

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
DECEMBER 12, 2016
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Katherine K. Jensen (District 1); 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)

Absent: Council Member Kirk deViere (District 2)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Ben Major, Fire Chief
Cheryl Spivey, Chief Financial Officer
Scott Shuford, Planning and Code Enforcement Services Director
Kevin Arata, Corporate Communications Director
Rob Stone, Engineering and Infrastructure Director
Victor Sharpe, Community Development Director
James Palenick, Economic and Business Development Director
Mark Brown, PWC Customer Relations
Jane Starling, Deputy 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 Rabbi Eichenholtz with the Beth Israel Synagogue

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Mayor Robertson announced President Obama had presented a proclamation to the Black Afro-African American Culture Identity Organization, and read the proclamation. Mayor Pro Tem Colvin presented the proclamation to Mr. Naim Hasan.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda, with the addition of Item 6.09, Hardball Capital Ballpark Development Service Agreement; Item 6.10, Selection of Bond Underwriting Team - \$33 Million Minor League Baseball; and Item 6.11, Adoption of a Resolution in Support of the Proposed North Carolina Civil War History Center.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0)

6.0 CONSENT

MOTION: Mayor Pro Tem Colvin moved to approve the consent agenda, with the exception of Item 6.08, Authorization to Access

**Inter-Local Cooperative Purchasing Agreements to Obtain
Competitive Pricing for Goods and Services.**

SECOND: Council Member McDougald
VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes:
October 3, 2016 - Work Session

**6.02 P16-30F. The rezoning of property from MR-5 Mixed Residential to
OI/CZ Office and Institutional Conditional Zoning District, for
property located at 208 Bryan Street, near the intersection of
Bryan Street and Arsenal Avenue, the property is 0.16 of an acre
and being owned by Stevie Ammons. (Staff recommendation is to
MR-5/CZ)**

**6.03 Agreement to Provide Federal Transit Authority (FTA) Transit
Urban Area Grant Funds to Hoke County**

The City is the Designated Recipient for Federal Transit Administration (FTA) grant programs in the Fayetteville urbanized area. FTA Section 5307 urbanized area formula funds are apportioned based on several factors including population, population density and revenue vehicle miles traveled. Based on the 2010 census, a significant portion of Hoke County became part of the Fayetteville urbanized area; therefore that part of Hoke County's population contributes and is included in the area formula calculations. The area's current Section 5307 annual apportionment is approximately \$2.9 million. NCDOT and Hoke County requested a portion of the federal apportionment be allocated to support Hoke Area Transit's operations. The 2015 and 2016 Section 5307 grants awarded to the City and FAST included \$140,000.00 for Hoke County. To be eligible for these funds Hoke County must expend a minimum of \$280,000.00 in net eligible expenses. In addition, Hoke County must agree to the federal terms and conditions that apply to the grant.

**6.04 Resolution for Abandonment of Easement(s) within Leisure Living
Mobile Home Park now being developed as Freedom Town Center**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO
ABANDON EXISTING EASEMENTS. RESOLUTION NO. R2016-079**

6.05 Tax Refunds Greater Than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Red Classic Transit	2012-2013	Corrected Assessment	\$181.30
TOTAL			<u>\$181.30</u>

**6.06 Budgetary Actions to Support the Disaster Recovery Housing Repair
Program, including Adoption of Capital Project Ordinance
Amendment 2017-26, Budget Ordinance Amendment 2017-12 and Special
Revenue Fund Project Ordinance Amendment 2017-1**

Adoption of Capital Project Ordinance Amendment (CPOA) 2017-26 and Budget Ordinance Amendment (BOA) 2017-12 to reverse the \$200,00000 current year funding appropriation for the Affordable Housing Project Fund and to also transfer back \$40,000.00 of prior year funding to establish a \$240,000.00 budget in the General Fund for the Disaster Recovery Housing Repair Program. Council is also asked to adopt Special Revenue Fund Project Ordinance Amendment (SROA) 2017-1 to appropriate \$107,000.00 of accumulated Community Development Block Grant (CDBG) program income to fund Disaster Recovery Housing Repair Program expenses, as authorized under the Substantial Amendment to the 2016-2017 Community Development Annual Action Plan adopted by Council on November 28, 2016.

6.07 Resolution to donate a modular unit to the Cotton Volunteer Fire Department

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE DONATION OF PERSONAL PROPERTY. RESOLUTION NO. R2016-080

6.08 Pulled by Mayor Pro Tem Colvin.

6.09 Hardball Capital Ballpark Development Service Agreement

Authorizing the City Manager to execute the service agreement with Hardball Capital for Ballpark Development Services; Phase 2 contract to assist with the design and construction of the baseball stadium.

6.10 Selection of Bond Underwriting Team - \$33 Million Minor League Baseball

Approval of Mr. Robert W. Baird as the Senior Manager, PNC Capital Markets as the Co-Manager, Parker Poe as Underwriters Counsel and Rand & Gregory as Co-Underwriters Counsel for the Bond Underwriting Team.

6.11 Adoption of a Resolution in Support of the Proposed North Carolina Civil War History Center

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IN SUPPORT OF THE PROPOSED NORTH CAROLINA CIVIL WAR HISTORY CENTER. RESOLUTION NO. R2016-081

6.08 Authorization to Access Inter-Local Cooperative Purchasing Agreements to Obtain Competitive Pricing for Goods and Services

This item was pulled by Mayor Pro Tem Colvin.

MOTION: Mayor Pro Tem Colvin moved to table this item to the January 3, 2017, City Council work session.
SECOND: Council Member Mohn
VOTE: UNANIMOUS (9-0)

7.0 PUBLIC FORUM

Mr. Charles Mathews, 3618 Tindall Court, Fayetteville, NC expressed concerns regarding flooding in the Big Cross Creek area.

8.0 PUBLIC HEARINGS

8.01 P16-31F. The issuing of a Special Use Permit to construct a public safety fire station in an SF-10 Residential Zoning District, located at 911 Hope Mills Road, near the intersection of Hope Mills Road and Ponderosa Drive and being the property of Cumberland County Board of Education.

Mr. Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the City is proposing to relocate Fire Station #12, which was built in 1966, from its existing location at 307 Hope Mills Road to 911 Hope Mills Road. The proposed site is currently part of the JW Coon Elementary School property. The proposed site is part of a 14.2-acre property that is currently owned by the Cumberland County Board of Education. The existing use on the site is an educational facility which is a grandfathered use since it was built before the UDO. The site is zoned SF-10 single-family residential. Coon Elementary consists of five buildings with parking, tennis courts, and two play areas. The fire station will be manned 24 hours a day, seven days a week, with ten fire personnel. The facility will also include a public meeting room that can seat up to 24 people for training or community meetings.

Mr. Harmon stated the Special Use Permit 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.

Mr. Harmon stated the following two conditions are recommended by staff if the SUP is approved:

1. The site plan approved by the Technical Review Committee.
2. The standard street yard buffer for commercial businesses be required.

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

Mr. Gary Primer appeared in favor and stated he is a civil engineer working on the project and representing Kizer and Reitzel Incorporated.

Mr. Gordon Johnson of Gordon Johnson Architecture, 654 Hay Street, Fayetteville, NC, appeared in favor and stated he is available to answer any questions Council may have.

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

Council Member Hurst stated Fire Station 12 is in his district and was built in 1966, the new building is long overdue and the move will be centrally located to the growing area.

MOTION: Council Member Hurst moved to approve the Special Use Permit to locate a public safety fire station in an SF-10 Residential Zoning District, located at 911 Hope Mills Road, as presented by staff, with the two conditions listed above that was discussed, based on the standards of the City's development code, and the application is consistent with applicable plans because (1) the development is located in a heavy commercial district; (2) this use complies with the findings listed below, and which are the eight findings of fact; and (3) the proposed permit is in the public interest because the proposed SUP does fit with

the character of the area. This Special Use Permit shall become effective ten days after its approval by the City Council. The SUP shall expire one year from its effective date of December 22, 2016, if a building permit is not issued within that time.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:33 p.m.