

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
SEPTEMBER 23, 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) (via telephone)

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
Kevin Arata, Corporate Communications Director
Jay Toland, Chief Financial Officer
Sheila Thomas-Ambat, Public Services Director
Gina Hawkins, Police Chief
Tracey Broyles, Budget and Evaluation Director
Mike Hill, Fire Chief
John Larch, Stormwater Manager
Taurus Freeman, Planning and Zoning Manager
Cynthia Blot, Economic and Community Development
Director
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 Joshua Goodman of Cliffdale Christian Center.

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. Zoe McClendon, representing the Fayetteville-Cumberland Youth Council.

Mr. Greg Weber, Executive Director, Arts Council, announced the International Folk Festival taking place September 28 and 29, 2019, at Festival Park.

Mayor Colvin presented a proclamation to members of Diaper Bank and Partnership for Children proclaiming the week of September 22-28, 2019, as Diaper Need Awareness Week.

Mayor Colvin presented a proclamation to Mr. Lus Anderson in recognition of Mr. Anderson's 100th Birthday.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda with the addition of Item 9.02, Presentation of Appointment Committee Recommendations for Boards and Commissions.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Culliton moved to approve the consent agenda with the exception of Item 6.012, Interlocal Agreement for Debris Removal from Locks Creek, pulled for discussion and separate vote.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

August 26, 2019 - Regular Meeting

September 3, 2019 - Work Session

September 9, 2019 - Discussion of Agenda Items

6.02 P19-33F. Rezoning of seven properties from Mixed Residential (MR-5) to Office and Institutional District (OI), located at 1423 Slater Avenue (Tax Map # 0438-02-6887), 1424 Murchison Road (Tax Map # 0438-02-5880), 1502 Murchison Road (Tax Map # 0438-02-5904), 0 Murchison Road (Tax Map # 0438-02-4978), 1510 Murchison Road (Tax Map # 0438-03-4034), 1506 Murchison Road (Tax Map # 0438-03-5084), and 1502 Murchison Road (Tax Map # 0438-03-6000), totaling 1.18 acres ± and being the properties of Alvin and Sophia Pierce, represented by Angela Lee.

6.03 P19-34F. A request to rezone a parcel from Single-Family 10 (SF-10) to Limited Commercial (LC), located at 7502 Telfair Drive, located at the intersection of Reilly and Telfair Roads (Tax Map # 9499-60-5053), containing 0.56 ± acre and being the property of Wallis and Rose Waller.

6.04 P19-35F. Rezoning of property from Single-Family Residential - 6 (SF-6) to Mixed Residential - 5 (MR-5), located at 6069 Lunar Drive (Tax Map # 0407-60-0663), containing 1.94 ± acres, at the intersection of Lunar Drive and Wildwood Drive; being the property of Jason Miller and Natasha Vogt, Trustees, represented by Chris Young.

6.05 P19-37F. Conditional Rezoning of property from Single-Family Residential 6 (SF-6) to Conditional Community Commercial (CC/CZ), located at 489 and 493 McBain Dr. (Tax Map # 0427-42-2084 and 0427-42-3066), at the intersection of McBain and McPhee Drives containing approximately 0.47 ± acres, and being the property of Highland Dairies, Inc. and W. Lyndo Tippet and wife, Lou P. (Owner has agreed to a less intense SF-6/CZ district)

6.06 Adoption of Capital Project Ordinance 2020-20 (FY 18 Byrne Justice Assistance Grant)

Capital Project Ordinance 2020-20 will appropriate \$22,000.00 of federal grant funds, passed through the North Carolina Department of Public Safety Governor's Crime Commission, for the purchase of two solar-powered messaging boards, for the Fayetteville Police Department Safe and Secure Communities Enhancement Project.

6.07 Adoption of Capital Project Ordinance 2020-19 (FY 20 Duke Energy Foundation Grant)

Adoption of Capital Project Ordinance (CPO) 2020-19 for the purchase of equipment and supplies for the Police Department's Search and Rescue Team, as funded by a \$35,000.00 grant award from the Duke Energy Foundation.

6.08 Bid Recommendation - Inventory Steel Poles to Meyer Utility Structures, LLC, the lowest responsive, responsible bidder in the total amount of \$361,704.00.

Bids were received on August 15, 2019, as follows:

Meyer Utility Structures, LLC, Memphis, TN	\$361,704.00
TAPP, Inc., Houston, TX	\$384,100.00
Shealy Electrical Wholesales, Greenville, SC	\$390,069.55
MD Henry Company, Inc., Pelham, AL	\$426,636.00
Rohn Products, LLC, Peoria, IL	\$466,950.00
Shealy Electrical Wholesales (MICA), Greenville, SC	\$474,121.00
Summit Utility Structures, LLC, Allentown, PA	\$489,757.00
Valmont Newmark, Valley, NE	\$681,492.00
Sabre Industries, Alvarado, TX	\$695,695.00

6.09 Bid Recommendation - Three (3) 4X4 Pick-ups to Cooper Ford, Carthage, NC, the lowest responsive, responsible bidder, in the total amount of \$96,519.00.

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

Cooper Ford, Carthage, NC	\$96,519.00
Lafayette Ford, Fayetteville, NC	\$97,109.00

6.010 Bid Recommendation - Two (2) Cab and Chassis Equipped w/HD150ABDW Service Body and PTO Mounted Compressors to H&H Truck, Fayetteville, NC, the lowest responsive, responsible bidder, in the total amount of \$244,054.00.

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

H&H Truck, Fayetteville, NC	\$244,054.00
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6.011 Recommended Vendor and Authorization for Contract Negotiations for Operation and Management of the Downtown Parking program

Authorizing the City Manager to negotiate a five-year term contract with Republic/Lanier Parking for operation and management of the downtown parking program. Council's previous direction to implement paid parking in early 2020 will require a contract be executed with the vendor by September 30, 2019.

6.012 This item was pulled for discussion and separate vote.

6.013 Ratification of Mayor Colvin's Signature of Multi-Party Letter of Agreement Regarding Affordable Housing

The P4P task force developed a non-binding Multi-Party Letter of Agreement on Affordable Housing designed to organize local efforts through December 31, 2020. The Council considered this agreement during the September 3, 2019, work session and consensus supported Mayor Colvin executing that agreement on the City's behalf. Since Council rule does not provide for votes of the Council during work sessions, this item provides the Council to formally vote to authorize the Mayor's signature.

6.014 Addition of Certain Streets to the City of Fayetteville System of Streets

Staff has identified four recently constructed streets--Cork Oak Circle, Canby Oak Lane, Bluff Oak Drive, and Glencourse Way. These streets and drainage systems within the street rights-of-way have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 0.51 mile addition will bring the City's street system total to 744.64 miles.

6.012 Approval of an Interlocal Agreement with Cumberland County for Debris Removal from Locks Creek and Adoption of Special Revenue Fund Project Ordinance 2020-5 to Appropriate a Pass-Through Stream Debris Removal Grant

Council Member Culliton stated Cumberland County has received a grant to perform debris and sediment removal from Locks Creek which impacts properties in and out of the Fayetteville City limits. The proposed interlocal agreement authorizes the City to complete the project. Council approval of the interlocal agreement is requested, along with the adoption of Special Revenue Fund Project Ordinance 2020-5 to appropriate \$446,234.00 of pass-through grant funds to undertake the project to remove blockages within Lock's Creek and improve the flow of water.

MOTION: Council Member Culliton moved to approve the Interlocal Agreement with Cumberland County for Debris Removal from Locks Creek and Adoption of Special Revenue Fund Project Ordinance 2020-5 to appropriate a Pass-Through Stream Debris Removal Grant.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Cool Spring Downtown District Annual Report

Ms. Bianca Shoneman, President/CEO Cool Spring Downtown District, presented the Cool Spring Downtown District Annual Report with the aid of a PowerPoint presentation. The report provided metrics in the following areas: (1) Economic Vitality and Development; (2) Art and Design Enhancements; (3) Promotion and Marketing; (4) Special Events and Programming; and (5) Partnership, Organizational Support and Conflict Resolution.

MOTION: Council Member Wright moved to accept the Cool Spring Downtown District Annual Report.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARINGS

8.01 Public Hearing and Resolution to Approve Submission of a Grant Application to North Carolina Department of Transportation (NCDOT) for an Urban Advanced Technology Grant

Ms. Tyffany Neal, Assistant Transit Director, presented this item and stated NCDOT has issued its call for projects for its Urban Advanced Technology grant program. This is a competitive program for projects to be funded by NCDOT beginning July 1, 2020. NCDOT provides funding for 90 percent of the project cost which requires a 10 percent local match. FAST has a project in the Technology Improvement Program (TIP) for an Interactive Voice Response Notifications System for its FASTTRAC! ADA paratransit program. This interactive voice response (IVR) system will allow FAST to provide automated confirmation and reminder calls to customers about their scheduled trips. These features will add convenience and trip security for FASTTRAC! customers. The project was included in the TIP for implementation for FY 20, but was dependent upon this NCDOT program for funding. This is the first opportunity to apply for this grant since the budget and TIP were approved. Transit proposes to apply for \$36,000.00 in funding from NCDOT which combined with \$4,000.00 in local funding provides for a total project cost of \$40,000.00. The NCDOT application requires a public hearing and a program resolution to authorize staff to submit the application. The resolution also authorizes the City Manager to execute the grant agreement with NCDOT if the project is selected for funding. The public hearing notice was published in *The Fayetteville Observer* on September 13, 2019, as well as on the ridefast.com website. The application deadline is October 4, 2019.

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.

**PUBLIC TRANSPORTATION PROGRAM RESOLUTION - FY 2021 RESOLUTION -
URBAN ADVANCED TECHNOLOGY STATE FUNDING. Resolution No. R2019-035**

MOTION: Council Member Crisp moved to approve submission of a Grant Application to North Carolina Department of Transportation for an Urban Advanced Technology Grant and adopt the Resolution.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.02 Public Hearing on Text amendments to Article 30; five proposed amendments to the Unified Development Code.

Mr. Taurus Freeman, Planning and Zoning Division Manager, presented this item with the aid of a PowerPoint presentation and stated the following 5 text amendments to the Unified Development Ordinance (UDO) were a part of 20 amendments that were heard by the Planning Commission on July 29, 2019. These amendments were recommendations by the Mayoral-appointed Unified Development Ordinance Task Force. Unlike the previous amendments presented on August 26, 2019, staff is recommending "slight" modifications to the original Task Force recommendations for clarity for these five amendments. The Planning Commission recommendations followed the recommendations of Planning staff. All received recommendations of approval at the aforementioned meeting, with the exception of TA19-40 that was recommended denial. The remaining six text amendments will be scheduled for public hearings and consideration by the City Council on November 25, 2019. The proposed text amendments are as follows:

TA19-040 - 30-5.B.6.e.2 - Tree Preservation: Reduce the specimen tree removal fee from \$100.00 to \$50.00 per caliper inch. Planning Commission recommends denial.

TA19-043 - 30-5.F.4.d.1 - Cul-de-Sac and Street Stubs: Include a reference to items required for Final Plats as referenced in UDO Section 30-6.B.6, Common Area Standards; Final Plat. Planning Commission recommends approval of staff's revised amendment.

TA19-047 - 30-5.G.3.a.2.a - Fronting Open Space: Amend from dwellings being required to "front upon" open space to dwellings "abut" open space. Planning Commission recommends approval of staff's revised amendment.

TA19-049 - 30-5.I.3.e.2 - Design Standards: Allow up to 30 percent of the required surface off-street parking between the primary building entrance and the street it faces. Currently, no front yard parking is allowed on single-story building developments. Planning Commission recommends approval of staff's revised amendment.

TA19-051 - 30-5.I.3.h.4 and 5 - Display Windows for Vacant Commercial Establishments in Downtown: Amend to allow other agencies, in addition to the Downtown Alliance, to provide artwork and other materials to be displayed in vacant store windows. This amendment would also change the approval authority for this section to the City Manager instead of the Planning and Code Enforcement Director. Planning Commission recommends approval of staff's revised amendment.

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

Ms. Lori Epler, 1333 Morgantown Road, Fayetteville, NC, appeared in favor.

Mr. Ralph Huff, 606 Forest Lake Road, Fayetteville, NC, appeared in favor and thanked the Mayor and Council for bringing the Task Force together.

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

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (tree removal). ORDINANCE NO. S2019-051

MOTION: Council Member Dawkins moved to approve TA19-040: 30-5.B.6.e.2 Tree Removal Fee reduced from \$100.00 to \$50.00.
SECOND: Council Member Arp
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (Street Stubs). ORDINANCE NO. S2019-052

MOTION: Council Member Dawkins moved to approve TA19-043: 30-5.F.4.d.1 Final Plat Reference based on the recommendations.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-053

MOTION: Council Member Dawkins moved to approve TA19-047: 30-5.G.3.a.2.a "Front and Abut" Clarification recommended by the UDO Task Force.
SECOND: Council Member Haire

FRIENDLY AMENDMENT:

Mayor Pro Tem Mohn moved to change subsection "a" title wording to "Building and/or Lot Orientation".

Council Members Dawkins and Mohn accepted the friendly amendment.

VOTE: UNANIMOUS (10-0)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (Neighborhood Commercial). ORDINANCE NO. S2019-054

MOTION: Council Member Dawkins moved to approve TA19-049: 30-5.I.3.e.2 Design Standards Front Parking in Neighborhood Commercial Districts.
SECOND: Council Member Haire
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

MOTION: Council Member Crisp moved to recuse Council Members Colvin and Jensen from voting on TA19-051: 30-5.I.3.h.4 and 5.
SECOND: Council Member Wright
VOTE: UNANIMOUS (8-0)

MOTION: Council Member Crisp moved to disapprove TA19-051: 30-5.I.3.h.4&5 Display Windows for Vacant Commercial Establishments in Downtown.

SECOND: Council Member Culliton

AMENDED MOTION:

Council Member Crisp moved to disapprove TA19-051: 30-5.I.3.h.4&5 Display Windows for Vacant Commercial Establishments in Downtown and refer back to staff for clarification.

SECOND: Council Member Culliton

Council Member Crisp withdrew his motion.

MOTION: Council Member Crisp moved to remand TA19-051: 30-5.I.3.h.4&5 Display Windows for Vacant Commercial Establishments in Downtown back to staff for clarification consistent with the discussion held at tonight's meeting.

SECOND: Council Member Culliton

FRIENDLY AMENDMENT:

Council Member Culliton moved to direct staff to return this item to the October 23, 2019, agenda briefing meeting.

Council Member Crisp accepted the friendly amendment.

VOTE: UNANIMOUS (8-0) (Council Members Colvin and Jensen recused from voting)

9.0 OTHER ITEMS OF BUSINESS

9.02 Stormwater Ordinance Amendment for Drainage Assistance Program

Mr. John Larch, Stormwater Manager, presented this item with the aid of a PowerPoint presentation and stated per the direction of City Council, staff has developed a plan for a Drainage Assistance Program to help citizens with drainage problems located outside of the City right-of-way. Stormwater infrastructure consists of a network of catch basins, drop inlets, swales, pipes, and stormwater control measures (SCMs) that carry stormwater runoff away from roadways and property, ultimately discharging it into creeks and streams. A great deal of this infrastructure is maintained by the City, but a significant portion is located on private property and considered the responsibility of property owners. Council recently approved a revision to the Stormwater ordinance that acknowledges the City's responsibility for maintaining stormwater infrastructure within the City right-of-way. The ordinance also provides for the City Council to address stormwater problems outside of the City right-of-way through a drainage assistance program administered by City staff. The Drainage Assistance Program will evaluate service requests for off right-of-way drainage projects based on a standardized eligibility criteria. Projects found to meet the criteria will be prioritized and provided to the Stormwater Advisory Board (SWAB) for review and approval on an annual basis. Upon approval, projects will be designed and constructed as part of the existing stormwater project management process. Upon adoption of the ordinance, an engineering consulting firm will be directed to review the existing backlog of off right-of-way requests and address those requests as soon as possible. Staff will take over the administration of the program in July 2020. The approved FY 20 budget includes funding to support implementation for the drainage assistance program. Moving forward, Council will set the budget for this program as part of the annual budget process.

Discussion ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
CREATING A NEW SECTION UNDER CHAPTER 23, STORMWATER MANAGEMENT,**

OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA. ORDINANCE NO. S2019-055

MOTION: Council Member Dawkins moved to adopt the ordinance
revision and direct staff to implement the drainage
assistance program.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

9.02 Presentation of Appointment Committee Recommendations for Boards
and Commissions Appointments

Council Member Jensen presented this item and stated the
Appointment Committee met on September 19, 2019, to review
applications for appointments to boards and commissions. It is from
that meeting the Appointment Committee presents the following
recommendations for appointments to the City of Fayetteville boards
and commissions.

Fayetteville - Cumberland Economic Development Corporation Board
Rajan Shamdasani November 30, 2019-November 30, 2020

Senior Citizens Advisory Council
Edna A. Cogdell October 1, 2019-September 30, 2021
Gertrude Thompson October 1, 2019-September 30, 2021
Janis Donaldson October 1, 2019-September 30, 2021
Morris L. Bowden October 1, 2019-September 30, 2021
Gordon Munden October 1, 2019-September 30, 2021
Prudence Mainor October 1, 2019-September 30, 2021

Stormwater Advisory Board
Alton L. Miller, III October 1, 2019-September 30, 2021
Edward T. Parks October 1, 2019-September 30, 2021
Joseph R. Hallatschek October 1, 2019-September 30, 2021
Benjamin A. Stout October 1, 2019-September 30, 2021
Knashonda M. Eiland October 1, 2019-September 30, 2020
Danielle Gaddy October 1, 2019-September 30, 2020
Jeffery A. Nobles October 1, 2019-September 30, 2020

MOTION: Council Member Jensen moved to accept the Appointment
Committee Recommendations as presented.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Opioid Response Team Report for City of Fayetteville Council,
September 2019

This item was for information purposes only and was not
presented.

10.02 Proposed 2020 City Council Meeting Dates Calendar

This item was for information purposes only and was not
presented.

10.03 Monthly Statement of Taxes for August 2019

2019 Taxes	3,104,029.63
2019 Vehicle	2,462.14
2019 Taxes Revit	15,615.31
2019 Vehicle Revit	0.00
2019 FVT	325.00
2019 FTT	325.00
2019 Storm Water	738,519.35
2019 Fay Solid Waste Fee	687,896.68
2019 Annex	0.00

2018 Taxes	33,349.86
2018 Vehicle	1,414.83
2018 Taxes Revit	6.10
2018 Vehicle Revit	0.00
2018 FVT	190.00
2018 FTT	190.00
2018 Storm Water	4,951.22
2018 Fay Solid Waste Fee	10,838.73
2018 Annex	0.00
2017 Taxes	6,444.57
2017 Vehicle	503.70
2017 Taxes Revit	0.00
2017 Vehicle Revit	0.00
2017 FVT	25.00
2017 FTT	25.00
2017 Storm Water	385.20
2017 Fay Storm Water	0.00
2017 Fay S Waste Fee	815.73
2017 Annex	0.00
2016 Taxes	603.87
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	52.22
2016 Fay Storm Water	0.00
2016 Fay S Waste Fee	51.05
2016 Annex	0.00
2015 and Prior Taxes	454.88
2015 and Prior Vehicle	389.98
2015 and Prior Taxes Revit	1.52
2015 and Prior Vehicle Revit	0.00
2015 and Prior FVT	76.19
2015 and Prior FTT	76.18
2015 and Prior Storm Water	0.00
2015 and Prior Fay Storm Water	0.00
2015 and Prior Fay S Waste Fee	0.00
2015 and Prior Annex	0.00
Interest	3,480.75
Revit Interest	1.34
Storm Water Interest prior	1.91
Fay Storm Water Interest 2015 and prior	3.45
Storm Water Interest 2016 and Forward	470.01
Annex Interest	0.00
Solid Waste Interest	946.78
FTT Interest	63.04
Total Tax and Interest	\$4,614,986.22

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:17 p.m.