

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
APRIL 14, 2014
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr.(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:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Rusty Thompson, Engineering and Infrastructure Director
Craig Harmon, Senior Planner II
Shauna Haslam, Stormwater Educator
Greg Caison, Stormwater Manager
Dwight Miller, PWC Chief Financial Officer
Gloria Wrench, PWC Purchasing Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Mohn moved to approve the agenda.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

5.0 RECOGNITION

5.1 Eagle Scout, Samuel L. Jayne

Mayor Robertson read the Letter of Achievement and Council Member Hurst presented Eagle Scout, Samuel L. Jayne with the city coin.

5.2 Mr. Dorien Caldwell – Student Film Maker of Massey Hill School

Mayor Pro Tem Davy read the Letter of Achievement and Council Member Jensen presented Mr. Dorien Caldwell with the city coin.

5.3 Cigarette Butt Litter Prevention Awareness Proclamation

Council Member Hurst introduced this item and stated the City of Fayetteville is partnering with Fayetteville Beautiful to curb the amount of cigarette butts that litter the roadside and wash into our storm drains. Declaring the month of April as “Cigarette Litter Prevention Month,” the City has created an awareness campaign with a website, billboards and 30 second public service announcements to air on FayTV7 and the Internet. The campaign will culminate during the week of the Dogwood Festival with digital billboards displayed for free by Lamar Advertising. In addition, Fayetteville Beautiful will have a table at the City’s tent during the Dogwood Festival to help educate the public about the effects cigarette litter can have on the environment. Residents wishing to participate in Fayetteville Beautiful Citywide Cleanup on May 3rd can sign

up via an interactive map. Ms. Shauna Haslem, Stormwater Educator, presented a PowerPoint presentation pertaining to the Cigarette Litter Prevention program.

5.4 Snow Crew Recognition

Mayor Robertson read the certificate of appreciation being presented to the “Snow Crew”, and thanked the employees for their tireless efforts to keep our roads safe during the inclement weather days. Mr. Rusty Thompson, Engineering and Infrastructure Director, praised the Snow Crew for their diligence and hard work in treacherous conditions.

6.0 PUBLIC FORUM

Ms. Marsha Jones, 3095 Enterprise Avenue, Fayetteville, NC; requested the reinstatement of a bus route for the residents of Enterprise Avenue.

Mr. James Popp, 101 Goodyear Avenue, Fayetteville, NC 28303; expressed concerns regarding rats in his neighborhood and requested assistance from the city to eradicate the infestation.

Mr. Bryan Ceccarelli, 4605 Woodmill Run, Apex, NC 27539; stated his opposition to the Red Light Camera program.

Mr. Jerry Reinhoel, 516 Deer Path Drive, Fayetteville, NC 28311; stated his opposition to the Red Light Camera program.

Mr. Jose’ Cardona, 282 Addison Street, Fayetteville, NC 28314; stated his opposition to the Red Light Camera program.

Mr. Ed Beddingfield, 2731 Millbrook Avenue, Fayetteville, NC 28303; stated his opposition to Red Light Camera program.

7.0 CONSENT

MOTION: Council Member Arp moved to approve the consent agenda with the following amendments: Item 7.3 – to be pulled from the agenda and placed on the April 28, 2014 City Council agenda as a Public Hearing item. Item 7.4 – amend the March 19, 2014 Budget Work Session Minutes to delete the amount of \$115,000 and replace with the amount of \$315,000. Item 7.6 – pull from the consent agenda for a separate vote.

SECOND: Council Member Mohn

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member McDougald)

7.1 Bid Recommendation for Purchase of Two 500 HP Centrifugal Blowers for the Rockfish Creek Water Reclamation Facility Aeration Improvements to Houston Service Industries, Inc., in the amount of \$362,858.00

Bids were received as follows:

Houston Service Industries, Inc., Houston, TX.....	\$362,858.00
Gardner Denver Nash, Charleroi, PA.....	\$470,513.46

7.2 PWC - For assessed property – Resale of Real Property back to former owner.

Resale the property located at 4070 Rosehill Road to the previous owner in accordance with NCGS 105-376(c)

7.3 Amendment to City Code Chapter 30 to allow outward facing sports sponsorship signs for youth team sports on fences around playing fields

This item was pulled from the agenda by Council Member Arp

7.4 Approve Meeting Minutes:

- March 17, 2014 - Special
- March 19, 2014 - Agenda Briefing
- March 19, 2014 - Budget Work Session (as amended)
- March 24, 2014 - Regular Meeting
- March 29, 2014 - Budget Work Session

7.5 Red-Light Camera Program Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REGARDING RED-LIGHT CAMERA LEGISLATION. RESOLUTION NO. R2014-008

7.6 Resolution Authorizing a Supplement to an Installment Financing Agreement for Fire Station 19 and the Festival Park Plaza Office Building

This item was pulled from the consent agenda by Council Member Arp

7.6 Resolution Authorizing a Supplement to an Installment Financing Agreement for Fire Station 19 and the Festival Park Plaza Office Building

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENT TO INSTALLMENT FINANCING AGREEMENT IN CONNECTION WITH THE ESTABLISHMENT OF A NEW INTEREST RATE PERIOD FOR AN OUTSTANDING INSTALLMENT FINANCING AGREEMENT. RESOLUTION NO. R2014-009

MOTION: Council Member Mohn moved to approve the Resolution.

SECOND: Council Member McDougald

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Arp)

8.0 PUBLIC HEARINGS

8.01 P14-03F. The rezoning of property from SF-10 and SF-6 – Single Family Residential and MR-5 Mixed Residential to CC/CZ – Community Commercial Conditional Zoning District or to a more restrictive district, located at the 600 Cordial Loop, and being the property of Don Wellons. (Item was pulled from the March 24th consent agenda and set as a public hearing)

Mr. Craig Harmon, Senior PlannerII, presented this item with the aid of a PowerPoint presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land use and zonings, and 2010 Land Use Plan. Mr. Harmon stated this property is located on Cordial Loop with entrances on both Skibo and Cliffdale Roads. Currently Leisure Living Estates, mobile home park, is located on this site. The park has been located at this site since the late 1960's. The owner is proposing a new commercial development to take the place of the park. Mr. Harmon stated the site plan and list of conditions offered by the owner below are provided in the agenda packet. The proposed commercial development would include a connector street, with stop lights, between Cliffdale and Skibo Roads.

Conditions of approval as offered by the property owner:

1. All internal roads and structures on site will be abandoned and removed.
2. Development of the site will be controlled by the standards illustrated on this sheet (attached site plan RZ-2) and by the City of Fayetteville UDO. The building locations and public ROW illustrated on this plan is intended to reflect the general arrangement, but the exact arrangement, configuration and size of individual elements may be altered or modified within the limits prescribed in the UDO.
3. The site will be developed for any use allowed in the CC District as allowed by the UDO except for the following uses:
 - 3.1. Agriculture
 - 3.2. Agriculture Support and Services
 - 3.3. Household Living categories: Dwelling, Single Family & two to four family, Manufactured home, Class A (2) or (Class A or B homes)
 - 3.4. Group Living
 - 3.5. Community Services
 - 3.6. Day Care category: Adult day care center
 - 3.7. Educational Facility Categories: Elementary, middle or High Schools
 - 3.8. Government Facilities
 - 3.9. All Institutional facilities, except that Assisted Living Facilities would be permissible.
 - 3.10. All Park and Open Space Areas, except that Park, public or private and Public square or plazas would be permissible.
 - 3.11. Public Safety
 - 3.12. Transportation/Communication
 - 3.13. Adult Entertainment
 - 3.14. Animal Care categories: Animal shelter & kennel, outdoor
 - 3.15. Recreation/Entertainment, Outdoor

3.16. Retail Sales and Service categories: Crematory, Funeral home, Laundromat, tattoo parlor/body piercing establishments, Repair establishment.

3.17. Self-Service Storage

3.18. Vehicle Sales and Services, Heavy

3.19. Vehicle Sales and Services, Light

3.20. Extractive Industry

3.21. Industrial Services

3.22. Manufacturing and Production

3.23. Warehouse and Freight Movement

3.24. Waste-Related Services

4. Access to the site will be provided by a new public road connecting Skibo Road and Cliffdale Road with a traffic light proposed at each proposed intersection subject to the approval of the City of Fayetteville and NCDOT. The petitioner will construct this new public road and dedicate the ROW to the City of Fayetteville. Until the road is constructed, access will be provided via the existing entrances for construction purposes.

5. Access to individual parcels will be located off of the new public road subject to review by the City of Fayetteville and NCDOT.

6. Buffers and landscaping requirements will be provided per Article 30-5 of the UDO.

7. Stormwater facilities will be provided per the City of Fayetteville and NCDWQ Standards.

8. Stream buffers will be sized based on the site drainage areas and in accordance with local and state regulations.

Mr. Harmon continued, on March 11, 2014, the Zoning Commission held a public hearing regarding this case. There were three people that spoke in favor and none in opposition. The Zoning Commission voted 5-0 in favor of recommending approval of this case. At the City Council's March 24, 2014 meeting, this item was pulled from the list of consent items and set for a public hearing at the Council's April 14 meeting. Council requested additional information regarding traffic and the relocation process for the current residents. The engineers for this project have started a TIA report and are currently working with the City's staff, DOT and the rail road to finalize the details. The owners of this mobile home park are required by state law to notify each resident of the owner's intent to close the park at least six months prior to such closure. The park owners have sent preliminary notifications to each of its residents, but the final (six month) notice will not be sent by the owners until their property is rezoned. Please note that the owner could redevelop this property to a permitted use without Council approval or any public hearings. The City's Community Development Department has also contacted the park's residents with information regarding where to find help with their relocation. Mr. Harmon concluded by stating the Zoning Commission and City staff recommends approval of the proposed rezoning based on:

1.The appropriate redevelopment of property in this location.

2.The land use plan calls for commercial uses on this property.

3.The 2030 Growth Management Plan calls for infill and new development to occur in areas where the public infrastructure already exists.

4.The conditions as proposed above and based on final approval of the City's TRC.

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

Mr. George Stanziale, 115 Cofield Circle, Durham, NC; stated he is the Vice President of Stewart, a Raleigh base design firm, and is speaking in favor of the rezoning request on behalf of the property owners. Mr. Stanziale provided a PowerPoint presentation and said the proposed shopping center will accommodate multiple tenants and attract national retailers.

Mr. José Cardona, 233 Addison Street, Fayetteville, NC 28314; spoke in opposition of the rezoning request and stated concerns regarding the cost of moving utility lines.

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

Council Member Colvin asked how many months the tenants have to relocate. Mr. Stanziale responded of the more than 200 residents owning 67 trailers only 28 still remain; tenants have

not renewed leases. Mr. Stanziale said state law requires the tenants are given six months' notice, and said they will follow the requirement and if necessary could possibly give a little more time.

Council Member McDougald asked if it was possible to prohibit tobacco stores from locating in the proposed shopping center. Mr. Harmon responded that staff is currently working on a revised ordinance to address where tobacco businesses may and may not locate. Council Member McDougald thanked the owners for making this great investment in our city.

Council Member Wright stated he was very impressed with the owners concern for the residents during their transition and the work done to relocate the tenants. Council Member Wright also stated he was very pleased with the outcome, knowing that we will have an excellent addition to that area.

MOTION: Council Member Wright moved to approve of the rezoning with the conditions as presented by staff.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 FY15 City Council Budget Guidelines

Mr. Ted Voorhees, City Manager, presented this item and stated this document is an opportunity to provide the City/PWC direction in regard to the preparation of the proposed FY 2015 Budget. The most recent edits to the document have been underlined.

Council Member Arp stated he has reservations with the document from the expenditure section onward.

Council Member Mohn stated this document has been tweaked several times over the past 60 days, and recommended that next budget cycle the process begin earlier.

Council Member McDougald stated he had read through the document several times and said we need to move forward; having no document sets us back.

Mayor Pro Tem Davy recommended further discussion of this item at the forthcoming April 16, 2014 Budget Work Session.

Council Member Wright stated Mr. Voorhees had done a great job with the document and said we need to finalize and head in the right direction.

MOTION: Council Member Arp moved to approve the budget guidelines with the exception of the sections that immediately follow the Fund Balance Appropriations.

SECOND: Council Member Crisp

Discussion ensued.

FRIENDLY AMENDMENT MOTION: Mayor Pro Tem Davy asked Council Member Arp if he would accept a friendly amendment to his motion; to accept the document through fund balance appropriation and allow Mr. Voorhees time to revise the remainder of the document and present revised document to Council at the April 16, 2014, Budget Work Session. Council Member Arp accepted the Friendly Amendment.

SECOND: Council Member Crisp accepted the Friendly Amendment.

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Colvin, Hurst, and McDougald)

9.02 Military Community Coalition

Mr. Ted Voorhees, City Manager, presented this item and stated Fort Bragg, in Fayetteville, North Carolina, is the proud home of more than 57,000 military personnel and 23,000 family members. The residents of the greater Fayetteville community stand strong in unified support of our military soldiers and airmen and the mission readiness of Fort Bragg and Pope Army Airfield. With this privilege also comes additional complexity in preserving and sustaining a high quality of life for the soldiers and airmen, their families, and the surrounding community. The City of Fayetteville is a leader in positive and proactive advocacy efforts. Recently, the City has been engaged in an effort to foster a cooperative and supportive relationship between North Carolina's military host cities, which includes the Cities of Jacksonville, Goldsboro, Haveloc, and Elizabeth City. The Mayors of these military host cities propose to join together to establish a

“Military Community Coalition” and pursue advocacy efforts as ex officio members of the North Carolina Military Affairs Commission. This strengthened partnership will work to build a greater awareness of military host city issues and create opportunities to collaborate on solutions. The Coalition will support and improve the quality of life for our residents and for our military men and women through strengthened communication and relationships with federal and state agencies, ensuring our collective voice is heard. To that end, the Coalition intends to seek an affiliation with the North Carolina League of Municipalities.

A brief discussion ensued.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ENDORSING THE CITY OF FAYETTEVILLE’S PARTICIPATION IN THE MILITARY COMMUNITY COALITION. RESOLUTION NO. R2104-010

MOTION: Council Member Hurst moved to approve the Resolution

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.1 Monthly Statement of Taxes - March 201410.1 Monthly Statement of Taxes - March 2014

This item was for information only

2013 Taxes.....	\$543,368.77
2013 Vehicle.....	95,153.38
2013 Taxes Revit.....	111.72
2013 Vehicle Revit.....	53.12
2013 FVT.....	11,168.39
2013 FTT.....	11,168.39
2013 Storm Water.....	19,797.21
2013 Fay Storm Water.....	39,594.46
2013 Fay Solid Waste Fee.....	32,783.43
2013 Annex.....	0.00
2012 Taxes.....	9,054.78
2012 Vehicle.....	45,087.18
2012 Taxes Revit.....	1.13
2012 Vehicle Revit.....	0.00
2012 FVT.....	6,628.98
2012 FTT.....	6,628.95
2012 Storm Water.....	249.75
2012 Fay Storm Water.....	499.48
2012 Fay Recycle Fee.....	533.39
2012 Annex.....	0.00
2011 Taxes.....	2,083.13
2011 Vehicle.....	2,645.24
2011 Taxes Revit.....	1.31
2011 Vehicle Revit.....	0.00
2011 FVT.....	656.54
2011 FTT.....	656.54
2011 Storm Water.....	12.99
2011 Fay Storm Water.....	25.98
2011 Fay Recycle Fee.....	41.14
2011 Annex.....	0.00
2010 Taxes.....	674.95
2010 Vehicle.....	1,105.53
2010 Taxes Revit.....	2.77
2010 Vehicle Revit.....	0.00
2010 FVT.....	330.18

2010 FTT.....	330.18
2010 Storm Water.....	59.30
2010 Fay Storm Water.....	118.61
2010 Fay Recycle.....	11.92
2010 Annex.....	0.00
2009 and Prior Taxes.....	669.75
2009 and Prior Vehicle.....	5,977.15
2009 and Prior Taxes Revit.....	0.00
2009 and Prior Vehicle Revit.....	0.00
2009 and Prior FVT.....	1,193.66
2009 and Prior FTT.....	363.15
2009 and Prior Storm Water.....	12.00
2009 and Prior Fay Storm Water.....	0.00
2009 and Prior Fay Recycle Fee.....	0.00
2009 and Prior Annex.....	35.66
Interest.....	41,656.61
Revit Interest.....	51.63
Storm Water Interest.....	706.23
Fay Storm Water Interest.....	1,406.96
Annex Interest.....	10.92
Fay Recycle Interest.....	1,027.11
Fay Transit Interest.....	2,027.11
Total Tax and Interest.....	\$885,964.40

This item was for information only

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:38 p.m.