

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
NOVEMBER 13, 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  
Telly Whitfield, Assistant City Manager  
Gina Hawkins, Police Chief  
Cheryl Spivey, Chief Financial Officer  
Kevin Arata, Corporate Communications Director  
Randy Hume, Transit Director  
Rob Stone, Public Services Director  
Giselle Rodriguez, City Engineer  
John Larch, Assistant City Engineer  
Gerald Newton, Development Services Director  
Barbara Hill, Human Resource Development Director  
Tracey Broyles, Budget and Evaluation Director  
Pamela Megill, City Clerk  
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 Pastor Carrie Cameron, Upper Room Ministries.

**3.0 PLEDGE OF ALLEGIANCE**

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

**4.0 ANNOUNCEMENTS AND RECOGNITION**

Council Member Jensen introduced Ms. Haydee Montez, Fayetteville-Cumberland Youth Council representative for this meeting.

Council Member Wright announced the Pathways for Prosperity Summit is scheduled for November 18, 2017, at the Cumberland County Department of Social Services building located on Ramsey Street.

Mayor Robertson presented a proclamation to Mr. David Lane, Houston Astros Representative, in celebration and recognition of the Houston Astros winning the World Series and proclaiming November 1, 2017, in honor of The Houston Astros.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
RECOGNIZING THE HOUSTON ASTROS FOR WINNING THE WORLD SERIES AND  
PROCLAIMING NOVEMBER 1, 2017, IN HONOR OF THE HOUSTON ASTROS.  
RESOLUTION NO. R2017-068A**

**MOTION: Council Member Arp moved to convert the Houston Astros proclamation to a resolution and to adopt said resolution.**

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

## 5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.  
SECOND: Council Member Mohn

### FRIENDLY AMENDMENT:

Mayor Pro Tem Colvin made a friendly amendment to remove Item 10.02 to allow for further discussion by staff.

Council Members Arp and Mohn accepted the friendly amendment.

VOTE: UNANIMOUS (10-0)

## 6.0 CONSENT

MOTION: Council Member Arp moved to approve the consent agenda, with the exception of Item 6.05; pulled for discussion and separate vote.  
SECOND: Council Member Arp  
VOTE: UNANIMOUS (10-0)

### 6.01 Approval of Meeting Minutes:

October 18, 2017 - Agenda Briefing  
October 23, 2017 - Discussion of Agenda Items  
October 23, 2017 - Regular

6.02 P17-22F The rezoning of property from NC Neighborhood Commercial to NC/CZ Neighborhood Commercial Conditional Zoning, located at 1304 Morganton Road near the intersection of Morganton and Fort Bragg Roads, containing 0.3 acres and being the property of Pete Skenteris.

6.03 P17-23F The rezoning of property from CC Community Commercial to CC/CZ Community Commercial Conditional Zoning, located at 505 Forsythe Street near the intersection of Forsythe Street and Meadow Creek Road, containing 0.66 acres and being the property of SHOPPES AT VILLAGE GREEN LLC and DARK BRANCH PROPERTIES II LLC.

6.04 Approval of a resolution in support of an economic development incentive for Kinlaws.

RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO APPLY FOR FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF COMMERCE BUILDING REUSE PROGRAM FOR THE KINLAW'S BUILDING REUSE PROJECT. RESOLUTION NO. R2017-069

6.05 Pulled for discussion and a separate vote.

6.06 Adoption of Budget Ordinance Amendment 2018-9 and Capital Project Ordinance Amendment 2018-30 to Provide Additional Funding for Coventry Culvert and Flood Plain Bench Stormwater Improvements

Budget Ordinance Amendment (BOA) 2018-9 will appropriate \$110,000.00 from Stormwater Management Fund net assets to transfer to the Stormwater Capital Project through Capital Project Ordinance Amendment (CPOA) 2017-30 for Coventry Culvert and Flood Plain Bench Stormwater Improvements. The additional funding is needed to accommodate unexpected site conditions and utility conflicts.

6.07 Adoption of Special Revenue Fund Project Ordinance 2018-9 to Appropriate Federal and State Funds for Restoration of Cross Creek Embankment Failure

On October 19, 2017, the North Carolina Department of Public Safety (NC DPS) notified the City of Federal Emergency Management

Agency (FEMA) funding approval for a Hurricane Matthew recovery project to restore the embankment of Cross Creek. Special Revenue Fund Project Ordinance (SRO) 2018-9 will appropriate \$1,314,445.00 including FEMA funding of \$985,834.00 (75 percent) and NC DPS funding of \$328,661.00 (25 percent) for bank restoration improvements, including restoration of an asphalt walkway and fencing for the Linear Park Trail.

**6.08 Adoption of Special Revenue Fund Project Ordinance 2018-8 to Appropriate Federal and State Funding for Cross Creek Cemetery Grave Site Relocations**

Special Revenue Fund Project Ordinance 2018-8 will appropriate \$84,000.00 to fund costs associated with the relocation of 16 grave sites from Cross Creek Cemetery to Northside Cemetery due to damages sustained during Hurricane Matthew. Costs associated with the grave site relocations are estimated to total \$5,250.00 per grave site. Funding from the Federal Emergency Management Agency (FEMA) of \$63,000.00, and the State of North Carolina, Department of Public Safety (NC DPS) of \$21,000.00 is expected to fully cover the associated costs.

**6.09 Adoption of Capital Project Ordinance 2018-21 to Appropriate Grant Funding for Climate Control Systems for Portable Shelters**

Capital Project Ordinance 2018-21 will appropriate a \$30,000.00 grant from the U.S. Department of Homeland Security, passed through the North Carolina Department of Public Safety, Division of Emergency Management, for the purchase of climate control systems to be used in existing portable shelters. There is no local match required for the grant.

**6.010 Adoption of Capital Project Ordinance 2018-22 to Appropriate Federal and State Funding for Hazard Mitigation Improvements at Alexander Street Facilities**

Capital Project Ordinance (CPO) 2018-22 will appropriate \$320,125.00 to fund facility improvements designed to mitigate future risk of flood damage at 333, 335, and 339 Alexander Street. The project is expected to receive 75 percent reimbursement through the Federal Emergency Management Agency (FEMA) (\$240,094.00), and 25 percent reimbursement from the State of North Carolina, Department of Public Safety (NC DPS) (\$80,031.00).

**6.011 Adoption of Capital Project Ordinance Amendment 2018-28 to Appropriate a Grant Award from the North Carolina Department of Commerce, Rural Economic Development Division for Bank Stabilization for Cross Creek Linear Park**

Capital Project Ordinance Amendment (CPOA) 2018-28 will appropriate a \$50,000.00 grant received from the North Carolina Department of Commerce, Rural Economic Development Division, under its Revitalization and Economic Development Grant Program. The grant was awarded to assist with post-Hurricane Matthew bank stabilization along the Cross Creek Linear Park. The funding will supplement Federal Emergency Management Agency (FEMA) and North Carolina Department of Public Safety (NC DPS) funding to stabilize Cross Creek banks near the Lafayette Park pedestrian bridge.

**6.012 Adoption of Capital Project Ordinance 2018-25 to Appropriate a Grant Award from the Golden LEAF Foundation for Hurricane Matthew Recovery Projects due to Cross Creek Cemetery Bank Destabilization**

On October 11, 2017, the Golden LEAF Foundation awarded the City a grant of \$275,822.00 for a Hurricane Matthew recovery project due to destabilization of the banks of Cross Creek Bank near the cemetery and City facilities at 280 Lamon Street. Capital Project Ordinance (CPO) 2018-25 will appropriate the grant funding to fund restoration

projects including: restoration of the concrete slab supporting the administration building, relocation of a wooden shed from the site to 312 Gray Street, demolition of a storage garage and construction of a new garage at Gray Street, and other bank stabilization improvements.

**6.013 Adoption of Capital Project Ordinance Amendment 2018-31 (Freedom Memorial Park Project) to Appropriate \$24,575.00 of Donations**

Capital Project Ordinance Amendment (CPOA) 2018-31 will appropriate \$24,575.00 in donations received from the Cumberland Community Foundation for Freedom Memorial Park projects.

**6.014 Adoption of Capital Project Ordinances 2018-23 and 2018-24 to Appropriate Federal and State Funding for Cross Creek Linear Park Hurricane Matthew Restoration Projects**

Capital Project Ordinances (CPOs) 2018-23 and 2018-24 will appropriate recovery funding from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Public Safety (NC DPS) for two projects to repair different segments of Cross Creek Linear Park due to damages sustained during Hurricane Matthew. CPO 2018-23 will appropriate a total of \$41,365.00 to repair and restore the path, steps and overlook in trail segment #2 in the area behind 280 Lamon Street. CPO 2018-24 will appropriate a total of \$64,377.00 to fund a variety of repairs to the original trail segment, including repairs to the Union Street Pedestrian Bridge.

**6.015 Bid Recommendation - Award Contract for North Fayetteville Water Systems Improvements Contract 2: Water Transmission Main Project to Wells Brothers Construction, the lowest, responsive, responsible bidder, in the amount of \$1,400,305.00**

Bids were received on September 19, 2017, as follows:

Wells Brothers Construction, Turkey, NC .....	\$1,400,305.00
State Utility Contractors, Monroe, NC .....	\$1,472,432.00
T.A. Loving Company, Goldsboro, NC .....	\$1,628,027.00
Sandy's Hauling & Backhoe Service, Roseboro, NC ..	\$1,875,575.00

**6.016 Bid Recommendation - Award Contract for the Legion Hills Outfall and New Pinewood Drive Lift Station to Sandy's Hauling and Backhoe Service, the lowest, responsive, responsible sole bidder, in the amount of \$5,097,940.00**

The sole bid was received on October 5, 2017, as follows:

Sandy's Hauling & Backhoe Service, Roseboro, NC ..	\$5,097,940.00
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**6.017 Bid Recommendation - Award Contract for Sewer Main Rehabilitation Work for Fiscal Year 2018 to Insituform Technologies, the lowest, responsive, responsible bidder, in the amount of \$1,984,742.90**

Bids were received on October 6, 2017, as follows:

Insituform Technologies, Chesterfield, MO .....	\$1,984,742.90
IPR Southeast, Stone Mountain, GA .....	\$2,977,063.50

**6.018 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction - 2004 AZ-360 Asphalt Zipper**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2017-070**

**6.019 ADA Paratransit Policy Changes - Set Public Hearing**

A public hearing for ADA policy changes was set for November 27, 2017.

## **6.020 Reduced Fares for FAST Transit Center Opening**

Authorizing the approval of the reduced fares for the promotion.

## **6.021 Resolution Authorizing Condemnation for Remaining Right of Way Needed for Ann Street Bridge Project**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION FOR THE RIGHT OF WAY NEEDED FOR THE ANN STREET BRIDGE REPLACEMENT PROJECT. RESOLUTION NO. R2017-071**

## **6.022 Personnel Ordinance Proposed Revision**

## **6.05 Adoption of Budget Ordinance Amendment 2018-8 (Stormwater Management Fund) and Capital Project Ordinance Amendment 2018-29 for Professional Services for Liberty Hills Drainage Improvements**

This item was pulled for discussion and a separate vote by Council Member Arp. Budget Ordinance Amendment (BOA) 2018-8 will appropriate \$233,855.00 from Stormwater Management Fund net assets to transfer to the FY 2018 Stormwater Drainage Improvement project through Capital Project Ordinance Amendment (CPOA) 2018-29. The additional project funding is needed for a study of the existing storm drainage system within the Liberty Hills Subdivision and development of a design for improvements to reduce the localized flooding that has been experienced in the neighborhood since the majority of the houses have been constructed.

**MOTION: Council Member Jensen moved to adopt the ordinance amendment.**

**SECOND: Council Member Crisp**

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

## **7.0 STAFF REPORTS**

### **7.01 Fayetteville City Police Department 2017 Year to Date Presentation**

Ms. Gina Hawkins, Police Chief, presented the City of Fayetteville Police Department 2017 year to date report with the aid of a PowerPoint presentation. Chief Hawkins reported statistics for the following categories: Crimes against persons, aggravated assault, property crimes, traffic fatalities, and firearms stolen and recovered.

Chief Hawkins stated the items she intends to address on the horizon will be reorganization of the department to enhance operations and provide maximum allocation of resources based on the needs of the community, formation of a Community Affairs Office to increase community engagement and communications, a new initiative to address the opioid epidemic, expand scenario based community leadership training and citizens police academy and a chaplaincy program.

Discussion ensued.

## **8.0 PUBLIC FORUM**

Mr. Tom Clark, 4643 Goldsboro Road, Wade, NC 28395, spoke in opposition of the proposed North Carolina gas pipeline.

Mr. William Logan, 6553 Raeford Drive, Fayetteville, NC 28314, spoke in opposition of class schedules at the E.E. Miller Recreation Center.

Mr. Charles Matthews, 3618 Tindall Court, Fayetteville, NC 28311, expressed concerns regarding Big Cross Creek flooding.

## 9.0 PUBLIC HEARINGS

### 9.01 P17-19F Rezoning property from SF-10 Single-Family Residential to OI/CZ Office and Institutional Conditional Zoning, located at 3219 Cliffdale Road at the intersection of Cliffdale and McPherson Church Roads and being the property of Doris D. McArthur Trust.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated this rezoning has been submitted as a conditional application based on the site plan. The applicant has included conditions that include building a pediatric medical and dental office, which will have hours of operations from Monday to Friday from 8:00 a.m. to 6:00 p.m. and on Saturdays from 8:00 a.m. to 1:00 p.m. The site will consist of one building, of either one or two stories, which would be in keeping with the character of the neighborhood. A type D buffer will be included where the property abuts residentially-zoned property. Cross access between this property and one or more of the adjacent properties may be required through the Technical Review Committee process. Due to this property's proximity to the intersection of McPherson Church Road and Cliffdale Road, the Department of Transportation will only allow right-in and right-out turning movements for accessing this property. While there are no small area plans covering this section of the City, generally accepted planning practice shows that a medical office building is an appropriate use at this intersection. This application was properly advertised and the property was properly posted for a public hearing. Mr. Harmon further stated the conditions of approval are the site plan, hours of operation being Monday to Friday from 8:00 a.m. to 6:00 p.m. and from 8:00 a.m. to 1:00 p.m. on Saturdays, and maintaining the character of the existing neighborhood.

Mr. Harmon stated the Zoning Commission and City staff recommends that the City Council move to approve the rezoning to OI/CZ Office and Institutional Conditional Zoning District, as presented by the staff, with the conditions of approval. The amendment is consistent with applicable plans because (1) the City's Unified Development Ordinance calls for OI districts to be used as buffers to residentially-zoned property, (2) that the uses near this property are a mix of commercial and residential property which is compatible with the proposed zoning, and (3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. This proposed amendment is consistent with the 2030 Growth Vision Plan and the Unified Development Ordinance (UDO) because of Growth Policies 2.9, 3.1 and 3.3, and that the UDO calls for OI districts to be used as a buffer or transitional area abutting residential uses and the proposed zoning and use is consistent with that classification.

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

Mr. Thomas Neville, 115 East Russell Street, Fayetteville, NC, stated he is the attorney representing the applicant and asked the Council to approve the rezoning request.

Ms. Lori Epler, P.O. Box 53787, Fayetteville, NC, stated she is representing Larry King and Associates, and spoke in favor of the rezoning application.

Dr. Taner Esensoy, 1327 Robeson Street, Fayetteville, NC, stated he is the owner of Rainbow Pediatrics, and spoke in favor of the rezoning application.

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

Discussion ensued.

**MOTION:** Council Member Arp moved to approve the rezoning to OI/CZ Office and Institutional Conditional Zoning District, as presented by the staff, with the conditions of approval. The Amendment is consistent with applicable plans because (1) the City's Unified Development Ordinance calls for OI districts to be used as buffers to residentially-zoned property, (2) that the uses near this property are a mix of commercial and residential property which is compatible with the proposed zoning, and (3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. This proposed amendment is consistent with the 2030 Growth Vision Plan and the Unified Development Ordinance because of Growth Policies 2.9, 3.1, and 3.3, and that the UDO calls for OI districts to be used as a buffer or transitional area abutting residential uses and the proposed zoning and use is consistent with that classification.

**SECOND:** Council Member Hurst

**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Mayor Robertson)

**9.02 P17-25F Rezoning property from SF-15 Single-Family Residential to SF-10 Single-Family Residential, located at 1500 Spotted Horse Lane near the intersection of Spotted Horse Lane and Raeford Road, containing 49.5 acres and being the property of Joyce H. McFadyen.**

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated during the Technical Review Committee's (TRC) initial review, the Committee found that the proposed subdivision called for more lots than what is allowed in the SF-15 zoning district. This rezoning would allow the owners to build the additional lots that were shown on the original plans. The SF-10 zoning matches most of the zoning surrounding this property. The maximum number of lots allowed on this property under the current SF-15 zoning is 144. If rezoned, the maximum allowed in an SF-10 would be 216 lots; however, the owner is requesting only 156 lots which are only 12 more lots than are currently allowed. As shown on the site plan for Highcroft Subdivision Section 4, this plan meets the street connectivity index and required number of street connections--proposing at least two new internal street connections, i.e., to existing subdivision streets not to main roadways. Highcroft Section 4 is just one phase of a larger development. The owner is proposing that Section 4 be built in 3 phases. The TRC has already had discussions with the developer about moving the mail kiosk that is currently proposed on Heathcote Drive. The kiosk will be moved before the final approval is made by the TRC. The "Road Connectivity Map" shows all of the potential exit routes for the Highcroft Section 4 subdivision. There are three potential routes for exiting this subdivision. Those are marked on the map. The two routes in green signify ones that will be built under the current TRC review. These two roads provide access to two different thoroughfares, Cliffdale Road and Hoke Loop Road. Before retiring from the City, Mr. Scott Shuford, the former Planning and Code Enforcement Director, confirmed that since this subdivision (1) complies with the connectivity index; (2) meets the number of required access points; and (3) due to a wetland area that would have to be crossed to connect to Heathcote Street, Highcroft Section 4 would not be required to make a connection to Heathcote Street; however a stub to the property line is required to allow for any future street connection.

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

Mr. Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC 28305, stated he is the Engineer for the project and spoke in favor of the rezoning.

Mr. Ralph Huff, 606 Forest Lake Road, Fayetteville, NC, spoke in favor of the rezoning request.

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

Discussion ensued.

**MOTION:** Council Member Mohn moved to approve the rezoning.  
**SECOND:** Council Member Wright  
**VOTE:** UNANIMOUS (10-0)

#### **10.0 OTHER ITEMS OF BUSINESS**

##### **10.01 Adoption of Budget Ordinance Amendment 2018-7 (Stormwater Management Fund) to Appropriate Funding for Contracted Engineering Evaluations of Privately-Owned Dams Damaged During Hurricane Matthew**

Mr. Rob Stone, Public Services Director, presented this item and stated on October 30, 2017, Council provided consensus direction to move forward with engineering evaluations of four private dams damaged during Hurricane Matthew (Strickland Bridge Dam, Rayconda Upper Dam, Rayconda Lower Dam, and Arran Lakes Dam) following receipt of petitions from the homeowners associations (HOA). Budget Ordinance Amendment (BOA) 2018-7 will appropriate \$200,600.00 to fund those evaluations from Stormwater Management Fund fund balance. Staff is requesting that Council authorize the City Manager to execute a contract with Freese & Nichols, Inc. (FNI) to complete the engineering evaluations of these dams.

**MOTION:** Council Member Arp moved to adopt Budget Ordinance Amendment 2018-7 for dam evaluations and authorize the City Manager to execute the contract for professional services for the engineering evaluation of the four private dams.  
**SECOND:** Mayor Elect Colvin  
**VOTE:** UNANIMOUS (10-0)

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

This item was pulled from the agenda in order for staff to continue conversation with County staff.

##### **10.03 The Fayetteville Metropolitan Housing Authority is Requesting Adoption of the Attached Resolution Confirming Approval in Principle of the Issuance of not to exceed \$20,000,000 of Fayetteville Metropolitan Housing Authority Multifamily Housing Revenue Bonds (Cross Creek Pointe Project), Series 2017, for the Benefit of Grove View Terrace Associates, Limited Partnership**

Ms. Karen McDonald, City Attorney, stated on November 14, 2016, the City Council adopted a resolution approving the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Code also requires that the bonds approved by the elected body be issued within one year of the date of the approval. Due to an unexpected delay in completing the financing for the Development, the closing of the Bonds has been delayed such that the Bonds will not be issued by November 14, 2017. The Fayetteville Metropolitan Housing Authority (the "Housing Authority") has requested the City Council to confirm its approval of the issuance of the Bonds.

**RESOLUTION CONFIRMING AN APPROVAL IN PRINCIPLE OF THE ISSUANCE OF NOT TO EXCEED \$20,000,000 OF FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS (CROSS CREEK POINTE PROJECT), SERIES 2017 FOR THE BENEFIT OF GROVE VIEW TERRACE ASSOCIATES, LIMITED PARTNERSHIP. RESOLUTION NO. R2017-072**



**MOTION:** Mayor Elect Colvin moved to adopt the resolution.  
**SECOND:** Council Member deViere  
**VOTE:** UNANIMOUS (10-0)

#### **11.0 ADJOURNMENT**

There being no further business, the meeting adjourned at  
9:22 p.m.

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