

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
JUNE 24, 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) (via telephone); William J. L. Crisp (District 6); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Absent: Council Members Johnny Dawkins (District 5); Larry O. Wright, Sr. (District 7)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Angel Wright-Lanier, Assistant City Manager  
Gerald Newton, Development Services Director  
Kevin Arata, Corporate Communications Director  
Jay Toland, Chief Financial Officer  
Cindy Blot, Economic and Community Development Director  
Sheila Thomas-Ambat, Public Services Director  
Tyffany Neal, Assistant Transit Director  
Alicia Young, Assistant City Attorney  
John Larch, Stormwater Manager  
David Nash, 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 Wilbert Blandon, Jr., of Antioch Bible Fellowship 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**

Mayor Colvin presented a Certificate of Excellence to the Karolina Khaos AAU Basketball Team and commended the Coaches and Team for winning the AAU Basketball Championship in Atlanta, Georgia.

Mayor Colvin presented a Certificate of Excellence to Ms. Marsha Bryant, Senior Planner/Development Advocate, in honor of her retirement and commended her for her 33 years of service to the City of Fayetteville.

Mayor Colvin presented the Key to the City to Mr. Jay Reinstein, Assistant City Manager, in honor of his retirement and commended him for his five years of dedicated service to the City of Fayetteville.

**5.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Arp moved to approve the agenda.

**SECOND: Council Member Waddell**  
**VOTE: UNANIMOUS (10-0)**

## **6.0 CONSENT AGENDA**

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

### **6.01 Approval of Meeting Minutes:** **June 3, 2019 - Work Session**

### **6.02 Adoption of Capital Project Ordinance Amendments 2019-48 and 2019-49 to Realign Federal and State Hurricane Matthew Recovery Funding between Two Cross Creek Linear Park Restoration Projects**

Capital Project Ordinance Amendments 2019-48 and 2019-49 will transfer appropriations of \$38,228.00 in Federal Emergency Management Agency and North Carolina Department of Public Safety Hurricane Matthew recovery funding between two Cross Creek Linear Park recovery projects.

### **6.03 Adoption of Capital Project Ordinance 2020-14 to Appropriate Federal Transit Grant Award NC-2019-022-00 for the Replacement of Two Buses**

The Federal Transit Administration has awarded Transit Grant NC-2019-022-00 to provide federal funding for the purchase of two replacement buses for use on FAST's fixed route services. Capital Project Ordinance (CPO) 2020-14 will appropriate \$920,000.00 for purchase of two 35 ft. low-floor buses. The CPO will be funded by \$782,000.00 from FTA Section 5339A Bus and Bus Facilities Program funds and \$138,000.00 from the Transit Operating Fund. The local matching share (15 percent) for these buses is included in the FY 2020 budget.

### **6.04 Adoption of Capital Project Ordinance Amendment 2019-53 to Amend the Project Budget for the Downtown Stadium Project, including the Appropriation of Limited Obligation Bond Proceeds and Investment Income**

CPOA 2019-53 to appropriate \$592,000.00 from bond proceeds and accumulated interest to provide for issuance costs associated with 2019A LOBs and authorize accumulated interest to be spent to benefit the project if needed. The ordinance amendment also uses bond proceeds to reimburse \$2,307,108.00 in General Fund proceeds previously appropriated.

### **6.05 Adoption of Capital Project Ordinance Amendment 2019-52 to Provide Additional Funding for the Municipal Agreement for Intersection Improvements at McPherson Church Road and Cliffdale Road**

In 2014 the City entered into a municipal agreement with the North Carolina Department of Transportation for intersection improvements at the crossing of McPherson Church and Cliffdale Roads. The municipal agreement committed the City to pay actual costs for an agreed upon portion of the improvements. Upon completion, the local share of the project costs exceeds the current budget by \$14,619.00. Council is asked to adopt Capital Project Ordinance Amendment 2019-52 to appropriate \$14,619.00 to be transferred from the General Fund to fund the total current project cost of \$144,580.00.

### **6.06 Adoption of Capital Project Ordinance Amendment 2019-50 to Appropriate \$6,000 of Additional Funding for the Airport FAR 139 Compliance Automation System Project**

Capital Project Ordinance Amendment 2019-50 to appropriate an additional \$6,000.00 needed to complete the project to automate the

Airport's processes for compliance with Federal Aviation Regulation 139. The project increase is proposed to be funded by a transfer from the Airport Operating Fund.

**6.07 Adoption of Budget Ordinance Amendment 2019-21 and Capital Project Ordinance Amendment 2019-51 to Provide \$555,000 of Additional Funding for the Airport Terminal Improvement Project, Part I**

Budget Ordinance Amendment 2019-21 and Capital Project Ordinance Amendment (CPOA) 2019-51 to provide \$555,000.00 of additional funding for the Airline Terminal Improvement Project - Part I. The source of funding for the CPOA is a \$555,000.00 transfer from Airport Operating Fund net assets. The additional funding will enable the Airport to bid the kitchen plans, which are not eligible for Federal Aviation Administration grant funding, and to address any warranted change orders for Airline Terminal Improvement Project Part I construction.

**6.08 Adoption of Special Revenue Fund Project Ordinance 2019-13 to Appropriate the Rural Housing Recovery - Infrastructure Grant for Lafayette Park Apartments**

Special Revenue Fund Project Ordinance 2019-13 will appropriate a \$329,631.00 grant from the Rural Housing Recovery Fund to support water and sewer installation for the Lafayette Park Apartments project, as awarded by the North Carolina Department of Commerce, Rural Economic Development Division.

**6.09 Adoption of Special Revenue Fund Project Ordinance 2019-14 for the Transfer of Unused Project Funds Back to the General Fund**

In Fiscal Year 2017 the U.S. Department of Agriculture, Natural Resources Conservation Service awarded the City \$267,129.00 of grant funds for a project to repair Hurricane Matthew related creek bank damages at the end of Lamon Street at the edge of Cross Creek Cemetery. This grant award was replaced by a Federal Emergency Management Agency award for the same project scope, which provided significantly greater funding toward the project. Staff withdrew the grant award from the NRCS in an effort to capitalize on the greatest funding source available for this effort. Special Revenue Fund Project Ordinance 2019-14 will return the \$78,568.00 local match that was provided back to the General Fund for re-purposing.

**6.010 Adoption of Special Revenue Fund Project Ordinance Amendment 2019-4 and Special Revenue Fund Project Ordinance 2019-15 to Appropriate Federal and State Funding for Cross Creek Cemetery Grave Site Relocations Due to Hurricane Matthew and Hurricane Florence**

Special Revenue Fund Project Ordinance Amendment 2019-4 will appropriate an additional \$290,700.00 of federal and state funds for costs associated with the relocation of 122 grave sites from Cross Creek Cemetery to alternative grave sites due to damages sustained during Hurricane Matthew. Special Revenue Fund Project Ordinance 2019-15 will appropriate \$199,045.00 of federal and state funds for costs associated with the relocation of 77 grave sites from Cross Creek Cemetery that were discovered due to damages resulting from Hurricane Florence

**6.011 Adoption of Special Revenue Fund Project Ordinances 2020-1 and 2020-2 for the Funding of the CDBG and HOME FY2019-2020 Programs per the Economic and Community Development Department's Annual Action Plan**

The City of Fayetteville is expected to be awarded two grants from the U.S. Department of Housing and Urban Development for fiscal year 2019-2020. The Community Development Block Grant (CDBG) and HOME Investment Partnership Grant (HOME) will support activities identified in the Economic and Community Development department's proposed 2019-

2020 Annual Action Plan as approved by City Council on May 28, 2019. Special Revenue Fund Project Ordinances 2020-1 and 2020-2 will appropriate the operating budgets for the CDBG and HOME programs, including the anticipated Federal grant proceeds, program income and City match.

**6.012 Adoption of a Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation to Construct Sidewalks on Gillis Hill Road from Stoney Point Road to Raeford Road and Adoption of Budget Ordinance Amendment 2019-22 and Capital Project Ordinance 2019-35 to Fund the Required \$150,728.00 Local Project Cost**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF SIDEWALK ALONG THE NCDOT GILLIS HILL ROAD PROJECT, U-5798A. RESOLUTION NO. R2019-027

**6.013 Consideration of Assigning 11 Recent Annexation Areas to Council Districts 1, 2, and 9**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NC, ASSIGNING ELEVEN NEW ANNEXATIONS TO THE 2011 ELECTION DISTRICTS. RESOLUTION NO. R2019-028

**6.014 Uninhabitable Structures Demolition Recommendation**

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. 6119 Conaway Drive, PIN# 0407-32-7813. ORDINANCE NO. S2019-011

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. 1927 Boxwood Lane, PIN# 0429-30-8063. ORDINANCE NO. S2019-012

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. 115 Brookwood Avenue, PIN# 0438-54-7072. NS2019-013

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. 5111 Cannon Street, PIN# 0419-40-4139. ORDINANCE NO. S2019-014

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. 2221 Roosevelt Drive, PIN# 0428-97-7591. ORDINANCE NO. NS2019-015

**6.015 Request for Legal Representation of City Employees**

Authorization from the City Council to provide legal representation for City employees Donovan Faulkner, Krista Zentner, Jan Ballard, Jessie Devane, Officer Jon Doe and former Chief of Police Harold Medlock in the matter of *Daniel Colon v. Donovan Faulkner, et al.*, as well as legal representation for City employee Ashton Lambert in the matter of the *Estate of Gregory Graham v. Ashton Lambert and the City of Fayetteville*. The employees were acting within the scope

and course of their employment with the City when the alleged incident occurred.

**6.016 Permit Fee Waiver for Seth’s Wish – Ratification**

Staff was requested to inspect 344 S. Cool Springs Street on the morning of June 10, 2019, based on reports that a building previously used as a private club and damaged by Hurricane Matthew flood waters was now being used as a shelter or feeding location. The building was inspected on June 11, 2019, and found to have been significantly altered without having complied with state building code requirements or local zoning regulations. After meeting with the current building tenant, Seth’s Wish, a non-profit providing services to people in need, the City Manager has authorized waiver of all permit fees through December 31, 2019. The Council is being asked to ratify this action by the City Manager.

**7.0 OTHER ITEMS OF BUSINESS**

**7.01 Stormwater Ordinance Revision**

Ms. Sheila Thomas-Ambat, Public Services Director, presented this item and stated City staff has been tracking requests for stormwater maintenance and repair outside of the right-of-way since July 2018. Staff is developing a drainage assistance program for these types of off right-of-way requests. The program will include a short-term plan to bring in consultant and contractor resources to address those requests currently identified. The program will also include a long-term plan to hire City staff to manage these types of requests going forward. Upon approval of the ordinance revision by the City Council, staff will begin preparing the details of the drainage assistance program and present a plan for implementation at the August 5, 2019, work session. The plan will establish eligibility criteria, ranking criteria, a review and approval process, and related administrative processes.

Discussion ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING A SECTION UNDER CHAPTER 23, STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-038**

**MOTION:** Council Member Haire moved to adopt the proposed ordinance amending Section 23-1 and direct staff to develop a plan for the drainage assistance program.  
**SECOND:** Council Member Culliton  
**VOTE:** UNANIMOUS (8-0)

**8.0 ADMINISTRATIVE REPORTS**

**8.01 Revenue and Expenditure Reports for the Annual Funds for the Nine-Month Period Ended March 31, 2019 with Comparative Information for the Nine-Month Period Ended March 31, 2018, and Revenue and Expenditure Reports for the Multi-Year Funds from Inception and for the Nine-Month Period Ended March 31,2019**

This item was for information only and was not presented.

**8.02 Monthly Statement of Taxes for May 2019**

2018 Taxes .....	254,687.82
2018 Vehicle, .....	3,259.70
2018 Taxes Revit .....	776.87
2018 Vehicle Revit .....	0.00
2018 FVT .....	165.00
2018 FTT .....	165.00
2018 Storm Water .....	41,610.63
2018 Fay Solid Waste Fee .....	78,338.98

2018 Annex .....	0.00
2017 Taxes .....	7,474.07
2017 Vehicle .....	957.90
2017 Taxes Revit .....	0.00
2017 Vehicle Revit .....	0.00
2017 FVT .....	65.00
2017 FTT .....	65.00
2017 Storm Water .....	1,776.15
2017 Fay Solid Waste Fee .....	845.27
2017 Annex .....	0.00
2016 Taxes .....	4,254.20
2016 Vehicle .....	249.00
2016 Taxes Revit .....	0.00
2016 Vehicle Revit .....	0.00
2016 FVT .....	0.00
2016 FTT .....	0.00
2016 Storm Water .....	236.38
2016 Fay Storm Water .....	0.00
2016 Fay S Waste Fee .....	55.12
2016 Annex .....	0.00
2015 Taxes .....	280.66
2015 Vehicle .....	0.00
2015 Taxes Revit .....	0.88
2015 Vehicle Revit .....	0.00
2015 FVT .....	0.00
2015 FTT .....	0.00
2015 Storm Water .....	74.76
2015 Fay Storm Water .....	149.53
2015 Fay S Waste Fee .....	43.30
2015 Annex .....	0.00
2014 and Prior Taxes .....	412.41
2014 and Prior Vehicle .....	1,176.52
2014 and Prior Taxes Revit .....	0.00
2014 and Prior Vehicle Revit .....	0.00
2014 and Prior FVT .....	234.57
2014 and Prior FTT .....	224.56
2014 and Prior Storm Water .....	20.63
2014 and Prior Fay Storm Water .....	39.01
2014 and Prior Fay S Waste Fee .....	59.70
2014 and Prior Annex .....	0.00
Interest .....	13,756.46
Revit Interest .....	27.21
Storm Water Interest prior .....	26.09
Fay Storm Water Interest 2015 and prior .....	51.98
Storm Water Interest 2016 and Forward .....	2,197.35
Annex Interest .....	0.00
Solid Waste Interest .....	3,867.60
FTT Interest .....	167.91
Total Tax and Interest .....	\$417,793.22

## 11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:36 p.m.

Respectfully submitted,