

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
AUGUST 28, 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
Gina Hawkins, Police Chief
Cheryl Spivey, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Kevin Arata, Corporate Communications Director
Brad Whited, Airport Director
Victor Sharpe, Community Development Director
Jane Starling, Deputy City Clerk
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 Dr. Richard Lee, Village Baptist Church.

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

Council Members Robertson and deViere presented the Cape Fear Heroes with a Certificate of Excellence for their first Supreme Indoor Football Championship title in five years. The team was represented by Mr. Charles Dunnings, Head Coach; Mr. Jon Hall, Assistant Coach; Ms. Barbara Spigner, Owner; and Ms. Crystal Williams, General Manager.

Council Member Arp announced that the Public Works Commission, through the American Public Power Association, has offered to assist the Houston, Texas, area with their power outages in the aftermath of Hurricane Harvey.

Council Member Jensen announced the Fayetteville-Cumberland Youth Council "Glo Fest" event would take place on September 16, 2017, at Festival Park.

5.0 APPROVAL OF AGENDA

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

6.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda.

SECOND: Council Member McDougald
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:
August 7, 2017 - Work Session

6.02 P17-06F The City-initiated rezoning of property from DT Downtown and CC Community Commercial to DT/CZ Downtown Conditional Zoning, located from 450 to 472 Hay Street and from 225 to 335 Ray Avenue near the intersections of Hay Street and Winslow Street and Maiden Lane and Ray Avenue, and being the property of City of Fayetteville and PCH Development Co. LLC.

6.03 P17-17F The rezoning of property from HI Heavy Industrial to CC Community Commercial Zoning District, located at 525 S. Eastern Boulevard near the intersections of S. Eastern Boulevard and Greer Avenue, and being the property of SUJATA LLC.

6.04 P17-18F The staff-initiated rezoning of property from SF-6 Single-Family Residential to MR-5 Mixed Residential Zoning, located at 6406 Hidden Lake Loop near the intersection of Marykirk Drive and Berriedale Drive, and being the property of Hidden Lakes Apartments LLC.

6.05 2017 Federal Aviation Administration Grant AIP #45, Capital Project Ordinance 2018-20, and Construction Contract for the Airline Terminal Improvement Project Part 1

Authorizes the Mayor to accept 2017 FAA Grant AIP #45; adopt Capital Project Ordinance 2018-20 as presented; and authorizes the City Manager to execute a contract for Airline Terminal Improvements Part I to The Resolute Building Company at 211 Cloister Court, Chapel Hill, NC 27514, in the total amount of \$15,826,800.00.

6.06 Adoption of a Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation for Irrigation and Landscaping Improvements on Owen Drive and Adoption of Capital Project Ordinance Amendment 2018-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF LANDSCAPE PLANTINGS AND IRRIGATION ALONG OWEN DRIVE. RESOLUTION NO. R2017-047

6.07 Adoption of a Resolution Authorizing a Municipal Agreement with North Carolina Department of Transportation for Irrigation and Landscaping Improvements on Cedar Creek Road and Adoption of Capital Project Ordinance 2018-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF LANDSCAPE PLANTINGS AND IRRIGATION ALONG CEDAR CREEK ROAD. RESOLUTION NO. R2017-048

6.08 Adoption of a Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation for Irrigation and Landscaping improvements on Bragg Boulevard and Rowan Street, and Adoption of Capital Project Ordinance 2018-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF LANDSCAPE PLANTINGS AND IRRIGATION ALONG BRAGG BOULEVARD (NC 24/NC 87) AND ROWAN STREET (NC 24/NC 210). RESOLUTION NO. R2017-049

6.09 Adoption of Capital Project Ordinance Amendments 2018-19 and 2018-20 to Appropriate Additional Funding for Hurricane Matthew Projects for the Shawcroft Road Temporary Access and Siple Avenue Repairs

Capital Project Ordinance Amendments 2018-19 and 2018-20 will appropriate \$10,110.00 and \$4,076.00, respectively, to provide

additional funding for Hurricane Matthew recovery projects for the temporary access road for Shawcroft Drive and for repairs to Siple Avenue. These projects are expected to be fully reimbursable by the Federal Emergency Management Agency and the North Carolina Department of Public Safety.

6.010 Bid Recommendation - 12 1200 Amp Circuit Breakers to ABB, Inc., in the amount of \$324,756.00

In accordance with N.C.G.S. 143-129(g), "piggyback exception", the recommended bidder is ABB, Inc., Lake Mary, FL, in the amount of \$324,756.00 for the purchase of 12 1200 Amp Vacuum Circuit Breakers.

6.011 Resolution Designating Various Banks and Savings and Loan Associations as Official Depositories of City Funds

RESOLUTION. RESOLUTION NO. R2017-050

6.012 Call for Public Hearing on Fire Station #12 Installment Financing Agreement

City staff, with assistance from the City's financial advisor, Stephens Inc., and co-bond counsel, Womble Carlyle Sandridge & Rice and The Charleston Group, is preparing for an installment financing agreement to pay for the construction of Fire Station #12. The installment agreement, preliminarily estimated at \$3,600,000.00, will finance \$3,525,000.00 of project construction costs and \$75,000.00 related financing costs (financial advisor, co-bond counsel, trustee fees, etc.).

RESOLUTION CALLING FOR A PUBLIC HEARING IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A FIRE STATION FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. 2017-052

6.013 Award of Contract for Multiple Creek Debris Removal to ES & J Enterprises, lowest, responsive, responsible bidder, in the total amount of \$631,456.00

On June 7, 2017, the Golden LEAF Foundation awarded the City a grant of \$993,000.00 for removal and disposal of trees and debris from multiple creeks. Hurricane Matthew's flooding caused many trees to uproot and fall into creeks around the City. Allowing the downed trees and other debris to remain in the creek beds would cause a damming effect, leading to the collection of additional debris and an increased risk of recurring flooding. The Golden LEAF Foundation grant provides funding to remove and dispose of the storm debris from Blounts Creek, Branson Creek, Hybarts Branch, and Buckhead Creek.

Bids were received on August 14, 2017 as follows:

ES&J Enterprises, Inc., Autryville, NC	\$631,456.00
DRC, Mobile, AL,	\$1,941,710.00

6.014 Adoption of Special Revenue Fund Project Ordinance 2018-3 to Appropriate a Grant Award from the Golden LEAF Foundation for Debris Removal from Beaver Creek and Bones Creek

On August 9, 2017, the Golden LEAF Foundation awarded the City a grant of \$786,510.00 for a Hurricane Matthew recovery project for removal and disposal of trees and debris from Beaver Creek and Bones Creek. Special Revenue Fund Project Ordinance 2018-3 will appropriate the grant funding to allow for the project to commence.

6.015 Uninhabitable Structures Demolition Recommendations

201 Cochran 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 (201 Cochran Avenue, PIN 0438-78-2296). ORDINANCE NO. NS2017-014

4501 Coventry Road, District 5

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 (4501 Coventry Road, PIN 0416-44-3624). ORDINANCE NO. NS2017-015

5771 Foxtrot Drive, District 3

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 (5771 Foxtrot, PIN 0419-53-0663). ORDINANCE NO. NS2017-016

628 Hillsboro 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 (628 Hillsboro Street, PIN 0437-48-8518). ORDINANCE NO. NS2017-017

206 Lieber Street, District 4

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 (206 Lieber Street, PIN 0418-28-6355). ORDINANCE NO. NS2017-018

7.0 PUBLIC HEARINGS

7.01 P17-11F Special Use Permit to allow transitional housing for domestic violence victims in an SF-10 Single-Family Residential Zoning District, located at 6018 Blairmore Street near the intersection of Blairmore and Lynhurst Roads, and being the property of Joanne Bryson Baker.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner of this house wishes to convert it to transitional housing for domestic violence victims. The property in question is currently a rental property. This transitional housing use would house victims for a period of more than 30 days until they are able to establish independent residences, while establishing financial stability. The house will operate 24 hours a day, seven days a week. The facility will be maintained as a home and will retain the character and integrity of the neighborhood. All service delivery will be done inside the home, in a normal residential manner. There will be two employees. The facility will house up to three women and nine children at any one time. There are no other group homes, therapeutic homes, halfway houses, or transitional houses within one-half mile of this site. The City's staff does have concerns regarding parking for the facility and the possible number of residents that could live in the house at one time. The City's staff suggests that at least four parking spaces be provided, one for each adult resident and one for the facility's staff. The home is less than 1,200 square feet, which seems small for housing three women and nine children. A transitional housing facility shall be located at least 2,640 feet (approximately

one-half mile) from any other group home, therapeutic home, halfway house, or transitional housing if located in a residential zoning district. If located in a business zoning district, the 2,640-foot separation standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics (including proximity to social services and public transportation). The conditions of approval are (1) no more than three women and nine children at any one time and (2) maintain the character of the neighborhood.

Mr. Harmon advised the following findings must be met for a motion to approve:

- (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. Joanne Baker, 3751 Masters Drive, Hope Mills, NC 28348, appeared in favor and stated she is the property owner and requested Council approve her request for rezoning.

Ms. Cynthia Arrington, 5895 Corner Oaks Drive, Hope Mills, NC 28348, appeared in favor and stated she is in support of the rezoning request, and this is a community need.

Mr. Glen Borg, 6018 Armstead Avenue, Fayetteville, NC 28314, appeared in opposition and stated this type of requested facility is not in keeping with the character of the neighborhood.

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

Discussion ensued.

MOTION: Council Member Arp moved to deny the Special Use Permit to locate a transitional housing facility in an SF-10 District located at 6018 Blairmore Street, as presented by staff and based on the findings that the special use permit as

described tonight is not compatible with the character of the surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration and also that it is not in keeping with the compatibility or character of the neighborhood.

SECOND: Council Member Jensen

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Colvin, McDougald, Hurst, and Wright)

7.02 Public Hearing and Consideration of the Community Development Block Grant-Disaster Recovery Program

Mr. Victor Sharpe, Economic and Community Development Director, presented this item and stated the purpose of this item is to hold a required public hearing regarding the Community Development Block Grant-Disaster Recovery (CDBG-DR) funding that will be awarded in Cumberland County. A briefing of this item was presented to City Council at its work session on August 7, 2017. The State of North Carolina is receiving \$198 million of CDBG-DR funds as a result of damage caused by Hurricane Matthew. Cumberland County is expected to receive approximately \$35 million of this amount. Eligible Cumberland County residents who were directly impacted by the hurricane will have an opportunity to apply for assistance from a variety of Housing Recovery Programs. Administrative costs may also be available to support the process of administering the grant. This Homeowner Recovery Program will provide assistance to low- and moderate-income homeowners and businesses who experienced major to severe damage to their homes and businesses and have remaining unmet needs, after subtracting benefits from FEMA, SBA, and private insurance. This program will include reconstruction activities, acquisition and construction of new homes and insurance subsidies to eligible low- and moderate-income families. We have been informed that affordable housing is the State's number one priority associated with the CDBG-DR program. City staff has worked with the County to develop a proposal to carry out a variety of housing and recovery programs. The proposal includes a Homeowner Recovery Program, Small Rental Repair Program, Multi-family Rental Housing, Small Business Recovery Assistance and a Community Recovery Program that will include a Day Center and a Homeless Shelter. The informal proposal was submitted to the State on August 9, 2017, prior to the August 11, 2017, deadline. The primary purpose of the informal proposal is to provide an outline that describes how the County and municipalities will collaborate and administer this grant. A more detailed formal application is due on September 15, 2017. The State prefers that cities work directly with counties to determine a way in which the county can serve as the single lead entity. However, if a determination is made that both the City and County will implement the DR programs, two separate grant agreements could be executed and funds allocated to the two entities; however, there needs to be consensus about local priorities and projects. The CDBG-DR Action Plan and the Cumberland County Resilient Redevelopment Plan are being used by the State as the basis for local priorities and projects that address unmet needs as it relates to affordable housing. The proposed projects are consistent with the City's Consolidated Plan which includes providing decent affordable housing and in meeting HUD's national objectives of the Community Development Block Grant Program. The City and County are considering a joint Request for Proposals (RFP) for Hurricane Matthew Recovery consulting which will include the administration of the CDBG-DR and Hazard Mitigation Grant Program. The consulting/administrative services would be paid directly by the grant. The CDBG-DR program does not require a match. The City is requesting \$23,367,500.00 to implement its activities.

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

Ms. Joanna Quick, 640 Volunteer Drive, Fayetteville, NC 28301, appeared in favor and stated she is an advocate for families.

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

Discussion ensued.

MOTION: Mayor Pro Tem Colvin moved to approve the proposed funding model as presented by the Community Development Director to be submitted for the submission of the Community Development Block Grant-Disaster Recovery Program.

SECOND: Council Member Wright

FRIENDLY AMENDMENT:

Council Member deViere requested a friendly amendment to the motion to include directing the City Manager to look at fund balance and funding mechanisms to identify the gaps.

Council Members Colvin and Wright accepted the friendly amendment.

Mr. Douglas Hewett, City Manager, stated staff will look to verify unmet needs and we will have a community conversation regarding unmet needs.

RESTATED MOTION:

Mayor Pro Tem Colvin moved to direct staff to submit the proposed CDB-DR application and to direct the City Manager to work with Community Development staff to work towards finding a solution to funding gap.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.01 Adoption of Capital Project Ordinance Amendments 2018-21 and 2018-22 for the Emergency Culvert Replacement at Shoreline Drive

There was no presentation or discussion.

MOTION: Council Member Jensen moved to adopt Capital Project Ordinance Amendments 2018-21 and 2018-22 as presented.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

8.02 Resolution Establishing a Small Local Business Enterprise Program

There was no presentation or discussion.

RESOLUTION ESTABLISHING A SMALL LOCAL BUSINESS ENTERPRISE PROGRAM. RESOLUTION NO. R2017-051

MOTION: Council Member deViere moved to adopt the resolution establishing a small local business enterprise program which will supersede previous actions by the City Council relative to purchasing from local, small, disadvantaged, minority and veteran businesses.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

8.03 Prince Charles Holding ("PCH") Downtown Development Agreement - Second Amendment

There was no presentation or discussion.

MOTION: Council Member deViere moved to defer this item to the Baseball Committee.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

8.04 Consider Adoption of a Prequalification Policy for Construction

There was no presentation or discussion.

MOTION: Council Member McDougald moved to adopt the proposed Prequalification Policy or use on any construction and repair work project for which the City intends to prequalify bidders.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

8.05 Joint 911 and Emergency Operations Center Intergovernmental Agreement with Cumberland County

There was no presentation or discussion.

MOTION: Council Member Mohn moved to defer this item to the September 5, 2017, City Council work session.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:29 p.m.