022.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Jensen and Crisp)

8.0 OTHER ITEMS OF BUSINESS

8.01 NCDOT update on the Raeford Road project from east of Robeson Street to Old Raeford Road

Mr. Greg Burns, NCDOT Engineer, presented this item and stated this item is to provide update on the status of the Raeford Road project from east of Robeson Street westward to Old Raeford Road. The project is scoped to install median islands to restrict left turning movements and increase the safety and operation of the roadway. The project was scheduled to be advertised for bids in August 2018, but was delayed to September 2018. The advertisement that occurred in September 2018 did not result in any contractors providing bids. Based on this, NCDOT explored strategies to revise the project and to re-advertise for bids. NCDOT has determined to split the project into three segments. The first segment will be between Old Raeford Road to just east of Bunce Road and is scheduled to let for bid in April 2019. The remaining segments will be from Bunce Road to Glensford Drive and from Glensford Drive to just east of Robeson Street. The let dates for the last two phases have not been determined. NCDOT has a funded Transportation Improvement Project, U-4405, to complete improvements along Raeford Road from east of Robeson Street westward to Old Raeford Road. The project scope proposes the installation of median islands to restrict left turning movements. Other improvements, including upgraded traffic signals, installation of pedestrian signals, resurfacing and drainage will be included in the project scope. Council approved a municipal agreement at their February 26, 2018, regular meeting to provide funding in the project for sidewalks, bus stop pads and drainage upgrades. The City will be responsible for 50 percent of the cost of any new sidewalk construction and 100 percent of the cost of the bus stop pads and drainage improvements. The estimated cost for these improvements is \$509,760.00.

Discussion ensued.

MOTION: Council Member Arp moved to accept the report.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.01 Proposed project to install bicycle lanes on Langdon Street between Murchison Road and Trinity Drive

Mr. Lee Jernigan, Traffic Engineer, presented this item and stated staff is a stakeholder in the ongoing Fayetteville Area Metropolitan Planning Organization (FAMPO) Sandhills Regional Bicycle Plan. This plan was initiated by FAMPO after receiving a grant from the NCDOT to develop a regional comprehensive bicycle transportation plan. The overall goal of the plan is to provide a framework for NCDOT and local governments to enhance bicycling as a mode of transportation for residents and visitors alike, improving access, connectivity, and safety. Additional goals of the plan include promoting healthy active lifestyles, diversifying the regional economy, developing tourism resources, and promoting the region as a destination. The plan will identify key routes, connections, opportunities, and obstacles, and it will prioritize areas for future implementation. The plan covers a geographical area that includes Cumberland, Harnett, Hoke, Scotland and Robeson Counties as well as, parts of Bladen and Sampson Counties. The plan has developed draft recommendations including the proposal to revise pavement markings along a portion of Langdon Street to reduce vehicular travel lanes and create exclusive bicycle travel lanes between Murchison Road and Trinity Drive. The City currently lists Langdon Street on the resurfacing schedule for calendar year 2019 and is recommending these pavement marking changes be incorporated into the resurfacing project. The FAMPO Sandhills Regional Bicycle Plan is scheduled to be complete in the spring of 2019. This plan will be used as a reference for City staff during the development of the City's Comprehensive Bicycle Plan

that began in January 2019. The City's plan, which will expand on the Sandhills Regional Plan, is scheduled to be complete by the end of 2019. Langdon Street is a City-maintained street with varying cross sections between Murchison Road and Ramsey Street. These different sections include multiple and/or wide vehicular travel lanes that can be reduced to provide an exclusive area for bicycle lanes by revising the pavement markings. Because Langdon Street is scheduled for resurfacing during the 2019 calendar year, staff is recommending these pavement marking changes be completed as a part of the resurfacing project.

Discussion ensued.

Mayor Colvin thanked Mr. Jernigan for his report.

9.02 Stormwater Administrative Report

Ms. Sheila Thomas-Ambat, Interim Public Services Director, presented this item and stated on October 30, 2018, City Council conducted a special meeting to discuss stormwater related items. During the meeting, it was requested that staff provide additional data as related to completed capital projects, performance guarantees for stormwater control measures and changes to the regulatory review process. She provided an overview of the following:

1. Memo and spreadsheet to describe the performance guarantee process and bonds that could be released if the developer complete the projects as designed.
2. Peer City Comparison for Performance Guarantee requirement.
3. A list of the stormwater projects completed since 2009. Notice of Process Clarification (NOPC) that describes the changes in the regulatory review process as identified in the implementation plan.

Discussion ensued.

Mayor Colvin thanked Ms. Thomas-Ambat for her report.

9.03 Monthly Statement of Taxes for January 2019

2018 Taxes	12,137,834.37
2018 Vehicle,	4,160.58
2018 Taxes Revit	30,074.90
2018 Vehicle Revit	1.84
2018 FVT	410.00
2018 FTT	410.00
2018 Storm Water	2,113,640.71
2018 Fay Solid Waste Fee	1,155,148.21
2018 Annex	0.00
2017 Taxes	13,951.33
2017 Vehicle	473.13
2017 Taxes Revit	0.00
2017 Vehicle Revit	0.00
2017 FVT	5.00
2017 FTT	5.00
2017 Storm Water	1,643.36
2017 Fay Solid Waste Fee	2,832.09
2017 Annex	0.00
2016 Taxes	5,045.08
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	311.21

2016 Fay Storm Water	45.00
2016 Fay S Waste Fee	183.79
2016 Annex	0.00
2015 Taxes	1,025.83
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	15.00
2015 Fay Storm Water	30.00
2015 Fay S Waste Fee	44.00
2015 Annex	0.00
2014 and Prior Taxes	961.23
2014 and Prior Vehicle	1,050.26
2014 and Prior Taxes Revit	0.00
2014 and Prior Vehicle Revit	0.00
2014 and Prior FVT	204.45
2014 and Prior FTT	199.44
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	30,835.71
Revit Interest	89.46
Fay Storm Water Interest prior	14.69
Fay Storm Water Interest 2015	28.29
Fay Storm Water Interest 2016	5,120.79
Annex Interest	0.00
Solid Waste Interest	5,525.99
FTT Interest	140.21
Total Tax and Interest	\$15,511,534.95

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:51 p.m.

