

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
MAY 22, 2017  
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Katherine K. 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: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Cheryl Spivey, Chief Financial Officer  
Scott Shuford, Planning and Code Enforcement Director  
Kevin Arata, Corporate Communications Director  
Rob Stone, Engineering and Infrastructure Director  
Michael Gibson, Parks, Recreation and Maintenance Director  
Craig Harmon, Senior Planner  
Rebecca Rogers-Carter, Strategic Performance Analytics Director  
Karen Hilton, Planning and Zoning Manager  
Giselle Rodriguez, City Engineer  
Victor Sharpe, Community 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 Dr. Gregory Perkins, Associate Pastor with Mt. Pisgah MBC.

**3.0 PLEDGE OF ALLEGIANCE**

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

**4.0 ANNOUNCEMENTS AND RECOGNITION**

Greys Creek FFA Agricultural Issues Team presented an unbiased H.S. 467, Agriculture and Forestry Nuisance Remedies.

Council Member Wright announced the STEM Summer Job Program and stated 50 students applied for 10 positions with the City and PWC and 2 with the private sector.

Council Member Jensen congratulated Pine Forest High School for placing first in the national PepsiCo Recycle Rally Contest and winning \$20,000.00 for the school. The program was started by teachers Mr. and Mrs. Starling.

Council Member Jensen presented certificates from the state to the seven graduating FCYC members. Seniors Josh Jensen, Sergeant at Arms; Daqari Davis, Historian; and Charlotte Jackson, Chair, presented their "Farewell to Council".

Council Member Arp congratulated the Cape Fear Softball Girls Team and the Terry Sanford Girls Soccer Team for making it into the Regional State Tournament in their respective sports.

Mr. Douglas Hewett, City Manager, presented Mr. Kevin Arata, Corporate Communicates Director, a first place Excellence in Communications Award from the North Carolina City and County Communicators (NC3C) for the City's Hurricane Matthew Informational Campaign. The City's Corporate Communications unit promoted extensively the status of City services and weather updates using multiple platforms and methods. The judges commented that Hurricane Matthew provided a significant convergence of importance and urgency. The judges also indicated that the Fayetteville team rose to the challenge, possibly saving untold lives while also generating vast amounts of social and traditional media reach.

Ms. Giselle Rodriguez, City Engineer, presented an update on the Hurricane Matthew roadway repairs for Shawcroft Road, Offing Drive, North Cool Spring Street, and Mirror Lake.

## **5.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Arp moved to approve the agenda with the exception of Item 7.02 to address when announced and Item 8.01 to be removed from the agenda.

**SECOND:** Council Member Jensen

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

## **6.0 CONSENT**

**MOTION:** Mayor Pro Tem Colvin moved to approve the consent agenda with the exception of Item 6.014, pulled for discussion and separate vote.

**SECOND:** Council Member Mohn

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

### **6.01 Approval of Meeting Minutes:**

February 13, 2017 - Discussion of Agenda Items

February 27, 2017 - Discussion of Agenda Items

March 13, 2017 - Discussion of Agenda Items

March 27, 2017 - Discussion of Agenda Items

April 10, 2017 - Discussion of Agenda Items

April 24, 2017 - Regular

May 1, 2017 - Work Session

**6.02 P17-07F the rezoning of property from SF-10 Single-Family Residential to AR/CZ Agricultural Residential Conditional Zoning, located at the end of Shenandoah Drive, on the north side, near the intersection of Shenandoah and Paisley and being the property of Rick Herrema Foundation Inc.**

### **6.03 RAMP Code and Map Changes to Align with New State Statutes**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ESTABLISHING A TARGETED BLIGHT AREA. RESOLUTION NO. R2017-028**

**6.04 Award Contract for the Purchase of Seven 2017 Ford Police Interceptor marked vehicles to Lafayette Ford, Fayetteville, NC, in the amount of \$239,568.00**

Bids were received as follows:

Lafayette Ford, Fayetteville, NC .....	\$239,568.00
Ilderton Chrysler Dodge Jeep Ram .....	\$244,188.00
Performance Ford, Inc. ....	\$244,958.00

**6.05 Award Contract for the Purchase of Six 2017 Dodge Ram 1500 pickup trucks to Performance Chrysler Dodge Jeep Ram, Clinton, NC, in the amount of \$123,131.00**

Bids were received as follows:

Lafayette Ford, Fayetteville, NC .....	\$118,036.00
Performance Chrysler Dodge Jeep Ram, Clinton, NC ...	\$123,131.00
Ilderton Chrysler Dodge Jeep Ram, High Point, NC ...	\$127,828.00

**6.06 Bid Recommendation - Annexation Phase V - Project VIII, Area 18 Section II - Southgate Subdivision to Sanford Contractors, the lowest, responsive, responsible bidder, in the total amount of \$6,965,139.22 (Temporary Patch and Overlay)**

Bids were received on April 7, 2017, as follows:

Alternate Bid #2 (Permanent Pavement Patch)

Sanford Contractors, Sanford, NC .....	\$6,479,510.19
TA Loving Co., Goldsboro, NC .....	\$6,816,286.65
State Utility Contractors, Inc., Monroe, NC .....	\$7,347,035.00

Alternate Bid #3 (Temporary Patch & Overlay)

Sanford Contractors, Sanford, NC .....	\$6,965,139.22
TA Loving Co., Goldsboro, NC .....	\$7,211,126.35
State Utility Contractors, Inc., Monroe, NC .....	\$7,716,242.00

**6.07 Bid Recommendation - 2017 LED Luminaires**

Bids awarded to Anixter, Wake Forest, NC (Quoting GE) - \$1,660,213.08; Anixter, Wake Forest, NC (Quoting EOI) - \$67,230.25; WESCO Distribution, Raleigh, NC (Quoting Cooper) - \$233,100.00; Irby Utilities, Fredericksburg, VA (Quoting Leotek) - \$395,871.90, for the purchase of LED Luminaires. These are the lowest responsive, responsible bidders meeting specifications in the total amount of \$2,356,415.23.

**6.08 Call for a Public Hearing for Economic Development Incentives to be held on June 12, 2017**

Public hearing for Project Phil2, to be held at the June 12, 2017, City Council meeting.

**6.09 Budget Ordinance Amendment 2017-22 (General Fund and Environmental Services Fund)**

Approval of a fund balance appropriation of \$73,900.00 from the General Fund to provide additional funding for FleetMind equipment, maintenance and software training for the Environmental Services Department.

**6.10 Approval of the expansion and prioritization of the boundaries of Murchison Road Catalyst Site 1.**

Approval of expansion and prioritization of Catalyst Sites 1, 1A, 1B and 1C respectively.

**6.11 Authorization of TetraTech FEMA Public Assistance Consulting and Technical Assistance Change Order and Budget Ordinance Amendment 2017-23**

Authorizes the City Manager to execute a change order with TetraTech to revise the contract scope, extend the period of performance, and increase the not-to-exceed amount by \$84,050.00 for their continued services related to Hurricane Matthew cost reimbursement efforts on behalf of the City and adopt BOA 2017-23.

6.12 Resolution Authorizing the Negotiation and Acquisition of Property for Stormwater Improvements for the property known as 1743 Tryon Drive

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACQUIRE REAL PROPERTY KNOWN AS 1743 TRYON DRIVE FOR A STORMWATER PROJECT. RESOLUTION NO. R2017-029

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

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENT TO INSTALLMENT FINANCING AGREEMENT IN CONNECTION WITH THE ESTABLISHMENT OF NEW INTEREST RATE PERIODS AND RELATED PROVISIONS FOR AN OUTSTANDING INSTALLMENT FINANCING AGREEMENT. RESOLUTION NO. R2017-030

6.14 Pulled for a separate vote by Mayor Pro Tem Colvin.

6.15 Uninhabitable Structures Demolition Recommendations

138 Andover Road District 1

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 (138 Andover Road, PIN 0439-67-7246). ORDINANCE NO. NS2017-009

1700 Clinton Road 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 (1700 Clinton Road, PIN 0447-50-9845). ORDINANCE NO. NS2017-010

1409 Murchison Road 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 (1409 Murchison Road, PIN 0438-02-5482). ORDINANCE NO. NS2017-011

219 S Plymouth 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 (219 S Plymouth Street, PIN 0446-69-7770). ORDINANCE NO. NS2017-012

121 Scott Avenue 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 (121 Scott Avenue, PIN 0438-44-6337). ORDINANCE NO. NS2017-013

**6.14 Resolution Authorizing and Approving the Financing of Renovations and Improvements to the City Hall through the Issuance of a not to exceed \$1,900,000.00 Limited Obligation Bond and the Execution and Delivery of Certain Documents**

This item was pulled for a separate vote by Mayor Pro Tem Colvin.

Discussion ensued.

**RESOLUTION AUTHORIZING AND APPROVING THE FINANCING OF RENOVATIONS AND IMPROVEMENTS TO THE CITY HALL THROUGH THE ISSUANCE OF A NOT TO EXCEED \$1,900,000 LIMITED OBLIGATION BOND AND THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH. RESOLUTION NO. R2017-031**

**MOTION:** Council Member Mohn moved to adopt the resolution authorizing and approving the financing of renovations and improvements to city hall through the issuance of a not to exceed \$1,900,000.00 limited obligation bond and the execution and delivery of certain documents.

**SECOND:** Council Member Wright

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

**7.0 PUBLIC HEARINGS**

**7.01 Public Hearing on Proposed Fiscal Year 2017-2018 Annual Operating Budget**

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and stated this public hearing has been set to receive comments from residents regarding the annual operating budget proposed for the City for the fiscal year 2017-2018. The notice advertising the public hearing was published in The Fayetteville Observer on May 11, 2017, and the proposed budget was presented to City Council on May 8, 2017, and is available for public inspection in the office of the City Clerk. The document is also available on the City's website.

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

Mr. Jerry Reinhol, 516 Deer Path Drive, Fayetteville, NC, appeared in opposition and expressed concerns regarding lack of funding for engineering studies.

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

No action was taken.

**7.02 Staff- or Commission-initiated Code changes to Chapter 30 Development Code, various sections, including supportive uses in a Business Park District, multi-axle trailer parking, residential densities in a Neighborhood Commercial District, Expiration Term for Certificate of Appropriateness, standards for temporary shipping containers, and administrative adjustments for certain utility needs.**

Mr. Scott Shuford, Planning and Code Enforcement Director, introduced this item and asked if Council would like a presentation of the item.

Mayor Robertson responded we should go straight into the public hearing and asked why this item was on the agenda without going to the Parks and Recreation Bond Committee first. Mr. Shuford responded this is a Zoning amendment that went through Planning and the Commission and it is not legally required to go through a subcommittee.

Council Member Mohn stated he would like to hear the entire presentation, we have never put a zoning item to a committee; the Parks and Recreation Bond Committee is not the proper place to put a City-wide zoning item for a recommendation; this is for a business park (BP), everything staff has done up to this point is correct.

**MOTION:** Council Member Arp moved to approve Item 7.02 with the exception of number 1, clarifying that parks or recreational facilities in the BP district do not count toward the limitation on supportive commercial uses, and that part be sent to the Parks and Recreation Bond Committee for review.

**SECOND:** Council Member Jensen

This is the advertised public hearing set for this date and time. There being no one to speak, the public hearing was opened and closed.

Discussion ensued.

Council Member Crisp stated there are too many moving parts in this item, and it needs to be broken out as separate entities. I have reservations about multi-axle trailers and I am not ready to approve any of these parts tonight.

Council Member McDougald stated he too was concerned about multi-axle trailers.

Council Member Mohn stated Council asked staff to bring text amendment items twice a year--spring and fall--rather than have multiple agenda items.

Council Member Arp stated he withdraws his motion, and will submit another motion. Council Member Jensen stated she withdraws her second.

**MOTION:** Council Member Arp moved to table Item 7.02 and send back to staff with guidance to break the item into distinct separate items to be discussed and considered by the Council at a future date.

**SECOND:** Council Member McDougald

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

### **7.03 Code Amendment Aligning Section 30-2.C.18 of the UDO with Section 30-8.E.4 Code Enforcement Procedures in City Code**

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item and stated a review of the UDO to align it with new RAMP and code enforcement procedures identified one area where a minor adjustment was needed to enable the standard code enforcement timelines to apply to zoning violations. This amendment aligns the two code sections. Staff reviewed this amendment, along with an amendment to another section of the City Code and a proposed map of priority areas for blighted structure enforcement, with City Council at the May 1, 2017, work session.

This is the advertised public hearing set for this date and time. There being no one to speak, the public hearing was opened and closed.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-8.E.4B. OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO.**

**MOTION:** Council Member McDougald moved to adopt the proposed amendment

**SECOND:** Council Member Hurst

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

#### **7.04 Approval of a Resolution to adopt the Resiliency Element - Comprehensive Plan**

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item with the aid of a PowerPoint presentation and stated Hurricane Matthew underscored a number of challenges Fayetteville faces regarding natural hazards resiliency. In addition to widespread damage to structures and infrastructure, the storm event also demonstrated that lower-income and racial-minority populations were disproportionately affected. The OEA funded a report, completed by Fayetteville State University and Creative Economic Development Consulting, regarding the community's economic well-being. That report was presented to City Council and other regional local governments in February 2017 and highlighted local overdependence on Fort Bragg and the economic resiliency challenge our community faces. The Resiliency Element identifies natural hazards, economic and social equity issues and offers strategies that can enhance community resiliency in these critical areas.

This is the advertised public hearing set for this date and time. There being no one to speak, the public hearing was opened and closed.

Discussion ensued.

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ADOPTING THE CITY OF FAYETTEVILLE RESILIENCY ELEMENT, A SUBSET OF THE COMPREHENSIVE PLAN. RESOLUTION NO. R2017-32**

**MOTION:** Mayor Pro Tem Colvin moved to adopt the resolution adopting the resiliency element.  
**SECOND:** Council Member Wright  
**VOTE:** UNANIMOUS (10-0)

#### **8.0 OTHER ITEMS OF BUSINESS**

##### **8.01 Joint 911 and Emergency Operations Center Intergovernmental Agreement with Cumberland County**

This item was removed from the agenda.

#### **9.0 ADMINISTRATIVE REPORTS**

##### **9.01 Monthly Statement of Taxes - April 2017**

2016 Taxes .....	309,320.05
2016 Vehicle, .....	1,301.07
2016 Taxes Revit .....	1,198.75
2016 Vehicle Revit .....	0.00
2016 FVT .....	0.00
2016 FTT .....	0.00
2016 Storm Water .....	37,546.77
2016 Fay Solid Waste Fee .....	16,847.84
2016 Annex .....	0.00
2015 Taxes .....	6,815.19
2015 Vehicle .....	0.00
2015 Taxes Revit .....	0.00
2015 Vehicle Revit .....	0.00
2015 FVT .....	0.00
2015 FTT .....	0.00
2015 Storm Water .....	398.61
2015 Fay Storm Water .....	797.21
2015 Fay Solid Waste Fee .....	245.24
2015 Annex .....	0.00
2014 Taxes .....	1,016.82
2014 Vehicle .....	0.00
2014 Taxes Revit .....	0.00
2014 Vehicle Revit .....	0.00

2014 FVT .....	0.00
2014 FTT .....	0.00
2014 Storm Water .....	315.00
2014 Fay Storm Water .....	567.00
2014 Fay S Waste Fee .....	120.00
2014 Annex .....	0.00
2013 Taxes .....	338.74
2013 Vehicle .....	658.57
2013 Taxes Revit .....	0.00
2013 Vehicle Revit .....	0.00
2013 FVT .....	49.62
2013 FTT .....	49.61
2013 Storm Water .....	216.00
2013 Fay Storm Water .....	432.00
2013 Fay S Waste Fee .....	0.00
2013 Annex .....	0.00
2012 and Prior Taxes .....	375.81
2012 and Prior Vehicle .....	1,817.07
2012 and Prior Taxes Revit .....	0.00
2012 and Prior Vehicle Revit .....	0.00
2012 and Prior FVT .....	279.33
2012 and Prior FTT .....	229.32
2012 and Prior Storm Water .....	12.00
2012 and Prior Fay Storm Water .....	24.00
2012 and Prior Fay S Waste Fee .....	38.00
2012 and Prior Annex .....	0.00
Interest .....	14,941.63
Revit Interest .....	47.88
Storm Water Interest .....	185.71
Fay Storm Water Interest prior .....	359.42
Fay Storm Water Interest current .....	1,517.25
Annex Interest .....	0.00
Solid Waste Interest .....	781.11
Fay Transit Interest .....	136.68
Total Tax and Interest .....	\$398,979.30

This item was for information only, no action was taken.

## 10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:03 p.m.