

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
AUGUST 12, 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: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Anthony Kelly, Assistant Police Chief
Kevin Arata, Corporate Communications Director
Tracey Broyles, Budget and Evaluation Director
Sheila Thomas-Ambat, Public Services Director
Michael Hill, Fire Chief
Cynthia Blot, Economic and Community Development
Director
Taurus Freeman, Planning and Zoning Manager
Sharon Williams, Senior Planner
Craig Harmon, Senior Planner
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 at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Pastor Lavern Hayden of Wesleyan Pentecostal Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Jensen introduced Ms. Deborah (DeDe) Effon, FCYC Chair representing the Fayetteville-Cumberland Youth Council. Ms. Effon stated August 19, 2019, will be the first official 2019-2020 Youth Council meeting.

Council Member Haire announced the "Making Your Money Work" workshop taking place at 6:00 p.m., August 13, 2019, at the Smith Recreation Center.

Council Member Dawkins announced Franklin Graham will be hosting an event on October 1, 2019, at Festival Park.

Council Member Arp stated the Fayetteville Woodpeckers are in the final stretch of the season and September 2, 2019, will be their last home game. He stated 211,000 people have attended over 50 games this season.

Mayor Colvin presented a Certificate of Excellence to 22 Innovative Career Opportunities Now (ICON) interns. Mayor Colvin

stated ICON is a Cumberland County Schools career and technical education work-based learning program platform. Mayor Pro Tem Mohn stated this year there were 51 ICON interns total.

5.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Mohn moved to approve the agenda with moving Item 6.05 from Consent to Public Hearing Item 9.02.
SECOND: Council Member Arp
VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Wright moved to approve the consent agenda with the exception of Item 6.04; pulled for discussion and separate vote.
SECOND: Council Member Waddell
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

June 10, 2019 - Discussion of Agenda Items
June 10, 2019 - Regular
June 19, 2019 - Special
June 24, 2019 - Discussion of Agenda Items
June 24, 2019 - Regular

6.02 P19-23F. A request to amend a previously approved Conditional Rezoning (P12-22F) in the Office and Institutional (OI) Zoning District to expand the list of permitted uses and to authorize a transitional housing facility, located at 408 Waddell Drive (Tax Map # 0428-47-5987 and 0428-48-6053), containing 1.01± acres off Murchison Road at the intersections of Waddell Drive and Rosemary Drive and being the property of John and Pearlie Hodges.

6.03 P19-24F. Conditional Rezoning of property from Mixed Residential 5 (MR-5) to Conditional Mixed Residential 5 (MR-5/CZ) located at 202 Highland Avenue, at the intersections of Broadfoot, Highland, and Arsenal Avenues and containing approximately 1.08 +/- acres, and being the property of Highland Presbyterian Church of Fay Trustees.

6.04 This item was pulled for discussion and separate vote.

6.05 This item was moved to Item 9.02.

6.06 Bid Recommendation - Ferric Sulfate Liquid to Pencco, Inc., the lowest responsive, responsible bidder, in the total amount of \$1,060,000.00.

Bids were received on June 11, 2019, as follows:

Pencco, Inc., San Felipe, TX	\$1,060,000.00
Kemira Water Solutions, Lawrence, KS	\$1,295,000.00

6.07 Bid Recommendation - Annual Steel Poles to Trinity Meyer Utility Structures, the lowest responsive, responsible bidder, in the total amount of \$543,088.00.

Bids were received on June 28, 2019, as follows:

Trinity Meyer Utility Structures, LLC, Memphis, TN ..	\$543,088.00
Rohn Products, LLC, Peoria, IL	\$564,250.00
Shealy Electrical Wholesales, Greenville, SC	\$564,620.00
TAPP, Inc., Houston, TX	\$584,042.00
Summit Utility Structures, LLC, Allentown, PA	\$643,947.00
Valmont Newmark, Valley, NE	\$959,358.00
Sabre Industries, Alvarado, TX	\$1,092,374.00

- 6.08 Bid Recommendation - Cottonade Water Main Replacement BridgePoint Civil, LLC, the lowest responsive, responsible bidder, in the total amount of \$1,359,067.10.**

Bids were received on June 20, 2019, as follows:

BridgePoint Civil, LLC, Goldsboro, NC \$1,359,067.10
Wells Brothers Construction Co., Inc., Turkey, NC .. \$1,579,925.40
Sanford Contractors, Inc., Lemon Springs, NC \$1,877,310.88
Billy Bill Grading Co., Inc., Fayetteville, NC \$1,921,354.74
T2 Contracting, Inc., Fuquay Varina, NC \$2,159,399.10

- 6.09 Bid Recommendation - Annual LED Luminaires to Anixter Utility Power Solutions, the lowest responsive, responsible bidder, in the total amount of \$542,125.00.**

Bids were received on June 7, 2019, as follows:

Anixter Utility Power Solutions, Apex, NC \$542,125.00
Wesco, Clayton, NC \$544,425.00

- 6.010 Bid Recommendation - Annual Water Main Rehabilitation Project to Mainlining America, LLC, the lowest responsive, responsible bidder, in the total amount of \$1,789,750.00. The contract will be effective from the issuance of the "Notice to Proceed" until the end of the fiscal year, and PWC retains the option to renew the contract a maximum of four (4) additional years.**

Bids were received on June 27, 2019, as follows:

Mainlining America, LLC, Livingston, NJ \$1,789,750.00
Michels Pipe Services, Watertown, CT \$2,192,315.00
J. Fletcher Creamer & Sons, Inc., Hackensack, NJ . \$3,699,600.00

- 6.011 Award Contract for Resurface Various Streets 2020-Phase I to Barnhill Contracting Company, the lowest responsive, responsible bidder, in the total amount of \$1,989,946.95.**

Bids received were received as follows:

Barnhill Contracting Company, Fayetteville, NC ... \$1,989,946.95
Highland Paving, Co., LLC, Fayetteville, NC \$2,127,811.15

- 6.012 Interlocal Cost Agreement between the City of Fayetteville and Cumberland County for the Shared Computer Aided Dispatch (CAD) System and Related Connectivity and Technical Functions**

Approval of the execution of the proposed Interlocal Cost Agreement for joint funding responsibility between the City of Fayetteville and Cumberland County for multi-jurisdictional consolidated CAD system.

- 6.013 Adoption of Special Revenue Fund Project Ordinance 2020-3 to Appropriate a \$45,000.00 Federal Homeland Security Grant for Search and Rescue Training**

Adoption of Special Revenue Fund Project Ordinance (SRO) 2020-3 to appropriate a \$45,000.00 grant from the U.S. Department of Homeland Security, passed through the North Carolina Department of Public Safety, Division of Emergency Management, for search and rescue training for the Fire and Emergency Management Department.

- 6.014 Adoption of Capital Project Ordinance Amendments 2020-20, 2020-21 and 2020-22 to Appropriate Urban State Match Program Grants from the North Carolina Department of Transportation**

Adoption of Capital Project Ordinance Amendments (CPOA) 2020-20, 2020-21 and 2020-22 to appropriate \$70,720.00 in NCDOT grants and return a corresponding amount to the Transit Operating Fund.

6.015 Adoption of Budget Ordinance Amendment 2020-2 to Transfer Budget for Operating Costs Associated with Alarm Ordinance Coordination from the Operations Portfolio to the Support Services and Administration Portfolio

Adoption of Budget Ordinance Amendment (BOA) 2020-2 to transfer \$17,297.00 of appropriated budget for operating costs associated with the coordination of the alarm ordinance from the Operations Portfolio to the Support Services and Administration Portfolio.

6.016 Rescind Demolition Ordinance - 1927 Boxwood Lane

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2019-012. RESOLUTION NO.
R2019-30**

6.04 P19-28F. Rezoning of property from Mixed Residential 5 (MR-5) to Office and Institutional (OI) located between Hay and Branson Streets, MLK Jr Freeway, and Myrover Street, containing approximately 12 +/- acres, and being the property of NC Civil War & Reconstruction History Center Foundation & State of North Carolina.

This item was pulled from the consent agenda for discussion and separate vote.

Mr. Gerald Newton, Development Services Director, stated the properties located between Hay and Branson Streets, MLK Jr Freeway, and Myrover Street currently make up Arsenal Park, which is part of the North Carolina Museum of the Cape Fear grounds. The City is initiating a rezoning on 17 of the parcels located in the park from MR-5 to OI. This property's current use is not residential as the zoning suggests. The OI zoning is a more appropriate district for both the current use of the property and would fit with future plans as well. On June 11, 2019, the Zoning Commission recommended that the City Council move to approve the rezoning to OI based on the information provided within this report and all attachments.

Discussion ensued.

MOTION: Council Member Wright moved to deny Item P19-28F, Rezoning of property from Mixed Residential 5 (MR-5) to Office and Institutional (OI) located between Hay and Branson Streets, MLK Jr Freeway, and Myrover Street, containing approximately 12 +/- acres, and being the property of NC Civil War and Reconstruction History Center Foundation & State of North Carolina

The motion died for lack of a second.

MOTION: Council Member Arp moved to approve Item P19-28F, Rezoning of property from Mixed Residential 5 (MR-5) to Office and Institutional (OI) located between Hay and Branson Streets, MLK Jr Freeway, and Myrover Street, containing approximately 12 +/- acres, and being the property of NC Civil War and Reconstruction History Center Foundation & State of North Carolina.

SECOND: Council Member Dawkins

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

MOTION Council Member Arp moved to direct staff to set a public hearing for this item; Case P19-28F.

SECOND: Council Member Haire

VOTE: FAILED by a vote of 5 in favor (Council Members Colvin, Jensen, Haire, Wright, and Arp) to 5 in opposition (Council Members Culliton, Waddell, Dawkins, Crisp, and Mohn)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Annual Report of the Fayetteville Fair Housing Board

Mr. Otis Cuffee, Fair Housing Board Chair, presented the annual report of the Fayetteville Fair Housing Board with the aid of a PowerPoint presentation.

MOTION: Council Member Dawkins moved to accept the Fayetteville Fair Housing Board Annual Report.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

7.02 Annual Report of the Fayetteville-Cumberland Human Relations Commission

LTC (Ret.) Eric Olson, Fayetteville-Cumberland Human Relations Commission Acting Chair, presented the Fayetteville-Cumberland Human Relations Commission annual report with the aid of a PowerPoint presentation.

MOTION: Council Member Crisp moved to accept the Fayetteville-Cumberland Human Relations Commission Annual Report.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC FORUM

Mrs. Marsha Jones, 3095 Enterprise Avenue, Fayetteville, NC, expressed concerns regarding the FAST Bus Service.

Mr. Mero B. Coleman, 352-5 Double Creek Court, Fayetteville, NC, expressed concerns regarding the funding for the Civil War History Museum and the homeless.

Mr. Iman Eronomy Smith Mohammad, 2700 Murchison Road, Fayetteville, NC, addressed the state of Fayetteville.

Ms. Terri Thomas, 508 Spaulding Street, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Mr. Thomas Bass, 1015 Sandlewood Road, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Mr. Jerry Smith, 2009 Lion Coward Road, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Ms. Gayle Araki, 4707 N. Gale Circle, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Ms. Sherry Young, 846 Stoneykirk Drive, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Mr. Quince Langford, 714 Emerald Drive, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Mr. Willie Edwards, 605 Hillyard Drive, Fayetteville, NC, expressed concerns regarding homelessness.

9.0 PUBLIC HEARINGS

9.01 Public Hearing on Authorizing the Issuance of Revenue Bonds by the Public Finance Authority Relating to the Capitol Encore Academy, LLC

Mr. Jonathan Charleston, Counsel to the Capital Encore Academy, LLC, presented this item and stated the borrower has requested the Public Finance Authority (the "Authority") to issue the Bonds to provide financing for eligible costs of the acquisition, construction, reconstruction, installation and equipping of (i) the purchase of and improvement to an existing educational building of approximately 51,000 square feet consisting of 26 classrooms, a theatre, a main office, 12 office spaces, a fully functional kitchen and cafeteria, and 10 bathrooms, located at 126 Hay Street, Fayetteville, North Carolina (the "Existing Building"); and (ii) the lease, renovation, improvement and equipping of an approximately 11,120 square foot building which is attached to the Existing Building consisting of 9 classrooms, an office space, and 4 bathrooms, located at 132 and 134 Hay Street and 108 Anderson Street (the "Addition" and together with the Existing Building, the "Project"), located in the City of Fayetteville, County of Cumberland, State of North Carolina, in which the Project is or is to be located, as described in the notice of public hearing (the "TEFRA Notice").

Mr. Charleston stated as a pre-condition for the exclusion from gross income for federal income tax purposes of interest on the proposed Bonds, the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") requires, among other things, that the issuance of Bonds be approved either by an elected official or body of elected officials of the applicable governmental entity after a public hearing (a "TEFRA hearing") following a reasonable public TEFRA Notice. Accordingly, although the Bonds will be issued by the Authority, the law requires that any Bonds issued by the Authority for the Project may only be issued after approval of the plan of financing by the City Council following a public hearing with respect to such Bonds.

Mr. Charleston further stated the City will have no liability whatsoever for the repayment of principal or interest on the bonds, and the faith and credit, and the taxing power of the City will not be pledged to support the bonds. These bonds will be payable solely from funds and revenues received by the Authority.

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

Mr. Jerney Fiebig, 5400 Ramsey Street, Fayetteville, NC, stated he is the President of the Board of Directors of Capital Encore Academy, and appeared in favor of adopting the resolution.

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

Discussion ensued.

RESOLUTION APPROVING THE ISSUANCE OF EDUCATIONAL REVENUE BONDS (THE CAPITOL ENCORE ACADEMY) SERIES 2019A AND TAXABLE EDUCATION REVENUE BONDS (THE CAPITOL ENCORE ACADEMY) SERIES 2019B TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$7,750,000 TO FINANCE COSTS OF AN EDUCATION FACILITIES PROJECT ON BEHALF OF THE CAPITOL ENCORE ACADEMY PROPERTIES, LLC, AND THE CAPITOL ENCORE ACADEMY. RESOLUTION NO. R2019-029

MOTION: Council Member Arp moved to adopt the resolution and stated a public hearing had been held relating to the proposed financing and the City authorizing the issues of the Bonds at this time.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (10-0)

9.02 P19-31F: Request for issuance of a Special Use Permit by Dan Weeks, representative, to allow a Self-Storage (Mini-warehouse) in the Community Commercial (CC) District, located at 5234 Raeford Road (Tax Map # 0407-91-9033), containing 8.73 +/- acres and being the property of Joe Raynor, Jr., Heirs c/o Robert G. Ray, Executor.

Ms. Terri Lynn Hale, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the applicant is requesting a Special Use Permit to develop the property as a Self-Storage (Mini-warehouse) facility comprised of 11 buildings housing a total of 799 storage units. The facility will have both climate and non-climate-controlled storage units as well as an office at 5234 Raeford Road in a Community Commercial (CC) zoning district. On July 9, 2019, the Zoning Commission recommended that the City Council move to approve the Special Use Permit based on the information provided within this report.

Ms. Hale advised that for a motion to approve, all eight findings must be 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 is the advertised public hearing set for this date and time, the public hearing was opened.

Mr. Dan Weeks, 2512 Independence Boulevard, Wilmington, NC, stated he is the applicant, and requested City Council approve the request for a Special Use Permit.

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

Discussion ensued.

MOTION: Council Member Arp moved to approve the Special Use Permit in a Community Commercial (CC) zoning district, as presented by staff, based on the standards of the City's development ordinance 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 findings listed below, 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 August 26, 2019. The SUP shall expire one year from its effective date if a building permit is not issued within that time. All eight findings of fact listed by staff have been met.

SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Monthly Statement of Taxes for June 2019

This item was for information only and was not presented.

2018 Taxes	125,652.47
2018 Vehicle,	859.69
2018 Taxes Revit	77.06
2018 Vehicle Revit	4.94
2018 FVT	75.00
2018 FTT	75.00
2018 Storm Water	18,709.36
2018 Fay Solid Waste Fee	41,061.02
2018 Annex	0.00
2017 Taxes	6,039.17
2017 Vehicle	625.93
2017 Taxes Revit	0.00
2017 Vehicle Revit	0.00
2017 FVT	60.00
2017 FTT	60.00
2017 Storm Water	1,563.79
2017 Fay Solid Waste Fee	1,259.58
2017 Annex	0.00
2016 Taxes	5,464.22
2016 Vehicle	29.69
2016 Taxes Revit	0.00
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	136.21
2016 Fay Storm Water	0.00
2016 Fay S Waste Fee	89.19
2016 Annex	0.00
2015 Taxes	598.79
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	3.14
2015 Fay Storm Water	6.26
2015 Fay S Waste Fee	9.20
2015 Annex	0.00
2014 and Prior Taxes	931.92
2014 and Prior Vehicle	812.25
2014 and Prior Taxes Revit	0.00
2014 and Prior Vehicle Revit	0.00
2014 and Prior FVT	136.79
2014 and Prior FTT	136.79
2014 and Prior Storm Water	22.55

2014 and Prior Fay Storm Water	43.53
2014 and Prior Fay S Waste Fee	67.47
2014 and Prior Annex	0.00
Interest	8,355.21
Revit Interest	1.51
Storm Water Interest prior	18.41
Fay Storm Water Interest 2015 and prior	35.76
Storm Water Interest 2016 and Forward	1,296.96
Annex Interest	0.00
Solid Waste Interest	2,557.21
FTT Interest	88.54
Total Tax and Interest	\$216,964.61

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:31 p.m.