

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
FEBRUARY 26, 2018
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Tyrone Williams (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (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
Tracey Broyles, Budget and Evaluation Director
Gerald Newton, Development Services Director
Rob Stone, Public Services Director
Cindy Blog, Economic and Community Development
Director
Kevin Arata, Corporate Communications Director
Dwayne Campbell, Chief Information Officer
Jay Toland, Special Assistant to the City Manager
Randy Hume, Transit Director
Rebecca Jackson, Strategy & Performance Analytics
Director
Giselle Rodriguez, City Engineer
David Nash, Senior Planner
Craig Harmon, Senior Planner
Kim Toon, Purchasing Manager
Mark Brown, PWC Customer Relations
Jane Starling, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Michael Mathis, Mission Field Ministries.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Girl Scout Troop 1493 and Troop Leader Ms. Deanna Bordewick.

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Jensen introduced Mr. Carmichael, Ireland Drive Middle School. Mr. Carmichael introduced the Black History Month Speakers from the "Our Boys, Your Men" Mentor Group: Omari Dockery, Nesiael De la Cruz, and Tre'veon Perry.

Council Member Dawkins introduced Mr. Zam Monroe, Ms. Angie Hedgepeth, and Mr. Eric Vitail. Mr. Monroe stated he is the CEO for the Realtors Association and announced on March 10, 2018, at 1:00 p.m., the association will be presenting "Build a Block-Haymount". He stated it was an event to recreate the top of Haymount Hill for a single day, to feel what a walkable City feels like.

Council Member Waddell announced the "Community Social" taking place on March 8, 2018, at E.E. Smith High School from 5:30 p.m. until 8:00 p.m. She stated elected officials from the General Assembly to the City Council have been invited and the event will include food and fun and discussion of major projects.

Council Member Wright invited everyone to attend "Coffee and Conversations" with Council Member Wright on March 1, 2018, from 9:30 a.m. until 10:45 a.m., taking place at the Cliffdale Regional Library.

Mayor Colvin gave a shout out to the West Area Elementary School kids watching the Council meeting.

Council Member Jensen introduced Mr. Jaylen Campbell, the Fayetteville-Cumberland Youth Council (FCYC) Member who is a senior at Cumberland Polytech, representing FCYC at this meeting.

Mayor Colvin presented a proclamation to Mr. Phil Harris, Community Executive for the Sandhills Chapter of the American Red Cross, proclaiming the month of March 2018 "American Red Cross Month".

5.0 APPROVAL OF AGENDA

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

6.0 CONSENT AGENDA

MOTION: Council Member Dawkins moved to approve the consent agenda with the exception of Item 6.09; pulled for discussion and separate vote.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

January 8, 2018 - Discussion of Agenda Items
January 22, 2018 - Regular
February 2, 2018 - Special - Strategic Planning Retreat
February 3, 2018 - Special - Strategic Planning Retreat
February 5, 2018 - Work Session

6.02 Uninhabitable Structure Demolition Recommendation

522 Lamon Street

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 (522 Lamon Street, PIN 0447-04-3897). ORDINANCE NO. NS2018-008

6.03 P18-02F rezoning of property from OI Office and Institutional to CC Community Commercial Zoning, located 417 East Mountain Drive at the intersection of East Mountain and Owen Drives, containing 5.47 acres and being the property of WESLEYAN PENTECOSTAL CHURCH.

6.04 P18-07F rezoning of property from AR Agricultural Residential to LC Limited Commercial Zoning, located at the northwest corner of the intersection of Hoke Loop and Raeford Roads, containing 12.5 acres (of 25 total acres) and being the property of RJPC II LLC.

6.05 Budget Ordinance Amendment 2018-16 to Update the Fee Schedule to Add Bus Pass Discounts for the Cumberland County NCWorks Career Center and to Set Rental Rates for the Community Room at the Transit Center

Budget Ordinance Amendment 2018-16 to authorize two updates of the fee schedule which is set with the annual operating budget ordinance. The first update would add authority for deeply discounted passes for the Cumberland County NCWorks Career Center. The proposed One Day Pass fee of \$1.00 would provide a \$2.00 discount from the regular fee. The proposed Rolling 30-Day Pass fee of \$20.00 would provide a \$20.00 discount from the regular fee. The second update would establish rental fees for use of the community room in the new downtown Transit Center. The proposed rental fees are consistent with currently approved fees for use of multipurpose rooms in recreation centers.

6.06 Adoption of Amendments to the Noise Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS PERTAINING TO EXCESSIVE AND UNNECESSARY NOISE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2018-001

6.07 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction - One 2004 Sterling Street Sweeper and one 2007 Sterling Limb Truck

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2018-009

6.08 Adoption of Budget Ordinance Amendment 2018-15 (Additional Funds for Parks and Recreation Master Plan and New Equipment for District Parks)

Budget Ordinance Amendment 2018-15 to provide \$47,270.00 in additional funding for the Parks & Recreation Master Plan and \$60,000.00 for the purchase of a mower and trailer for use in parks in the County Recreation District. The source of funds for the increased appropriation is General Fund fund balance, including \$83,635.00 from fund balance restricted for the County Recreation District and \$23,635.00 from the City's regular fund balance.

6.09 PULLED FOR DISCUSSION AND SEPARATE VOTE BY COUNCIL MEMBER DAWKINS.

6.10 Resolution for NCDOT to install enhanced landscaping along the Fayetteville Outer Loop at the interchanges of Ramsey Street, Murchison Road and Bragg Boulevard

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF LANDSCAPE PLANTINGS ON THE FAYETTEVILLE OUTER LOOP AT THE INTERCHANGES OF RAMSEY STREET, MURCHISON ROAD AND BRAGG BOULEVARD. RESOLUTION NO. R2018-011

6.11 Award Contract for Resurface Various Streets, 2018, Phase II, to Barnhill Contracting Company, the lowest responsive, responsible bidder in the total amount of \$1,491,926.00

The Resurface Various Street, 2018, Phase II, project primarily consists of resurfacing 20 streets (approximately 5.51 miles) and milling and resurfacing 3 streets (approximately 1.84 miles). The work includes, but is not limited to, removing and replacing curb and gutter, installing and retrofitting handicap ramps, utility adjustments, milling, cutting out and patching areas, and placing leveling and overlay courses. The project was first advertised for bids to be opened on January 11, 2018; however, only two bids were received. Therefore, in accordance with North Carolina General Statutes, which require three bids in order to open the first advertisement, the project was re-advertised and bids were opened on January 25, 2018. Bids were received as follows:

Barnhill Contracting Company, Fayetteville, NC ... \$1,491,926.00
Highland Paving, Co., LLC, Fayetteville, NC \$1,589,715.00

6.12 Amendment to Greyhound Lease Agreement and Adoption of Budget Ordinance Amendment 2018-19 and Capital Project Ordinance Amendments 2018-43 and 2018-44

Approval of temporary lease terms with Greyhound Lines, Inc., and to adopt Budget Ordinance Amendment 2018-19 and Capital Project Ordinance Amendments 2018-43 and 2018-44 to provide an additional \$132,046.00 for funding of tenant up-fit improvements. The appropriation actions are needed as the project budget for the tenant up-fit improvements is insufficient to award a construction contract to the low bidder.

6.13 Consideration of a Community Development Block-Disaster Recovery Interlocal Agreement with Cumberland County

The Community Development Block Grant-Disaster Recovery is a program intended to address the impact of Hurricane Matthew on those that have a need for affordable housing. This grant is a pass-through from the Federal government to the State of North Carolina and then onward to counties that suffered the worst damage from the hurricane. The City of Fayetteville and Cumberland County have collaborated to develop a plan to address post-hurricane housing needs. This plan has been reviewed and approved by the State, and a Memorandum of Agreement between the County and the State has been executed so that funding can now be accessed by the County. In order to continue forward and allow the City of Fayetteville to request funding for its projects from the County, a sub-sub-recipient agreement between the County and the City is required.

6.14 Adoption of Budget Ordinance Amendment 2018-18 and Capital Project Ordinance Amendment 2018-45 to Provide Additional Funding for the Ann Street Bridge Replacement and Award of the Project Construction Contract to Fred Smith Company, the lowest responsive, responsible bidder in the total amount of \$1,629,900.00

Capital Project Ordinance Amendment 2018-45 will appropriate a total of \$643,140.00 additional funds needed for the replacement of the Ann Street Bridge. The additional funds are needed to proceed with a construction bid award, provide for construction administration services, and to provide funding for unforeseen contingencies in the field. Budget Ordinance Amendment 2018-18 will appropriate \$293,140.00 from General Fund fund balance to be used along with \$350,000.00 currently available within the Fiscal Year 2018 General Fund budget to provide the needed funds for the project. Bids were received as follows:

Fred Smith Company, Raleigh, NC \$1,629,900.00
The Tara Group of Lumberton, Inc., Lumberton, NC . \$1,631,802.50
T.A. Loving, Goldsboro, NC \$2,184,844.00
Dane Construction, Inc., Mooresville, NC \$2,408,496.40

6.15 Ordinance Amendment to Parliamentary Procedures

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-4, PARLIAMENTARY PROCEDURE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2018-002

6.09 Adoption of Budget Ordinance Amendment 2018-17, Capital Project Ordinance Amendments 2018-41 and 2018-42, and a Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for Improvements on Raeford Road from West of Hampton Oaks Drive to East of Fairway Drive.

Adoption of a resolution to authorize a municipal agreement with the North Carolina Department of Transportation to support a roadway

improvement project along Raeford Road from west of Hampton Oaks Drive to east of Fairway Drive. The project includes the installation of median islands, traffic signal upgrades, pedestrian traffic signals, resurfacing, drainage, and new pavement markings. The City will fund 50 percent of the costs to install the sidewalks and 100 percent of the costs to install the bus stop pads and drainage upgrades. Capital Project Ordinance Amendment (CPOA) 2018-41 will appropriate a \$316,677.00 General Fund transfer to increase the Municipal Agreement project budget to provide a total of \$391,230.00 for the projected cost of the sidewalk construction. Budget Ordinance Amendment 2018-17 will appropriate \$78,334.00 from Stormwater Management Fund net assets to provide the funds to be transferred for the cost of the drainage improvements which are proposed to be appropriated in CPOA 2018-42.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF SIDEWALK, BUS STOP PADS AND DRAINAGE UPGRADES ALONG RAEFORD ROAD. RESOLUTION NO. R2018-010

MOTION: Council Member Dawkins moved to approve.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

7.1 P17-29F The issuing of a Special Use Permit to allow a free standing cellular communications tower to be located in an LC Commercial district, the structure will be located at 6491 Ramsey Street near the intersection with McCloskey Road, containing 10.74 acres and being the property of SOUTH RIVER ELECTRIC.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated South River Electric Membership Corporation (SREMC) looks to install a 190-foot communications tower behind their main office on north Ramsey Street. The applicant proposes a lattice style tower to accommodate specialized equipment that will allow the different offices of SREMC to communicate more effectively under normal conditions and allow continued communications during emergency situations. This tower will be used by SREMC only, and no other companies will have communications equipment attached to this tower. The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards. The following eight findings must be met:

- (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.

Discussion ensued.

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

Mr. Brian Linens, 104 West Clarksville Court, Cary, NC, South River employee, appeared in favor.

Mr. Brandon Waller, 4904 Professional Court, Raleigh, NC, Engineer for the project, appeared in favor.

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

Discussion ensued.

MOTION: Council Member Jensen moved to table the item and asked the engineers to provide a better rendering of the tower, and bring the item back to Council on March 26, 2018.

SECOND: Council Member Williams

VOTE: FAILED by a vote of 3 in favor to 7 in opposition (Council Members Colvin, Williams, Waddell, Dawkins, Crisp, Wright, and Mohn)

MOTION: Council Member Wright moved to approve the Special Use Permit (SUP) to allow a communications tower in a commercial zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Limited Commercial District, (2) this use complies with the findings listed below, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. All eight findings of fact have been met. In addition, to accept staff recommendations of existing tree line buffers along the South and West portion of the property and in compliance with the site plan. This Special Use Permit shall become effective ten days after its approval by the City Council, which is March 8, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Dawkins

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

7.2 P18-05F 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, at the intersection of Hillsboro and Edwards Streets, 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 CC. 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 emissions from all crematories in North Carolina are regulated and permitted through the NC Department of Environmental Quality's (DEQ) Air Quality Permitting section. In January of 2016, the City Council approved a Special Use Permit to allow a crematory on

these properties. Due to issues with the Wiseman's first engineer, the project was delayed. In November of 2016, the owners were noticed that their SUP would expire that following January if they did not secure a building permit or request a six-month extension of their SUP. A six-month extension was requested and approved; however, the Wiseman's were still unable to secure a building permit within that six-month time period. SUP P15-37F expired on July 25, 2017. The Wiseman's have now reapplied for a new SUP. The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards. The following eight findings must be met:

- (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.

Discussion ensued.

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

Mr. Andrew Mericle, 5136 Beckwyck Drive, Fuquay Varina, NC 27526, stated he is the engineer for the project and appeared in favor.

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

Discussion ensued.

MOTION: Council Member Arp moved to approve the Special Use Permit to allow a crematory in a commercial zoning district, as presented by staff, with the conditions listed and based on the standards of the City's development code and the evidence presented during this hearing. And that the SUP is consistent with applicable plans because the City's land use plan downtown that all uses within commercial CC district fall into that category and that the proposed SUP is reasonable and in the public's interest because the proposed zoning fits the character of the area and substantiated by the 8 findings of fact. This Special Use Permit shall become effective ten days after its approval by the City Council which is March 8, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Jensen, Williams, and Waddell)

7.3 Phase 5 Annexation Areas 16 and 17 - Public Hearing for Resolution Declaring Cost

Mr. Mark Brown, PWC Customer Service representative, presented this item with the aid of a PowerPoint presentation and stated a notice was published in *The Fayetteville Observer* and copies of the Resolution Declaring Costs, Ordering Preparation of the Preliminary Assessment Roll were mailed on February 15, 2018, informing the property owners of the public hearing date. After the public hearing, the next step in the process is to approve the Resolution Confirming Assessment Roll and Levying Assessments. This item will be scheduled for March 19, 2018.

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

Mr. Stephen Williams, 6721 Arnish Court, Fayetteville, NC 28304, questioned the cost of his \$5,000.00 electric bill.

Mrs. Denise Ferguson, 1346 Chilton Drive, Fayetteville, NC, spoke in opposition to the cost of the annexation when she is already connected to PWC.

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

8.0 OTHER ITEMS OF BUSINESS

8.1 Consideration of Annexation Waiver Request - Restoration Baptist Church - 2107 Clinton Road

Mr. David Nash, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated Restoration Baptist Church is located at 2107 Clinton Road, east of the City. This property is in the Fayetteville Municipal Influence Area (MIA) and non-urban. The church plans to build a new sanctuary building, which will need a new PWC sewer connection. This is an expansion of PWC sewer service. City Council Policy No. 150.2 requires annexation before PWC sewer can be provided or expanded. City Council Policy No. 150.2 also requires that property to be served by PWC sewer must be developed consistent with the City's development regulations. The church has submitted an annexation waiver request, which is allowed for in City Council Policy No. 150.2. At the City Council work session on February 5, 2018, staff presented background on this situation. Staff recommended that the waiver request be placed on the City Council's February 26, 2018, agenda, and that the waiver request be approved. At your meeting on February 26, 2018, you will be in a position to act on the request. Staff recommends approval of the waiver request, by adoption of the resolution included in the agenda packet. The current sanctuary building is already served by PWC electric, water, and sewer. The church is planning to build a new sanctuary building behind the current building on the western side of an unnamed road. The church wants to use PWC utilities for the new building. It is due to City Council Policy No. 150.2 that the church is unable to simply receive a new connection of the sewer service needed for the proposed sanctuary. A new sewer connection will be needed for the new building; this would be an expansion of PWC sewer service. City Council Policy NO. 150.2 requires annexation before PWC sewer can be provided or expanded. City Council Policy No. 150.2 also requires that property to be served by PWC sewer must be developed consistent with the City's development regulations. Stormwater and a few items of the Unified Development Ordinance are seen as issues by the church's engineer. City staff first learned about this project on November 30, 2017, when Mr. George Rose, the engineer hired by the church, called to ask about the annexation requirement. Mr. Rose said he had already designed the site according to County development regulations, rather than City development regulations. He said the church would not be able to

afford the additional costs associated with developing according to City regulations. He said that if the church is required to annex because of needing to connect to PWC sewer, the church would consider using a septic tank instead of PWC sewer. It is not known if a septic tank would work on this property. Staff provided Mr. Rose with a copy of City Council Policy No. 150.2, and staff explained that the policy would require annexation. It appears that three parcels owned by the church would need to be annexed. These are located on the western side of the unnamed road. Although the church's property does not touch the City, railroad and road right-of-way could be added to make the property contiguous, pursuant to state law. This would allow the property to be processed as a voluntary contiguous area.

Discussion ensued.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AUTHORIZING THE WAIVER OF ANNEXATION REQUIREMENTS FOR THE
RESTORATION BAPTIST CHURCH PROPERTY. RESOLUTION NO. R2018-012**

MOTION: Council Member Wright moved to approve the annexation waiver request with the condition that the site is developed consistent with the current site plan as presented.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Jensen, Williams, Dawkins, and Crisp)

8.2 Approval of contracts to begin design work for the Devonwood Lower Dam Reconstruction

Mr. Rob Stone, Public Services Director, presented this item with the aid of a PowerPoint presentation and stated Devonwood Lower Dam (located on McFadyen Drive) was damaged by Hurricane Matthew on October 8, 2016. Funding for repair of the dam was appropriated by Council on April 24, 2017, under Capital Project Ordinance 2017-52 (\$3,279,200.00) with the expectation that the project would be reimbursed by FEMA. To date, FEMA has not committed to reimbursement for this project. The City, however, faces a time constraint due to federal regulations and must begin design of the project now to avoid a potential \$600,000.00 cost increase from wetland mitigation fee requirements. This resolution would authorize the City Manager to approve the project management & design contracts in the absence of a commitment by FEMA.

Hurricane Matthew caused severe damage to multiple roads and dams within the City. One of those structures was the Devonwood Lower Dam, located on McFadyen Drive, which impounds Fleetwood Lake and is maintained by the City of Fayetteville. Initial site visits by FEMA and City staff identified the damage to the dam and it was placed on the list of structures to be repaired under the FEMA Public Assistance program. The City performed repairs to ensure traffic safety on McFadyen Drive and prevent erosion on the face of the dam. These repairs were emergency in nature to maintain traffic flow and prevent further damage to the dam. No repair plan was submitted to the North Carolina State Dam Safety Office. On April 24, 2017, the Council appropriated \$3,279,200.00 under Capital Project Ordinance 2017-52 for the project. A follow-up FEMA site visit concluded that the emergency repairs constituted a permanent repair. When City staff explained more work was required, FEMA requested the City conduct an additional engineering evaluation of the dam to demonstrate there was still damage. An engineering evaluation was conducted and submitted to FEMA in October 11, 2017. No response to that submission has been received from FEMA and reimbursement funding for the permanent repair of the Devonwood Lower Dam remains uncertain. The North Carolina Dam Safety Office reviewed the engineering evaluation and directed that the dam be reconstructed to repair the Hurricane Matthew damage and bring the dam into compliance with current standards and requirements. Consideration of funding sources is not a factor in this directive since it is based on standard dam safety requirements and is not

specific to Hurricane Matthew damage. City staff has coordinated with two design firms to perform project management and engineering design for this project. Following a selection process incorporating Federal guidelines, Freese & Nichols, Inc. was selected to perform project management for all the City's large Hurricane Matthew repair projects and WK Dickson was selected to perform the engineering design work for the Devonwood Lower Dam. The firms are prepared to begin design work as soon as the project is approved. The lake bed behind this dam, like all dams within the City, is subject to jurisdiction by the Army Corps of Engineers under rules pertaining to waters of the United States. Under this jurisdiction, the Army Corps of Engineers provides a two-year time limit in which to perform repairs on a failed dam before the lake bed is declared a protected wetland. If declared a wetland, the City would be required to pay additional costs for wetland mitigation in order to complete the project. Wetland mitigation costs are estimated at \$600,000.00 for this particular site. It is anticipated that if the City can show progress toward completion of the project, such as submission of a design to the Army Corps of Engineers, an extension of the two-year time limit may be granted. If, however, no action is taken before the expiration of the two-year time limit, there is no expectation of any opportunity for an extension. The City staff is recommending to begin design work on the project and start coordination with the Army Corps of Engineers.

Staff will continue to seek an affirmation from FEMA of their commitment to reimburse the City for this permanent repair of damage caused by Hurricane Matthew. Failing to complete the repairs identified by North Carolina Dam Safety Office could result in a directive to repair or breach the dam. That breach activity would be at the City's cost as the City's ownership and maintenance responsibility for this dam is well established.

Discussion ensued.

MOTION: Council Member Arp moved to approve the execution of the contracts for the project management and design for the Devonwood Lower Dam Reconstruction and moved to direct staff to prepare a Resolution to be sent to Governor Cooper, Congressman Pittenger, and Congressman Hudson regarding the City's need and desire for assistance from FEMA for the restoration expenses of both Devonwood and Mirror Lake Dams.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes - January 2018

| | |
|--------------------------------|---------------|
| 2017 Taxes | 13,567,623.76 |
| 2017 Vehicle, | 1,263.76 |
| 2017 Taxes Revit | 39,203.83 |
| 2017 Vehicle Revit | 1.51 |
| 2017 FVT | 50.00 |
| 2017 FTT | 50.00 |
| 2017 Storm Water | 1,713,914.17 |
| 2017 Fay Solid Waste Fee | 884,303.72 |
| 2017 Annex | 0.00 |
| 2016 Taxes | 13,239.19 |
| 2016 Vehicle | 0.00 |
| 2016 Taxes Revit | 7.37 |
| 2016 Vehicle Revit | 0.00 |
| 2016 FVT | 0.00 |
| 2016 FTT | 0.00 |
| 2016 Storm Water | 1,153.64 |
| 2016 Fay Solid Waste Fee | 1,156.61 |
| 2016 Annex | 0.00 |

| | |
|--------------------------------------|-----------------|
| 2015 Taxes | 4,772.48 |
| 2015 Vehicle | 0.00 |
| 2015 Taxes Revit | 2.99 |
| 2015 Vehicle Revit | 0.00 |
| 2015 FVT | 0.00 |
| 2015 FTT | 0.00 |
| 2015 Storm Water | 273.34 |
| 2015 Fay Storm Water | 546.67 |
| 2015 Fay S Waste Fee | 1,035.20 |
| 2015 Annex | 0.00 |
| | |
| 2014 Taxes | 521.08 |
| 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 | 15.00 |
| 2014 Fay Storm Water | 27.00 |
| 2014 Fay S Waste Fee | 40.00 |
| 2014 Annex | 0.00 |
| | |
| 2013 and Prior Taxes | 1,786.76 |
| 2013 and Prior Vehicle | 867.51 |
| 2013 and Prior Taxes Revit | 0.00 |
| 2013 and Prior Vehicle Revit | 0.00 |
| 2013 and Prior FVT | 167.36 |
| 2013 and Prior FTT | 122.02 |
| 2013 and Prior Storm Water | 50.56 |
| 2013 and Prior Fay Storm Water | 101.11 |
| 2013 and Prior Fay S Waste Fee | 160.09 |
| 2013 and Prior Annex | 0.00 |
| | |
| Interest | 26,468.14 |
| Revit Interest | 151.86 |
| Storm Water Interest | 85.42 |
| Fay Storm Water Interest prior | 169.93 |
| Fay Storm Water Interest 2017 | 2,976.47 |
| Fay Storm Water Interest 2016 | 117.93 |
| Annex Interest | 0.00 |
| Solid Waste Interest | 3,156.14 |
| FTT Interest | 61.28 |
| | |
| Total Tax and Interest | \$16,265,643.90 |

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:50 p.m.

022618