

# DRAFT

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
MAY 28, 2019  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5) (via telephone); 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  
Angel Wright-Lanier, Assistant City Manager  
Gerald Newton, Development Services Director  
Kevin Arata, Corporate Communications Director  
Tracey Broyles, Budget and Evaluation Director  
Jay Toland, Chief Financial Officer  
Craig Harmon, Senior Planner  
Sharon Williams, Senior Planner  
David Nash, Senior Planner  
Taurus Freeman, Planning and Zoning Manager  
Mark Brown, PWC Customer Relations Director  
Pamela Megill, City Clerk  
Jennifer Ayre, 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 Bishop Walter Hadley, God's Prophetic and Apostolic Ministry.

## **3.0 PLEDGE OF ALLEGIANCE**

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

## **4.0 ANNOUNCEMENTS AND RECOGNITION**

Mayor Colvin announced a video to commemorate Memorial Day will now be played.

Council Member Jensen introduced Ms. Alexis Diana, a Junior at Cumberland Polytechnic High School, Fayetteville-Cumberland Youth Council representative.

Mayor Colvin presented a proclamation to Mr. Gerald Newton, Development Services Director, proclaiming May 2019 to be a special day in honor of the celebration of Building Safety Month.

Mayor Colvin presented a proclamation to Mr. Chas Sampson of Circa 1865 proclaiming June 19, 2019, to be a special day in honor of the celebration of Juneteenth Freedom Festival.

## **5.0 APPROVAL OF AGENDA**

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

# DRAFT

## 6.0 CONSENT AGENDA

MOTION: Council Member Arp moved to approve the consent agenda with the exception of Items 6.011, 6.012, and 6.013 for explanation and separate vote.  
SECOND: Council Member Waddell  
VOTE: UNANIMOUS (10-0)

### 6.01 Approval of Meeting Minutes:

May 6, 2019 - Works Session  
May 9, 2019 - Budget Work Session  
May 13, 2019 - Discussion of Agenda Items  
May 13, 2019 - Regular  
May 16, 2019 - Budget Work Session

6.02 P19-13F. Initial Zoning of property from the County's jurisdiction to City Single-Family 10 (SF-10), located near the intersection of Burnside Place and Dunbane Court (Tax Map # 0531-50-7205), containing 5.13 +/- acres, and being the property of Kings Grant Homeowners Association Inc. Related to AX-19-003.

6.03 P19-15F. Rezoning of property from Single-Family 10 (SF-10) to Single-Family 6 (SF-6), located at 600 and 602 Roxie Avenue (Tax Map # 0416-78-5714 and # 0416-78-5616), containing 0.48 +/- acres, at the intersection of Roxie Avenue and Hanna Street and being the property of Deborah M. New, Sheila A. New-Horne, and Denise N. Dickens.

6.04 P19-18F. Rezoning of property from a split zoning of Neighborhood Commercial (NC) and Single-Family Residential (SF-6) to Limited Commercial (LC), located at 1047 Southern Avenue, containing .68 acres ± and being the property of The Salvation Army, represented by Major Tim Grider and Susan Evans.

### 6.05 Uninhabitable Structures Demolition Recommendations

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. 6493 Pleasant Street. PIN # 0407-03-5949. ORDINANCE NO. NS2019-009

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. 4925 Schmidt Street, PIN # 0418-28-7418. ORDINANCE NO. NS2019-010

6.06 Adoption of Capital Project Ordinance Amendments 2019-36 and 2019-37 to Provide \$160,000.00 of Additional Funding for the Owen Drive Sidewalk Project and Award of the Project Construction Contract to Sal Construction, the lowest responsive, responsible bidder in the total amount of \$581,895.00

Bids were received on January 31, 2019, as follows:

Sal Construction, Cary, NC .....	\$581,895.00
Carolina Earth Movers, Greenville, NC .....	\$651,304.06
Browe Construction, Selma, NC .....	\$742,631.00
Billy Bill Grading Company, Fayetteville, NC .....	\$767,327.00
Sandhills Contractors Inc., Sanford, NC .....	\$933,413.00
Lanier Construction Co., Snowhill, NC .....	\$1,307,665.00

Approval of a new total project appropriation of \$754,000.00, to fund the new contract of \$581,895.00, contingency costs of \$12,480.00, and contracted construction inspection services of \$60,000.00.

# DRAFT

## 6.07 Adoption of Capital Project Ordinance Amendment 2019-38 for Parks and Recreation Bond Issuance Costs

Adoption of Capital Project Ordinance Amendment 2019-38 to increase the appropriation for bond issuance costs associated with the first issuance of the Parks and Recreation general obligation bonds. The bond issuance costs are proposed to be paid from premium payments received on the sale of those bonds.

## 6.08 Adoption of Capital Project Ordinance Amendment 2019-39 to Amend the Project Ordinance for the Lake Rim Aquatic Center to Appropriate Limited Obligation Bond Proceeds in Lieu of Bank Financing Proceeds and to Fund Issuance Costs

On May 13, 2019, Council adopted a resolution authorizing the sale of Limited Obligation Bonds (LOBs) to finance improvements at the downtown stadium and for the Lake Rim aquatic center. Capital Project Ordinance Amendment 2019-39 will amend the source of funding for the construction of the pool from previously planned bank financing proceeds to LOBS, and will appropriate \$106,914.00 of additional proceeds to provide sufficient funding for current estimates of project costs and issuance costs.

## 6.09 Adoption of Budget Ordinance Amendment 2019-14 for the Refunding of the General Obligation Public Improvement Bonds, Series 2005

On April 23, 2019, Council adopted a resolution providing for the sale and issuance of not to exceed \$2,600,000.00 General Obligation Refunding Bonds, Series 2019. Bonds with a face value of \$2,270,000.00 were sold on May 7, 2019, providing \$2,531,739.00 of proceeds inclusive of the premium on the sale. Budget Ordinance Amendment 2019-14 will appropriate the gross proceeds from the sale to fund the refunding of the bonds and the payment of bond issuance costs.

## 6.010 Tax Refunds Greater Than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
RLC LLC T/A Reed-Lallier	2014-17	Corrected Assessment	<u>\$5,376.92</u>
Total			<u>\$5,376.92</u>

6.011 Pulled for explanation and separate vote.

6.012 Pulled for explanation and separate vote.

6.013 Pulled for explanation and separate vote.

## 6.014 Adoption of Budget Ordinance Amendment 2019-15 for the City's Fleet Maintenance Internal Service Fund

Budget Ordinance Amendment 2019-15 would appropriate an additional \$70,000.00 to support start-up costs for the City's Fleet Maintenance Internal Service Fund for the current fiscal year. The Fleet Maintenance Internal Service Fund is funded by cost allocations to the other operating funds. The additional funding is required for architectural services for the renovations of the leased facility on Pepsi Lane, along with other operating costs to prepare for the contracted maintenance service provider, Vector, to begin servicing the City fleet in July.

## 6.011 Consideration to approve the 2019-2020 CDBG and HOME Annual Action Plan

This item was pulled for an explanation and separate vote.

Ms. Cynthia Blot, Economic and Community Development Director, provided an overview of this item.

Discussion ensued.

# DRAFT

**MOTION:** Council Member Arp moved to accept and approve the 2019-2020 CDBG and HOME Annual Action Plan.  
**SECOND:** Council Member Dawkins  
**VOTE:** UNANIMOUS (10-0)

## **6.012 Resolution of support for NCDOT to install a multi-use path and sidewalk on Project U-4900, Murchison Road widening from south of Pamalee Drive to the Fayetteville Outer Loop**

This item was pulled for an explanation and separate vote.

Mr. Lee Jernigan, Traffic Engineer, provided an overview of this item.

Discussion ensued.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF BICYCLE AND PEDESTRIAN IMPROVEMENTS ON NCDOT TIP U-4900, MURCHISON ROAD. RESOLUTION NO. R2019-025**

**MOTION:** Council Member Waddell moved to approve the resolution of support for NCDOT to install a multi-use path and sidewalk on Project U-4900, Murchison Road widening from south of Pamalee Drive to the Fayetteville Outer Loop.  
**SECOND:** Council Member Culliton  
**VOTE:** UNANIMOUS (10-0)

## **6.013 Award Design-Build Contract to Team Pain for Construction of the Skate Park (Park Bond Project) in Rowan Park**

This item was pulled for an explanation and separate vote.

Mr. Kristoff Bauer, Deputy City Manager, provided an overview of this item.

Discussion ensued.

**MOTION:** Council Member Jensen moved to award the design-build contract to Team Pain for construction of the skate park (Park Bond Project) in Rowan Park.  
**SECOND:** Council Member Culliton  
**VOTE:** UNANIMOUS (10-0)

## **7.0 REPORTS FROM BOARDS AND COMMISSIONS**

### **7.01 Unified Development Ordinance (UDO) Task Force Committee Final Report**

LTG (Ret. USA) Al Aycock, UDO Task Force Chair, presented this item and thanked the UDO Task Force Committee members, Development Services staff, Council liaisons Haire and Dawkins, and Mayor Colvin for trusting him to serve. LTG (Ret) Aycock provided an overview of the work of the Task Force over the course of the past year and 21 meetings.

Discussion ensued.

**MOTION:** Council Member Haire moved to accept the Unified Development Ordinance (UDO) Task Force Committee final report.  
**SECOND:** Council Member Dawkins  
**VOTE:** UNANIMOUS (10-0)

## **8.0 PUBLIC HEARINGS**

### **8.01 Public Hearing on Proposed Fiscal Year 2019-2020 Annual Operating Budget**

## DRAFT

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation.

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

Mr. Chris Lisenby, 3430 Dorado Circle, Apt # 223, Fayetteville, NC 28304, spoke in favor of the proposed budget.

Mr. Jerry Reinhoel, 516 Deer Path Drive, Fayetteville, NC 28311, spoke in opposition of the proposed budget.

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

Mayor Colvin announced the proposed Fiscal Year 2019-2010 Annual Operating Budget is available on the City's website and in the office of the City Clerk.

**8.02 P19-17F. The issuance of a Special Use Permit to allow a multi-family residential development in the Single-Family Residential (SF-6) District, located on Cliffdale Road (Tax Map # 9487-11-3927), containing 29.55 +/- acres at the intersections of Cliffdale Road and Lowell Harris Road and being the property of Mary Frances Newton Conoly and Virginia Newton Barefoot.**

Ms. Sharon Williams, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the applicant is requesting a Special Use Permit to develop the property with 220 townhouse units, a clubhouse, other amenities and open space at the intersection of Cliffdale Road and Lowell Harris Road in a Single-Family 6 (SF-6) zoning district. The parcel contains 29.55± acres and is undeveloped. The applicant is proposing to construct a 32-building development with primary access off Lowell Harris Road, which will be developed with 22 7-unit buildings, 9 6-unit buildings, and 2 4-unit buildings for a total of 210 townhomes. A Special Use Permit (SUP) shall be approved only upon a finding that all of the following standards are 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.

## DRAFT

Ms. Williams stated this SUP must comply with any and all City, State, and Federal laws and regulations to remain in business.

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

Mr. Scott Brown, 409 Chicago Drive, Suite 112, Fayetteville, NC, appeared in favor of the Special Use Permit and stated he is the applicant and Engineer for the proposed project.

Mr. Tim Evans, 4239 Cameron Road, Fayetteville, NC, appeared in favor and stated he is representing the property owners Ms. Mary Conoly and Ms. Virginia Barefoot, and stated he and the property owners are in favor of the Special Use Permit.

Ms. Serita Varsel, 962 Sanchez Drive, Fayetteville, NC 28304, appeared in opposition of the Special Use Permit and expressed concerns regarding stormwater issues.

Discussion ensued.

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

**MOTION:** Council Member Wright moved to approve the Special Use Permit (SUP) in a Single-Family 6 (SF-6) zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. Additionally, the application is consistent with applicable plans because (1) the development is located in a Single-Family 6 (SF-6) District, which permits single-family attached dwellings; (2) the use specific standards for multi-family dwellings have been met; (3) this use complies with the findings; and (4) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is June 7, 2019. The SUP shall expire one year from its effective date if a building permit is not issued within that time. This motion includes the stated conditions.

**SECOND:** Council Member Dawkins

**VOTE:** PASSED by a vote of 8 in favor to 2 in opposition (Mayor Colvin and Mayor Pro Tem Mohn)

Mayor Colvin recessed the meeting at 9:18 p.m., and reconvened the meeting at 9:29 p.m.

### **8.03 AX19-003: Annexation Request for the Kings Grant Homeowners Association Property (Northern Side of Burnside Place). Related to P19-13F: Initial Zoning**

Mr. David Nash, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the Kings Grant Homeowners Association Property is in the Kings Grant neighborhood. It is along the northern side of Burnside Place, south of the Outer Loop. The requested annexation area consists of one tax parcel, and is approximately 5.13 acres. The property is used as a community park for Kings Grant. There is some playground equipment on the property. A pavilion type of building is now being built on the property, which is about 90 percent complete. In addition to the one tax parcel requested for annexation, the Kings Grant Homeowners Association also owns an adjoining small parcel along the northern edge of Burnside Place. This parcel is already inside the City. If the City Council annexes the parcel requested for annexation, then the Kings Grant Homeowners Association will be able to recombine the two parcels into one. Recombining the two parcels into one would mean that the community park and pavilion building would have access to Burnside Place. On April 9, 2019, the Zoning Commission held an initial zoning

## DRAFT

public hearing for this area. The Zoning Commission voted to recommend approval of the initial zoning to Single-Family 10 (SF-10), if the area is annexed.

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

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (THE KINGS GRANT HOMEOWNERS ASSOCIATION, INC. PROPERTY-NORTH OF BURNSIDE PLACE AND SOUTH OF I-295. PIN # 0531-50-7205. ANNEXATION ORDINANCE NO. 2019-05-571**

**MOTION:** Council Member Jensen moved to adopt the proposed ordinance annexing the area effective May 28, 2019, and establish the initial zoning as Single-Family 10 (SF-10) consistent with the prior action on the zoning case.

**SECOND:** Council Member Haire

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

### 9.0 OTHER ITEMS OF BUSINESS

#### 9.01 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Crisp, Appointment Committee Chair, presented this item and stated the Appointment Committee met on May 3, 2019, to review applications for appointments to boards and commissions. It is from that meeting the Appointment Committee presents recommendations for appointments to the City of Fayetteville boards and commissions. The Appointment Committee unanimously approved the following 19 appointments:

##### Joint City & County Appearance Commission

Clyde Foster (Partial)	July 1, 2019-September 30, 2019
------------------------	---------------------------------

##### Fayetteville Redevelopment Commission

Ashley McDuffie (Partial)	July 1, 2019-March 31, 2020
---------------------------	-----------------------------

##### Fayetteville - Cumberland Human Relations Commission

Cherie Readus (Partial)	July 1, 2019-September 30, 2020
Dawn Rheaume (Partial)	July 1, 2019-September 30, 2019
Franco Webb (Partial)	July 1, 2019-September 30, 2019
Semone Pemberton (Partial)	July 1, 2019-September 30, 2019

##### Millennial Commission

Mario Benavente	July 1, 2019-September 30, 2020
John Kistler	July 1, 2019-September 30, 2020
Gabrielle Allison	July 1, 2019-September 30, 2020
Kendra Conyers	July 1, 2019-September 30, 2020
Zaccheas Eley	July 1, 2019-September 30, 2020
Malik Davis	July 1, 2019-September 30, 2020
Pavan Patel	July 1, 2019-September 30, 2021
Brittany Ray	July 1, 2019-September 30, 2021
Chaz Dawson	July 1, 2019-September 30, 2021
Kayla McLoughlin	July 1, 2019-September 30, 2021
Katherine Lane	July 1, 2019-September 30, 2021
Antonio Renteria	July 1, 2019-September 30, 2021
Tristan Bailey	July 1, 2019-September 30, 2021

**MOTION:** Council Member Crisp moved to approve the Appointment Committee recommendations as presented.

**SECOND:** Council Member Waddell

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

#### 9.02 Revision of Bylaws for the Millennial Advisory Commission

Council Member Crisp, Appointment Committee Chair, presented this item and stated revised bylaws are necessary after City Council

# DRAFT

appointed the initial 13-member Millennial Advisory Commission on May 28, 2019. Per the original bylaws and in order to maintain continuity, the Appointment Committee unanimously approved six appointment recommendations to serve an initial term of one year from July 1, 2019, to September 30, 2020, and seven appointment recommendations to serve an initial term of two years from July 1, 2019, to September 30, 2021. Staff recommendation is to amend the bylaws by deleting language referring to the aforementioned staggered terms; as appointments after the initial appointments shall be for a period of two years.

**MOTION:** Council Member Crisp moved to amend the By-Laws by removing the staggered terms and approving the list of charges to the Millennial Commission.

**SECOND:** Council Member Wright

Discussion ensued.

Council Member Waddell stated she had provided feedback regarding the proposed charges for the Millennial Commission and had not received a response from Dr. Whitfield. Mr. Douglas Hewett, City Manager, stated the Appointment Committee will be meeting tomorrow, and therefore could continue the discussion of the Millennial Commission charges at that time.

## AMENDED MOTION:

Council Member Crisp moved to amend the By-Laws to take out the provision to appoint six members to a one-year term and begin two-year staggered terms, and to table the charges to the Millennial Commission until the May 29, 2019, Appointment Committee meeting.

**SECOND:** Council Member Wright

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

## 10.0 ADMINISTRATIVE REPORTS

### 10.01 Monthly Statement of Taxes for April 2019

This item was for information only.

2018 Taxes .....	354,116.41
2018 Vehicle, .....	2,973.78
2018 Taxes Revit .....	934.32
2018 Vehicle Revit .....	0.00
2018 FVT .....	225.64
2018 FTT .....	225.64
2018 Storm Water .....	65,293.11
2018 Fay Solid Waste Fee .....	104,425.34
2018 Annex .....	0.00
2017 Taxes .....	8,643.20
2017 Vehicle .....	605.35
2017 Taxes Revit .....	0.00
2017 Vehicle Revit .....	0.00
2017 FVT .....	45.00
2017 FTT .....	45.00
2017 Storm Water .....	1,474.59
2017 Fay Solid Waste Fee .....	1,654.30
2017 Annex .....	0.00
2016 Taxes .....	2,577.19
2016 Vehicle .....	50.28
2016 Taxes Revit .....	0.00
2016 Vehicle Revit .....	0.00
2016 FVT .....	0.00
2016 FTT .....	0.00
2016 Storm Water .....	529.50
2016 Fay Storm Water .....	0.00
2016 Fay S Waste Fee .....	165.73



DRAFT

2016 Annex .....	0.00
2015 Taxes .....	1,479.60
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 .....	20.98
2015 Fay Storm Water .....	41.95
2015 Fay S Waste Fee .....	105.53
2015 Annex .....	0.00
2014 and Prior Taxes .....	2,617.11
2014 and Prior Vehicle .....	2,483.14
2014 and Prior Taxes Revit .....	0.00
2014 and Prior Vehicle Revit .....	0.00
2014 and Prior FVT .....	395.73
2014 and Prior FTT .....	380.83
2014 and Prior Storm Water .....	29.94
2014 and Prior Fay Storm Water .....	53.88
2014 and Prior Fay S Waste Fee .....	119.82
2014 and Prior Annex .....	0.00
Interest .....	21,705.42
Revit Interest .....	37.72
Storm Water Interest prior .....	21.51
Fay Storm Water Interest 2015 and prior .....	40.45
Storm Water Interest 2016 and Forward .....	2,988.16
Annex Interest .....	0.00
Solid Waste Interest .....	4,625.02
FTT Interest .....	306.67
Total Tax and Interest .....	\$581,437.84

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:46 p.m.