

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
JANUARY 25, 2016  
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kirk deViere (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 L. Voorhees, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Harold Medlock, Police Chief  
Lisa Smith, Chief Financial Officer  
Tracey Broyles, Budget and Evaluation Director  
Kevin Arata, Corporate Communications Director  
Scott Shuford, Planning and Code Enforcement Services Director  
Victor Sharpe, Community Development Director  
Brad Whited, Airport Director  
Rebecca Rogers-Carter, Strategic Performance Analytics Director  
Chris Tatham, CEO, ETC Institute (via telephone)  
Rob Stone, Engineering and Infrastructure Director  
Craig Harmon, Senior Planner  
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 Mario Millier, Northside United Pentecostal.

**3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by the Elizabeth Cashwell Elementary School Color Guard.

**4.0 ANNOUNCEMENTS AND RECOGNITION**

Mayor Pro Tem Colvin announced a Community Café' Conversation would be held on January 26, 2016, at 6:00 p.m. at the Smith Recreation Center located at 1520 Slater Avenue; this is an opportunity for citizens to provide input pertaining to the City's strategic planning.

Council Member Hurst announced a Keep Fayetteville Clean event would be held on April 2, 2016.

Mayor Robertson presented a proclamation to Ms. Sylvia Ray celebrating her retirement from Center for Economic Empowerment and Development (CEED). Ms. Ray thanked the Mayor and Council for the recognition, and thanked the staff at CEED, Board of Directors, and family and stated our job is to bind up the broken hearted.

## 5.0 APPROVAL OF AGENDA

**MOTION:** Council Member McDougald moved to approve the agenda with the addition of Item 10.02, discussion of sales tax distribution with Cumberland County.

**SECOND:** Council Member Crisp

**VOTE:** Agenda Approval PASSED and addition of item FAILED by a vote of 6 in favor to 4 in opposition (Council Members Robertson, Jensen, Hurst and Arp)

Ms. Karen McDonald, City Attorney, clarified that super majority (eight) votes are required to approve adding an item to the agenda.

## 6.0 CONSENT

**MOTION:** Council Member Crisp moved to approve the agenda with the exception of Items 6.011 and 6.03, pulled for discussion and separate vote.

**SECOND:** Council Member Arp

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

**6.01 P15-38F.** The rezoning of property from SF-10 Single-Family Residential to OI Office and Institutional Zoning District to be located at 1520 Mazie Loop and 1520 Dixon Drive, and being the property of VFD Real Estate Partners LLC and Theresa Dixon.

**6.02 P15-39F.** The rezoning of property from SF-10 Single-Family Residential to SF-6 Single-Family Zoning District to be located at 2756 Rosehill Road, and being the property of Haymount Presbyterian Church Inc.

**6.03** Pulled for discussion and separate vote by Mayor Pro Tem Colvin.

**6.04 Special Revenue Fund Project Ordinance Amendment 2016-4 (Appropriation of Federal Forfeiture Funds)**

Special Revenue Fund Project Ordinance Amendment 2016-4 will appropriate \$127,015.00 in federal forfeiture funds to increase resources for law enforcement purposes.

**6.05 Special Revenue Fund Project Ordinance 2016-14 (Fort Bragg Force Reduction Grant)**

Special Revenue Fund Project Ordinance 2016-14 will appropriate \$299,563.00 awarded by the Office of Economic Adjustment (OEA) of the U.S. Department of Defense for the Fort Bragg Force Reduction grant. There is no local match required. The grant funds a regional assessment of potential impacts associated with announced staff reductions at Fort Bragg.

**6.06 Bid Recommendation for Person Street Innovative Stormwater Greenscape Project, Resolution for NC CWMTF Grant Contract Amendment and Capital Project Ordinance Amendments 2016-30 and 2016-31**

The following bids were received for the Stormwater Greenscape portion of the project:

Browe Construction, Inc., Smithfield, NC .....	\$1,359,807.95
Lanier Construction Co., Snow Hill, NC .....	\$1,866,811.33

The lowest bid received was over the City's budgeted amount for the project and will require a CPOA of \$115,000.00. Browe Construction, Inc., proposes to utilize minority subcontractors for 26 percent of the work and utilize local subcontractors and local suppliers for 45 percent of the work.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO EXECUTE AMENDMENT NO. 1 OF THE CLEAN WATER MANAGEMENT TRUST FUND**

**GRANT FOR PERSON STREET INNOVATIVE STORMWATER GREENSCAPE AND  
OBLIGATE THE CITY TO THE TERMS OF THE AMENDED CONTRACT.  
RESOLUTION NO. R2016-002**

**6.07 Award Contract for the Purchase of Miscellaneous Police Vehicles**

Formal bids for the purchase of miscellaneous police vehicles were originally scheduled to be opened on October 15, 2015; however, no bids were received. A re-advertisement was published and a second bid opening was held on November 4, 2015. Lafayette Ford, Fayetteville, North Carolina, was the sole bidder responding for the vehicles listed below. Staff recommends that Council approve a contract for the award of the following police vehicles from Lafayette Ford, Fayetteville, North Carolina:

<u>6 Pursuit Rated Marked Sport Utility Vehicles</u>	
\$28,800 each	Total for 6 = \$172,800.00

<u>5 Pursuit Rated Unmarked Sport Utility Vehicles</u>	
\$27,615 each	Total for 5 = \$138,075.00

<u>1 Pursuit Rated Marked Sport Utility Vehicle with Kennel</u>	
\$28,250 each	Total for 1 = \$28,250.00

<u>9 Full-Size Unmarked Police Cars</u>	
\$26,527 each	Total for 9 = \$238,743.00

<u>12 Full-Size Marked Police Cars</u>	
\$26,327 each	Total for 12 = \$315,924.00

The total recommended contract amount for the purchase of police vehicles from Lafayette Ford is \$893,792.00. This amount is for the purchase of the vehicles only.

**6.08 Uninhabitable Structures Demolition Recommendations**

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. 306 Barrett Street PIN # 0436-39-2869. ORDINANCE NO. NS2016-001

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. 5108 Cannon Street PIN # 0419-40-5286. ORDINANCE NO. NS2016-002

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. 2109 Nickey Avenue PIN # 0428-96-5252. ORDINANCE NO. R2016-003

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. 116 Phillips Street PIN # 0428-86-1952. ORDINANCE NO. NS2016-004

**6.09 Rescind Demolition Ordinances**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2016-023. RESOLUTION NO. R2016-003

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
RESCINDING DEMOLITION ORDINANCE NO. NS2016-031. RESOLUTION NO.  
R2016-004

6.10 Rescind Demolition Ordinance and Adopted Revised Demolition  
Ordinance for 2113 Southern Avenue

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
RESCINDING DEMOLITION ORDINANCE NO. NS2015-006. RESOLUTION NO.  
R2016-005

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. 2113 Southern Avenue PIN # 0426-93-9332. ORDINANCE NO.  
NS2016-005

6.11 Pulled for discussion and separate vote by Council Member Crisp.

6.03 Special Revenue Fund Project Ordinance Closeouts and Partial  
Closeouts 2016-1 through 2016-8, and Special Revenue Fund Project  
Ordinance Amendments 2016-2 through 2016-3

This item was pulled for discussion and separate vote by Mayor  
Pro Tem Colvin. Mayor Pro Tem Colvin asked why this item was on the  
consent agenda and stated he requested further explanation of the item  
during a work session. Ms. Lisa Smith, Chief Financial Officer,  
provided an overview of the item.

MOTION: Mayor Pro Tem Colvin moved to table this item to the  
February 1, 2016, work session.

SECOND: Council Member Wright

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

6.11 Resolutions Authorizing Condemnation to Acquire Certain Property  
Rights for Permanent Easement

This item was pulled for discussion and separate vote by Council  
Member Crisp.

Mr. Jim Nance, of Lewis, Deese, Nance & Briggs, LLP, Attorney  
representing PWC, provided an overview of each of the four properties.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
RIGHTS FR A PERMANENT EASEMENT OVER THE PROPERTY OF ROBERT MONROE  
et ux PAULA P. MONROE, TAJA JO (MONROE) BROWER et vir JASON TODD  
BROWER, AND SPRINGCASTLE FINANCE FUNDING TRUST. RESOLUTION NO.  
R2016-006

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
RIGHTS FOR A PERMANENT EASEMENT OVER THE PROPERTY OF ALW LAKE  
ASSOCIATION, INC. RESOLUTION NO. 2016-007

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
RIGHTS FOR A PERMANENT EASEMENT OVER THE PROPERTY OF JOHN S. KIE.  
RESOLOUTION NO. R2016-008

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY  
RIGHTS FOR A PERMANENT EASEMENT AND TWO TEMPORARY EASEMENTS OVER  
THE PROPERTY OF JASMIN K. MARTIN. RESOLUTION NO. R2016-009

MOTION: Council Member Crisp moved to adopt the four resolutions  
directing that the necessary proceedings be instituted  
under Chapter 40 of the NCGS to acquire the water and  
sanitary sewer easements described in the resolutions.

SECOND: Council Member McDougald

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

## **7.0 REPORTS FROM BOARDS AND COMMISSIONS**

### **7.01 Airport Commission Annual Report**

Mr. Donald Warren, Airport Commission Chair, provided an overview of the Airport Commission annual report, and stated the airport operates 15 to 16 flights per day, depending on the schedule.

## **8.0 STAFF REPORTS**

### **8.01 Fayetteville Police Department 2015 Year in Review and 2016 Outlook Presentation**

Mr. Harold Medlock, Police Chief, presented this item with the aid of a PowerPoint presentation. Chief Medlock stated with the new direction of becoming more connected with our community, the new slogan is "one agency, one community, one family, ONE". Chief Medlock provided statistics on crimes committed in the City of Fayetteville, and stated total violent crime has an increase of 14.90 percent, property crimes have an overall decrease of 7.40 percent. Chief Medlock provided an overview of the new initiatives.

Council Member Arp stated he is encouraged by the numbers and asked if there were correlating circumstances that have led to the increase in aggravated assaults. Chief Medlock responded he does not think we have turf gang warfare in our City, and stated he thinks most of the shootings are from people disrespecting one another; it's people with anger management problems, this is what is driving our numbers. Our officers now return to domestic violence instances to follow up and provide literature to the people involved in the incidents.

Council Member Arp asked how the red light camera program was going. Chief Medlock responded he would like to see more red light cameras in our City.

Council Member Jensen stated we are way ahead of our time, with you as our Chief and our Police Department.

Council Member Wright thanked Chief Medlock for the great report, and stated he is very impressed, no police shootings, you are working hard with community efforts.

Council Member deViere asked if there was anything Council can do from a policy standpoint to help the Police Department and you as we go into 2016.

Council Member McDougald stated calls to him to complain about criminal activity in his district have gone down significantly, and thanked Chief Medlock and his officers for the concentration in this area.

Council Member Crisp asked the status of the recruitment of sworn officers. Chief Medlock stated the new class starts February 22, 2016, with 20 cadets, they should be trained and on the street by this time next year. Council Member Crisp thanked Chief Medlock and the Police Department for their tireless efforts.

Mayor Robertson stated he and the Council stand behind Chief Medlock and the Police Department and recognize what an outstanding job they all are doing, and appreciate the hard work.

### **8.02 City of Fayetteville FY 2016 Resident Survey Report**

Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, presented this item and stated the City of Fayetteville conducted a resident survey to seek residents' input regarding current

programs and services, new initiatives and future policy. The survey is part of the City's ongoing efforts to identify and respond to resident concerns and gather input about priorities for the community. Resident surveys are an important tool in determining if programs and services are meeting residents' expectations. Resident surveys also bring residents into the public decision making process in the early stages of the strategic planning process. A consulting firm, ETC Institute, administered the survey to residents in the City of Fayetteville during the fall of 2015. A seven page survey instrument was mailed to approximately 3000 randomly selected sample of residents. Residents who had not responded to the survey by mail were contacted by phone and given the option of completing the survey by phone. The consultant received 669 survey responses which ensure the survey results have statistical significance with a precision of at least +/- 3.8 percent at the 95 percent level of confidence. The sample is statistically representative of the City's population with regard to the demographic and geographic composition of the sample. The last resident survey conducted by the City of Fayetteville occurred in 2013.

Ms. Rogers-Carter introduced Mr. Chris Tatham, CEO, ETC Institute. Mr. Tatham addressed Council via telephone. Mr. Tatham provided an overview of the resident survey report. A hard copy and electronic copy of the report was provided to Mayor and City Council. Mr. Tatham stated the FY 2016 report provided contains a summary of the methodology, major findings and comparison to FY 2013 survey results, charts showing overall results, important-satisfaction analysis that identifies potential opportunities for improvement, tables that show the results for all questions, and a copy of the survey instrument.

Discussion ensued.

Mayor Robertson thanked Mr. Tatham and Ms. Rogers-Carter for the presentation.

## **9.0 PUBLIC HEARINGS**

### **9.01 P15-37F. The issuing of a Special Use Permit for a crematory in a CC Community Commercial Zoning District and to be located at 653-657 Hillsboro Street, and being the property of Wiseman Mortuary.**

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated Wiseman Funeral Home wishes to build a crematory across Hillsboro Street from its current location. All three properties are currently zoned Community Commercial. The owners of this property have requested a Special Use Permit (SUP) for the operation of a crematory. On November 23, 2015, a rezoning was approved to change one of these properties to CC. The other two properties were already zoned Community Commercial. There are no use-specific standards for this type of use. However, conditions can be imposed to improve compatibility and address site specific issues. This proposed use should be a low impact to neighbors since it will only be used for the crematory. The condition of approval recommended by staff and the Zoning Commission was to limit signage to a monument style and standard wall signage (Condition is acceptable to the property owner).

Mr. Harmon stated on December 8, 2015, the Zoning Commission held a public hearing regarding this case. There was one speaker in favor and none in opposition. The Commission voted 5-0 to recommend approval. Mr. Harmon stated the SUP must meet the following findings of fact:

1. The special use complies 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. Tryphina Wiseman, 431 Cumberland Street, Fayetteville, NC, appeared in favor and stated she was available to answer questions.

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

**MOTION:** Council Member deViere moved to approve the Special Use Permit as presented by staff with the conditions noted and upon finding the proposed use meets all eight standards for a Special Use Permit.

**SECOND:** Council Member Wright

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

#### 10.0 OTHER ITEMS OF BUSINESS

##### 10.01 Interlocal Agreement between Cumberland County and the City of Fayetteville to address homelessness

**MOTION:** Council Member deViere moved to table this item to the February 1, 2016, work session.

**SECOND:** Council Member Crisp

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

#### 11.0 ADMINISTRATIVE REPORTS

##### 11.01 Monthly Statement of Taxes - December 2015

2015 Taxes .....	14,702,240.16
2015 Vehicle .....	143.62
2015 Taxes Revit .....	50,694.84
2015 Vehicle Revit .....	0.00
2015 FVT .....	5.00
2015 FTT .....	5.00
2015 Storm Water .....	652,312.90
2015 Fay Storm Water .....	1,304,625.90
2015 Fay Solid Waste Fee .....	382,435.36
2015 Annex .....	0.00
 2014 Taxes .....	 22,475.26
2014 Vehicle .....	44.67

2014 Taxes Revit .....	0.00
2014 Vehicle Revit .....	0.00
2014 FVT .....	5.00
2014 FTT .....	5.00
2014 Storm Water .....	755.42
2014 Fay Storm Water .....	1,359.78
2014 Fay Solid Waste Fee .....	1,659.81
2014 Annex .....	0.00
2013 Taxes .....	8,213.78
2013 Vehicle .....	1336.01
2013 Taxes Revit .....	0.00
2013 Vehicle Revit .....	0.00
2013 FVT .....	131.41
2013 FTT .....	131.41
2013 Storm Water .....	207.22
2013 Fay Storm Water .....	414.42
2013 Fay S Waste Fee .....	580.16
2013 Annex .....	0.00
2012 Taxes .....	2,110.30
2012 Vehicle .....	1,156.70
2012 Taxes Revit .....	0.00
2012 Vehicle Revit .....	3.52
2012 FVT .....	189.26
2012 FTT .....	189.28
2012 Storm Water .....	27.15
2012 Fay Storm Water .....	54.31
2012 Fay S Waste Fee .....	85.99
2012 Annex .....	0.00
2011 and Prior Taxes .....	549.80
2011 and Prior Vehicle .....	1,543.20
2011 and Prior Taxes Revit .....	0.00
2011 and Prior Vehicle Revit .....	0.00
2011 and Prior FVT .....	321.48
2011 and Prior FTT .....	177.86
2011 and Prior Storm Water .....	12.00
2011 and Prior Fay Storm Water .....	0.00
2011 and Prior Fay S Waste Fee .....	0.00
2011 and Prior Annex .....	0.00
Interest .....	6,767.91
Revit Interest .....	.99
Storm Water Interest .....	131.66
Fay Storm Water Interest .....	231.62
Annex Interest .....	0.00
Solid Waste Interest .....	301.98
Fay Transit Interest .....	164.15
Total Tax and Interest .....	\$17,143,801.29

## 12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:43 p.m.