

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
OCTOBER 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); 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  
Anthony Kelly, Assistant Police Chief  
Tracey Broyles, Budget and Evaluation Director  
Taurus Freeman, Planning and Zoning Manager  
Cynthia Blot, Economic and Community Development  
Director  
Jennifer Baptiste, 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.

**2.0 INVOCATION**

The invocation was offered by Pastor Dwight Palmer of Mount Baptist Church.

**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. Alexandra Daville, Junior at Southview High School, representing the Fayetteville-Cumberland Youth Council.

Council Member Haire announced the Sustainable Sandhills Jazz Festival held this past weekend at Festival Park was a great success.

Mayor Colvin presented a proclamation to members of Saints Constantine and Helen Greek Orthodox Church proclaiming October 28, 2019, OXI day.

**5.0 APPROVAL OF AGENDA**

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

## **6.0 CONSENT AGENDA**

**MOTION:** Council Member Culliton moved to approve the consent agenda with the exception of Item 6.08, Uninhabitable Structures Demolition Recommendations, for discussion and separate vote.

**SECOND:** Council Member Dawkins

**VOTE:** UNANIMOUS (10-0)

## **6.0 CONSENT AGENDA**

### **6.01 Approval of Meeting Minutes: October 10, 2019 - Special Meeting**

**6.02 P19-38F. Rezoning of property from Limited Commercial /Conditional Zoning (LC/CZ) to Single-Family Residential 10 (SF-10) located at 6003 and 6013 Ramsey Street (Tax Map Nos. 0530-77-8982 and 0530-87-0859) near the intersection of Ramsey Street and Kings Creek Drive, containing 3.56± acres and being the properties of Regina M. and Dean J. Masouras and Janet Johnson.**

### **6.03 Adoption of Budget Ordinance Amendment 2020-4 (Carryover of Encumbered, Assigned and Donated Funds from Fiscal Year 2019 and Other Items)**

Budget Ordinance Amendment (BOA) 2020-4 will appropriate \$1,847,944.00 across several annually budgeted funds for outstanding purchase orders and contracts; \$22,493.00 in the General Fund for unspent donation proceeds; and \$2,221,545.00 for specific items for which funding was assigned (designated) for the General Fund at the close of fiscal year 2018-2019 (FY 19). Funding for these expenditures was included or available in the FY 19 budget or was included in future fiscal year funding plans. These appropriations will primarily be funded by fund balance or net asset appropriations for the various funds; the only exception being \$53,972.00 from the Federal Emergency Management Agency (FEMA) and the State of North Carolina under a 75 percent/25 percent share for outstanding hurricane recovery purchase orders at June 30, 2019. A portion of the funds assigned (designated) in the General Fund is for expenditures for the Transit, Parking and Solid Waste Funds. Those funds (\$337,159.00) are included in BOA 2020-4 as recommended General Fund transfers and operating budget expenditures for the noted funds. In addition, \$32,000.00 is proposed to be appropriated for one of the Transit Fund designation items that is eligible for Federal grant reimbursement. For the County Parks and Recreation District, a total of \$128,394.00 is recommended to be appropriated from fund balance restricted for the District at the close of FY 19 for open purchase orders (\$97,152.00) and for vehicle and equipment replacements that were funded in FY 19 but were not completed by June 30, 2019 (\$31,242.00). Additional appropriations are also proposed for \$200,000.00 for Hurricane Florence recovery project management services for the General Fund that are eligible for 75 percent/25 percent FEMA/State funding; \$27,500.00 for joint repairs for the Franklin Street Parking Deck to be funded by Parking Fund balance reserved for capital maintenance; \$7,911.00 for computer equipment purchases for Stormwater operations to be funded from net assets; and \$1,556.00 for production of Safety Handbooks to be funded by Risk Management Fund net assets.

### **6.04 Adoption of Special Revenue Fund Project Ordinance 2020-6 to Appropriate Grant Proceeds for Adaptive Sports Programs for Disabled Veterans and Members of the Armed Forces**

The City has received notification of a \$20,000.00 grant award from the U.S. Department of Veterans Affairs through its Adaptive Sports Programs for Disabled Veterans and Members of the Armed Forces grant program. Funding from this grant will be used to purchase equipment for the creation of an adaptive cycling program, to be offered through Fayetteville-Cumberland Parks and Recreation (FCPR).

Staff is seeking authorization to accept the grant award and Council adoption of Special Revenue Fund Project Ordinance 2020-6 to appropriate the funding.

**6.05 Award Contracts for the Purchase of 28 Full-Size Marked Police Cars and 30 Mid-Size Unmarked Police Cars to Performance Automotive Group, the most responsive, responsible bidder**

The bids received from the re-advertisement were opened on September 19, 2019. Bids received are as follows:

Performance Automotive Group, Clinton, North Carolina  
28 marked Dodge Chargers ..... \$899,375.96  
30 unmarked Dodge Chargers ..... \$895,170.00

John Hiester Chrysler Dodge Jeep Ram, Lillington, North Carolina  
28 marked Dodge Chargers ..... \$920,780.00  
30 unmarked Dodge Chargers ..... \$905,333.70

**6.06 CDBG-DR Sub-recipient Agreement between the NC Department of Public Safety, Office of Recovery and Resiliency, and the City of Fayetteville**

The North Carolina Office of Recovery and Resiliency (NCORR) is executing this Agreement with the Sub-recipient to implement the infrastructure program within Sub-recipient's City according to the State's CDBG-DR Action Plan that was approved by HUD. Grant funds are proposed to be utilized to support the development of a Homeless Resource Day Center. Authorizes the execution of a CDBG-DR Subrecipient Agreement with NC Department of Public Safety and to terminate the current interlocal with Cumberland County effective November 30, 2019.

**6.07 Request for Legal Representation of City Employee**

Authorization from the City Council to provide legal representation for City employee Gina V. Hawkins in the matter of *Randy Dingle v. Judge Talmage S. Baggett, et al.* The employee was acting within the scope and course of her employment with the City when the alleged incident occurred.

**6.08 This item was pulled for discussion and separate vote..**

**6.09 Tax Refunds Greater Than \$100.00**

American Hospitality Inc. 2015-16	Over Reported	\$1,132.20
	Total	<u>\$1,132.20</u>

**6.08 Uninhabitable Structures Demolition Recommendations**

921 Carver Street - District 2  
437 Squirrel Street - District 4  
101 N. Eastern Boulevard - District 2  
1638 Powell 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. 921 Carver Street, PIN # 0428-92-9715. ORDINANCE NO. NS2019-21

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. 437 Squirrel Street, PIN # 0418-18-3836. ORDINANCE NO. NS2019-22

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. 38 Powell Street, PIN # 0436-25-0143. ORDINANCE NO. NS2019-23

**MOTION:** Council Member Culliton moved to approve Item 6.08 with the exception of the property located at 101 N. Eastern Boulevard with the understanding that staff will work closely with the property owners to maintain a timeline.**SECOND:** Council Member Jensen

**FRIENDLY AMENDMENT:**

Council Member Arp made a friendly amendment that the property owners provide a plan of action to the City within 30 days and reach a resolution within 90 days.

Council Members Culliton and Jensen accepted the friendly amendment.

**VOTE:** UNANIMOUS (10-0)

**7.0 PUBLIC HEARINGS**

**7.01 P19-39F.** The request is to issue a Special Use Permit to allow an existing funeral home to expand into offering crematorium services, zoned as Community Commercial Zoning District (CC), located at 3890 Raeford Road (Tax Map No. 0417-60-9625) south of Raeford Road and east of Faison Avenue, .989± acres and being the property of Cunningham Properties of Fayetteville, LLC, represented by Deborah Cunningham.

**MOTION:** Council Member Wright moved to excuse Mayor Colvin from participating on this item.

**SECOND:** Council Member Arp

**VOTE:** UNANIMOUS (9-0)

Ms. Jennifer Baptiste, Senior Planner, presented this item and stated this property is the current site of Cunningham & Sons Funeral Home whose primary business is to offer funeral related services to the general public. The owners of the property are seeking to expand the current service usage to include crematory services. On September 10, 2019, the Zoning Commission voted unanimously to recommend approval of the Special Use Permit (SUP). The SUP must meet the following findings of facts:

- (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.

Ms. Deborah Cunningham, 3809 Raeford Road, Fayetteville, NC, stated she is the applicant and asked Council to approve the Special Use Permit request.

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

Discussion ensued.

**MOTION:** Council Member Dawkins moved to approve the Special Use Permit (SUP) to allow an existing funeral home within the Community Commercial (CC) District to expand services to offer crematory services on the subject property as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because (1) the development is located in a Community Commercial district, (2) that this use complies with the findings listed below, and (3) 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 November 7, 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 have been met.

**SECOND:** Council Member Culliton

**VOTE:** UNANIMOUS (90-0)

## 8.0 ADMINISTRATIVE REPORTS

### 8.01 Monthly Statement of Taxes for September 2019

2019 Taxes .....	3,474,997.77
2019 Vehicle .....	3,028.80
2019 Taxes Revit .....	8,122.65
2019 Vehicle Revit .....	0.00
2019 FVT .....	275.00
2019 FTT .....	275.00
2019 Storm Water .....	1,704,503.84
2019 Fay Solid Waste Fee .....	671,470.89
2019 Annex .....	0.00
2018 Taxes .....	20,369.47
2018 Vehicle .....	1,271.85
2018 Taxes Revit .....	0.00
2018 Vehicle Revit .....	0.00
2018 FVT .....	145.00
2018 FTT .....	145.00
2018 Storm Water .....	3,629.92
2018 Fay Solid Waste Fee .....	8,246.05
2018 Annex .....	0.00
2017 Taxes .....	4,777.69
2017 Vehicle .....	407.05
2017 Taxes Revit .....	0.00
2017 Vehicle Revit .....	0.00
2017 FVT .....	20.00

2017 FTT .....	20.00
2017 Storm Water .....	350.30
2017 Fay Storm Water .....	0.00
2017 Fay S Waste Fee .....	633.79
2017 Annex .....	0.00
2016 Taxes .....	975.52
2016 Vehicle .....	2.78
2016 Taxes Revit .....	0.00
2016 Vehicle Revit .....	0.00
2016 FVT .....	0.00
2016 FTT .....	0.00
2016 Storm Water .....	0.00
2016 Fay Storm Water .....	90.00
2016 Fay S Waste Fee .....	44.00
2016 Annex .....	0.00
2015 and Prior Taxes .....	365.38
2015 and Prior Vehicle .....	584.33
2015 and Prior Taxes Revit .....	0.00
2015 and Prior Vehicle Revit .....	0.00
2015 and Prior FVT .....	110.00
2015 and Prior FTT .....	110.00
2015 and Prior Storm Water .....	19.89
2015 and Prior Fay Storm Water .....	35.79
2015 and Prior Fay S Waste Fee .....	53.03
2015 and Prior Annex .....	0.00
Interest .....	2,966.30
Revit Interest .....	0.00
Storm Water Interest prior .....	11.75
Fay Storm Water Interest 2015 and prior .....	21.15
Storm Water Interest 2016 and Forward .....	355.71
Annex Interest .....	0.00
Solid Waste Interest .....	828.94
FTT Interest .....	70.46
Total Tax and Interest .....	\$5,910,235.10

## 9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:29 p.m.