

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
APRIL 28, 2014
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); Mitchell Colvin (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Lawrence O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Victor Sharpe, Community Development Director
Lee Jernigan, Traffic Engineer
Karen Hilton, Planning and Zoning Manager
Craig Harmon, Senior Planner
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 Ervin Perez of Christian Family Center Unlimited Worship.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 RECONSIDERATION OF AGENDA ITEMS

4.01 Reconsideration of a Resolution in support of a Red Light Camera program

MOTION: Council Member Arp moved to approve to reconsider a resolution in support of a Red Light Camera program.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

5.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Davy moved to approve the agenda, with the exception of item 10.05 – Adoption of a Resolution to support and advocate for passage of special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to members of a citizen review board; this item tabled, and with the addition of item 10.06 - Consideration of a Resolution in support of a Red Light Camera Program.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

6.0 RECOGNITION

Mayor Robertson recognized the police officers in attendance at the meeting and thanked them for their service to the City.

Proclamation – “Paint the Town Red” – the proclamation was read by Mayor Pro Tem Davy and presented to Denise Lynch, American Heart Association, Go Red for Women. Ms. Lynch presented the City with a “red dress” artwork.

Council Member Hurst announced the Fayetteville Beautiful City Wide Clean Up event taking place on Saturday, May 3, 2014, beginning at 9:00 a.m. at the entrance to Martin Luther King Jr. Freeway. Council Member Hurst encouraged citizens to sign up and participate in the event.

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.1 Fayetteville-Cumberland Parks and Recreation Joint Advisory Commission

Mr. J. D. Pone, Fayetteville-Cumberland Parks and Recreation (FCPR) Advisory Commission Chair, provided the FCPR Joint Advisory Commission annual report.

7.0 CONSENT

MOTION: Council Member Arp moved to approve the consent agenda, with the exception of item 8.08 – Budget Ordinance Amendment 2014-8, to be pulled for a separate vote.

SECOND: Council Member Mohn

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

8.01 P14-05F. The rezoning of property from SF-6 - Single Family Residential and NC - Neighborhood Commercial to MR-5/CZ Mixed Residential Zoning District or to a more restrictive district, located at 8363 Cliffdale Road, and being the property of Ethel Pate.

8.02 Engineering & Infrastructure/Real Estate Division- Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite Sale of Land by Cumberland County

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY EXCESS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2014-011

8.03 Engineering & Infrastructure/Real Estate Division-Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY EXCESS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2014-012

8.04 Approval of a Municipal Agreement with NCDOT for maintenance of Middle Road
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE MAINTENANCE OF MIDDLE ROAD. RESOLUTION NO. R2014-013

8.05 Municipal Agreement with NCDOT for Safe Routes to School Project

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF SIDEWALK AND PEDESTRIAN SIGNAL IMPROVEMENTS ALONG MORGANTON ROAD (SR-1404), REILLY ROAD (SR-1403) AND HOPE MILLS ROAD (NC-59) . RESOLUTION NO. R2014-014

8.06 Approval of Minutes:

March 31, 2014 - Budget Work Session

April 7, 2014 - Work Session

April 14, 2014 - Regular Meeting

April 16, 2014 - Budget Work Session

8.07 Resolution to Set Public Hearing to Consider the Acceptance and Proposed Closing of Portions of Hopper Road

A RESOLUTION CALLING A PUBLIC HEARING REGARDING THE ACCEPTANCE AND PROPOSED CLOSING OF PORTIONS OF HOPPER ROAD. RESOLUTION NO. R2014-015

8.08 Budget Ordinance Amendment 2014-8 and Capital Project Ordinance Amendment 2014-26 for the Cape Fear River Trail

This item was pulled from the Consent Agenda by Council Member Arp.

8.09 Approval of an addendum to the MBM Hospitality Economic Development Incentive Agreement

The addendum to the current signed agreement changes the required direct investment from \$25 million to \$22 million, grant the award at \$70,280.73, and authorizes the City Manager to

execute documents pertaining to the agreement.

8.10 Budget Ordinance Amendment 2014-9 (Emergency Telephone System Fund)

This budget amendment will appropriate \$36,000 from fund balance in the Emergency Telephone System Fund to permit the Communications Division of the Police Department to move forward with planned activities and provide sufficient funding to operate through the remainder of the fiscal year.

8.11 Special Revenue Fund Project Ordinance 2014-10 (Comprehensive Fair Housing Outreach, Recruitment and Investigative Program)

The North Carolina Department of Administration, in partnership with the NC Human Relations Commission, has approved a grant in the amount of \$40,000 for the City's Partnering to Develop a Comprehensive Fair Housing Outreach, Recruitment, and Investigative Program. The source of funds for the grant award is the Department of Housing and Urban Development. The grant will provide funding for fair housing education and outreach activities, as well as personnel costs for a Community Outreach Engagement Specialist.

8.12 Request for Legal Representation of Former City Employee

Pursuant to N.C.G.S. § 160A-197, Thomas Bergamine, former Chief of Police, has requested legal representation in the matter of the *Estate of Roman Drake v. City of Fayetteville, et al.* He has been named as a defendant in a state lawsuit by the Estate of Roman Drake in which said lawsuit alleges excessive force. Mr. Bergamine was operating within the scope and course of his employment at the time the alleged incident occurred in the complaint.

8.08 Budget Ordinance Amendment 2014-8 and Capital Project Ordinance Amendment 2014-26 for the Cape Fear River Trail

MOTION: Council Member Arp moved to approve Consent Item 8.08 – budget Ordinance Amendment 2014-8 and Capital Project Ordinance Amendment 2014-26 for the Cape Fear River Trail

SECOND: Council Member McDougald

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

9.0 PUBLIC HEARINGS

9.01 P14-07F. The issuing of a Special Use Permit on property zoned LI - Light Industrial District for industrial use within 500ft of residential zoning, located at 914 North Street, and being the property of DRA LLC.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation. Mr. Harmon showed vicinity maps, and gave overviews of the current land uses, current zonings, surrounding land use and zonings, and 2010 Land Use Plan. Mr. Harmon stated this property is located at 914 North Street, where the street ends at the intersection with the rail road. The owner wishes to build a cement distribution center at this location. According to the owner, this type of operation requires a rail yard where material may be loaded and unloaded.

Under the City's development code, industrial uses cannot be built within 500 feet of residentially zoned property. While this property does touch a residential zoning district, it is separated from any actual housing by approximately 250 feet. This separation is mainly due to the rail road right-of-way. The property in question is mainly surrounded by industrial zoning and uses. However, the main concern from this type of operation is the dry cement that can be easily carried by the wind. On March 11th the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and one in opposition (Virelee Stewart). Ms. Stewart was concerned with the possibility of increased traffic and contaminated air from the concrete blowing. It was explained that this process takes place in a completely sealed environment that releases no hazards into the air. It was also explained that this operation would occur only on the south side of the rail road tracks, away from Ms. Stewart's home. Ms. Stewart appeared satisfied with both of these answers. The Commission voted unanimously to recommend approval.

Mr. Harmon stated the Zoning Commission and City staff recommends approval of the proposed rezoning based on:

- 1.The Land Use Plan calls for downtown uses on this property.
- 2.The property is mainly surrounded by industrial zoning and uses.
- 3.The 2030 Growth Management Plan sites that the expansion of existing business is critical to the City's economic development.
- 4.The equipment plan for an enclosed system preventing the release of concrete/cement dust.

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

- 1.The special use complies 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.

Mr. Mark Brown, PE, 409 Chicago Drive, Suite 112, Fayetteville, NC 28306; appeared in favor and stated he is the engineer for the project and is representing the applicant. Mr. Brown gave an overview of the applicants' request for a Special Use Permit and provided an overview of how the operating system would function.

Mr. Robert Allen, Sr., 130 Builders Boulevard, Fayetteville, NC; appeared in favor and stated he is the business owner.

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

Mayor Pro Tem Davy inquired why this operation could not be expanded at the current location. Mr. Brown responded that the expansion requires a rail road line. Mayor Pro Tem Davy asked if an environmental study had been done. Mr. Brown responded there had not, as this is a self- contained operation.

Council Member Colvin asked Mr. Allen if he had any environmental concerns or complaints with his cement business over the past years. Mr. Allen responded he had not.

Council Member Crisp asked Mr. Allen if he had had any malfunctions with this operating system at his primary business. Mr. Allen responded he had not, and said in over 40 years of business there had been no cement dust complaints.

Council Member Arp commented that there was a propane filling site in closer proximity to the school than the cement business would be located.

Council Member McDougald asked if additional employment opportunities will be created. Mr. Allen stated there would.

Council Member Mohn asked Mr. Allen if paving in the place of gravel could be a condition he would agree to. Mr. Allen responded he would be willing to agree to the condition of paving.

Council Member Hurst asked Mr. Allen if portable concrete plants were required any regulation. Mr. Allen responded they were required to have air permits for their emissions.

MOTION: Council Member Arp moved to approve the issuing of a Special Use Permit, on property zoned LI – Light Industrial District for industrial use within 500 feet of residential zoning, located at 914 North Street, and being the property of DRA LLC with the conditions and based on meeting the findings of fact.

SECOND: Council Member Hurst

FRIENDLY AMENDMENT: Council Member Mohn asked if the motion could include the requirement for paving. Council Member Arp accepted the friendly amendment, and Council Member Hurst seconded the friendly amendment

MOTION: Council Member Arp moved to approve the requested Special Use Permit, as presented by staff, with equipment plans and conditions and based on meeting the findings of fact, and with a requirement for paving.

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

9.02 P14-04F. The rezoning of property from AR - Agricultural Residential to MR-5/CZ Mixed Residential Conditional Zoning District or to a more restrictive district, located at the 2454 Gillis Hill Road, and being the property of Janet and Jesse Kimball.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation. Mr. Harmon showed vicinity maps, and gave overviews of the current land uses, current zonings, surrounding land use and zonings, and 2010 Land Use Plan. Mr. Harmon stated this property is located on Gillis Hill Road, to the south of the Wal-Mart on Highway 401 (Raeford Rd). This property currently has one single family home and a garage on it. Three sides of this property are either zoned or used for commercial purposes. The developer of this project is proposing a 56 unit apartment complex; with a single access point on Gillis Hill Road. On this property, 108 units could be built in a MR-5 Zoning District without Conditional Zoning. This proposal would allow a density of approximately 9 units per acre, which fits the medium density for residential development, as allowed by the City's development code. There is a cell tower located on one of the properties to the east of this proposed site. Typically a development of this size would not meet thresholds for a Traffic Impact Analysis (TIA). As a part of the rezoning comments, North Carolina Department of Transportation (NCDOT) made the recommendation to install turn lanes on Gillis Hill Road. NCDOT will not finalize their recommendations until a site plan has been submitted and a driveway permit application is completed.

Mr. Harmon stated NCDOT comments regarding West Fayetteville Place Apartments:

1. Street and Driveway Access Permit will be required.
2. Turn lanes will be required.
3. Lateral access should be provided to adjacent properties (approximately mid route of stem road [as shown on preliminary site plan] but extended to property line on both sides).
4. Pedestrian pathway connection to Wal-Mart property line could be a desire of TRC.
5. Sidewalk would be required along their property frontage.

Mr. Harmon stated the Gillis Hill Road widening project ranked 122nd in the Division Needs section of the draft Strategic Prioritization Office of Transportation (SPOT) priority rankings that were released last week by NCDOT. Based on the Division's allocation of approximately \$32 million/year, it is doubtful this project would be selected for funding soon.

Conditions of approval as offered by the property owner:

1. The development will be limited to no more than 56 units.
2. The building locations and public Right of Way (ROW) illustrated on the attached plan are intended to reflect the general arrangement, but the exact arrangement, configuration and size of individual elements may be altered or modified within the limits prescribed in the Unified Development Ordinance (UDO).
3. The site will be developed solely for multi-family development.
4. Access to the site will be provided from Gillis Hill Road, subject to the approval of the City of Fayetteville and NCDOT.
5. Buffers and landscaping requirements will be provided per Article 30-5 of the UDO, and as generally shown on the attached site plan.
6. Stormwater facilities will be provided per the City of Fayetteville and NCDWQ Standards.

Mr. Harmon stated on March 11th the Zoning Commission held a public hearing regarding this case. There was one speaker in favor and none in opposition to this application. The

Commission voted unanimously to recommend approval.

The Zoning Commission and City staff recommends approval of the proposed rezoning based on:

- 1.The Land Use Plan calls for medium density residential on this property.
- 2.The property is mainly surrounded by commercial property.
- 3.The 2030 Growth Management Plan calls for infill and new development to occur in areas where the public infrastructure already exists.
- 4.The conditions as proposed above and based on final approval of the City's TRC
- 5.That the project meets all standards of the UDO for MR-5 Zoning Districts.

Council Member Crisp asked Mr. Harmon if a TIA had been completed. Mr. Harmon responded that a development of this size would not meet the thresholds for a TIA.

Council Member Arp asked Mr. Harmon the speed limit from the stream bed to Raeford Road. Mr. Harmon responded it is 45 miles per hour.

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

Mr. Murray Duggins, 1107 Offshore Drive, Fayetteville, NC 28305; appeared in favor, and stated he has been in the affordable housing business for over 40 years and takes great pride in the work the business does; we are accountable for what we do.

Mr. Bill Owen, 1416 Pine Valley Loop, Fayetteville, NC 28305; appeared in favor, and stated he has been working with United Development for over 10 years. Mr. Owen stated he helps to locate sites for these types of developments.

Ms. Shannon Pow, 3915 Dickens Avenue, Hope Mills, NC 28348; appeared in favor, and stated she is the Chief Financial Officer for United Development. Ms. Pow stated she was a former resident of the Longview Development located off of Ramsey Street and said, we at United care about our communities.

Ms. Janet Kimball, 7078 Lamplighter Drive, Fayetteville, NC 28306; appeared in favor, and stated she and her husband are the property owners, and stated the most appropriate use for development of this land is for apartments, and asked for approval of the request to rezone.

Mr. Glen Mobley, 400 Foxwood Drive, Hope Mills, NC 28349; appeared in favor, and stated he is the manager of INS Security, and manages all of the security issues for United Development, and said he was available for any security related questions.

Mr. Thomas Neville, 115 E. Russell Street, Fayetteville, NC 28301; appeared in opposition, and stated he was the attorney representing the property owners of the Lancaster Home Owners Association and said the proposed development is not the best use for this property and stated this proposed development would cause traffic safety problems.

Mr. James Bullard, 5585 Nicks Road, Fayetteville, NC 28314; appeared in opposition, and stated he is an appraiser and he has reviewed the City of Fayetteville Strategic Plan for the current year, and stated that the proposed rezoning of the property to MR-5 would be counter-productive to the strategic plan as it would not meet the goals of "a desirable place to live, to work, and recreate".

Ms. Sandy Alexander, 7716 Dundennon Drive, Fayetteville, NC 28306; appeared in opposition, and stated she resides 1.3 miles from the proposed 56 unit complex, and expressed concerns regarding crime and loss of property values.

Mr. Max Tyner, 1720 Telluride Court, Fayetteville, NC 28304; appeared in opposition and stated he is the current President of the gated community of the Lancaster Home Owners Association, Mr. Tyner expressed concerns regarding loss of property values. Mr. Tyner submitted a petition of 204 signatures opposing the 56 unit development.

Mr. Larry Bradford, 1725 Telluride Court, Fayetteville, NC 28304; appeared in opposition, and stated crime will increase if this development is approved. Mr. Bradford stated he is the Crime Watch Captain for the neighborhood.

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

Council Member Arp stated one of the items Mr. Shuford is working on is building higher density housing closer to commercial buildings.

Council Member Colvin asked Mr. Duggins if he has any evidence that property values will go down. Mr. Duggins responded he does not have any such evidence, and stated United Development has located in areas requested by the City.

Council Member Wright asked Mr. Owens how this area panned out on the points scored. Mr. Owens responded this site received the maximum perfect score of 60 points. Mr. Owens provided the City Council with several documents pertaining to fear of affordable housing.

Council Member Crisp stated we have a petition of over 250 citizens requesting this apartment complex not be located at this site, and made reference to crime proliferating at affordable housing complexes that are rental properties. Mr. Moberly responded the majority of the crime comes from outside of the complexes and provided an overview of the security processes for the complex. Mr. Owens stated United Development will be investing seven million dollars with a 30 year commitment and invited the Council to visit any of the developments at any time.

Council Member Wright stated the residents would be hard working class citizens earning a decent living.

Council Member Jensen asked Mr. Duggins if this was section 8 housing. Mr. Duggins responded it was not. Mr. Duggins reported that all units are inspected every 45 days.

MOTION: Council Member McDougald moved to approve the rezoning to MR-5/CZ – Mixed Residential Conditional Zoning District, as presented by staff and base on the site plan and conditions.

SECOND: Council Member Wright

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

9.03 Amendment to City Code Chapter 30 to allow outward facing sports sponsorship signs for youth team sports on fences around playing fields

Ms. Karen Hilton, Planning and Zoning Manager, presented this item with the aid of a PowerPoint presentation and stated the Unified Development Ordinance became effective August 1, 2011. Changes to the sign ordinance were very limited in the new code, and since adoption the only significant amendments have been to address the digital format of off-premise signs (billboards) and to create a new option for coordinated, creative sign packages for large developments. Recently staff was asked to consider allowing sponsors of youth sports programs and teams to advertise with their signs facing the public right of way or outside of the field rather than just facing the interior of the field as they currently can. Following a briefing to City Council at its Work Session on March 3, 2014, the Council asked the staff to prepare an ordinance for consideration by the Planning Commission and City Council. At the Planning Commission public hearing on March 18, there was one speaker in favor, representing the Kiwanis. Extensive discussion included both pros and cons and exploring options such as only seasonal display (both City enforcement and the Kiwanis representative indicated that was problematic/too labor-intensive). The Commission voted 6-1 with 1 abstention to recommend approval with three modifications, including prohibiting outward-facing signs within 500' of residentially zoned property. Ms. Hilton stated there are both potentially positive and negative impacts of the proposal to allow outward-facing signs for sponsors of youth team sports on fences around public or private recreational facilities. The pros are that more frequent and lucrative sponsorships could be expected if the signs can provide the sponsoring individual, business or organization with greater exposure, as would happen with signs facing outward on fences readily visible from the public right of way. A Kiwanis representative estimated that at \$500 per sign an additional \$15,000 could be raised annually, and Public costs could be reduced in some cases where tax or fee support is replaced by support from sponsorships. The cons are that appearance problems could range from improperly maintained signage to sign clutter along arterial and collector streets and within neighborhoods although the proposed 500 foot separation from residentially zoned property reduces some of the impacts, these signs can be construed as off-premise signage which is otherwise prohibited except for highly regulated billboards, and the amendment could create added administration and enforcement workloads

for team volunteers, school/recreation program personnel, and City staff.

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

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

A brief discussion ensued.

MOTION: Council Member Hurst moved to approve the amendment to City Code Chapter 30 to allow outward facing sports sponsorship signs for youth team sports on fences around playing fields as presented in the updated version of the ordinance amendment provided prior to the meeting.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.1 Uninhabitable Structures Demolition Recommendations

Mr. Bart Swanson, Housing and Code Enforcement Manager, presented this item with the aid of a PowerPoint presentation and multiple photographs of the properties. He stated staff recommends adoption of the ordinance authorizing the demolition of the structures. He reviewed the following demolition recommendation:

341 Cross Creek Street

Mr. Swanson stated the structure is an vacant residential home that was inspected and condemned as a blighted structure on September 16, 2013. A hearing on the condition of the structure was conducted on October 23, 2013, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on October 24, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since January 2013. In the past 24 months there have been 31 calls for 911 services to the property. There have been 6 code violation cases with a pending assessment of \$149.88. The low bid for demolition is \$2,745.00.

818 Teachers Drive

Mr. Swanson stated the structure is an vacant residential home that was inspected and condemned as a blighted structure on August 4, 2013. A hearing on the condition of the structure was conducted on September 4, 2013 in which the owner appeared. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on September 6, 2013. The utilities to this structure are connected and active. In the past 24 months there have been 11 calls for 911 services to the property. There have been 3 code violation cases with no pending assessments. The low bid for demolition is \$2,145.00 Mr. Swanson reported as of today, one of the heirs to the property stated they had begun the initial repairs to the property, an inspector went to the property and has verified repairs are underway; therefore staff is asking Council to take no action on this item at this time, and if the repairs are not completed within a reasonable time, staff will bring this property item back to Council.

259 N. Windsor Drive

Mr. Swanson stated the structure is an vacant residential home that was inspected and condemned as a blighted structure on December 18, 2012. A hearing on the condition of the structure was conducted on January 16, 2013 in which the owner appeared. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on January 17, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since February 2001. In the past 24 months there have been 5 calls for 911 services to the property. There has been 1 code violation case with no pending assessments. The low bid for demolition is \$3,345.00.

Mayor Pro Tem Davy asked Mr. Swanson if the motion could reflect action for the property located at 818 Teachers Drive, but delay the authorization date. Mr. Swanson responded that a reasonable amount of time could be incorporated into the language of the ordinance, and said staff is communicating with the property heirs and staff are feeling confident the property heirs

will make the necessary repairs to bring the property into compliance.

A brief discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL 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 (341 Cross Creek Street, PIN 0437-61-5715). ORDINANCE NO. NS2014-008

AN ORDINANCE OF THE CITY COUNCIL 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 (818, Teachers Drive, PIN 0436-98-1511). ORDINANCE NO. NS2014-009

AN ORDINANCE OF THE CITY COUNCIL 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 (259 N. Windsor, PIN 0438-31-8794). ORDINANCE NO. NS2014-010

MOTION: Mayor Pro Tem Davy moved to adopt the ordinances authorizing demolition of the structures located at 341 Cross Creek Street and 259 N. Windsor Drive, and to approve the demolition ordinance for the property located at 818 Teachers drive with an effective date of 90 days from current date; if the property is still not in compliance.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

10.02 Municipal Agreement with NCDOT for Interchange Lighting on the Fayetteville Outer Loop

Mr. Lee Jernigan, Traffic Engineer, presented this item with the aid of a PowerPoint presentation and stated NCDOT is constructing the Fayetteville Outer Loop project from Ramsey Street to Cliffdale Road including full interchanges at Ramsey Street, McArthur Road, Murchison Road, Bragg Boulevard, All-American Freeway and Reilly Road/Canopy Lane. The City and Ft. Bragg have requested the installation of interchange lighting at these interchanges. NCDOT will provide the funds for construction of the lighting and the City and Ft. Bragg will provide maintenance of the lighting, including the energy costs. Under this agreement the City will be responsible for the lighting at the interchanges of Ramsey Street, McArthur Road and Murchison Road. Under a separate agreement between Ft. Bragg and NCDOT, Ft. Bragg has agreed to maintain the lighting at the interchanges of Bragg Boulevard, All-American Freeway and Reilly Road/Canopy Lane. There will not be an immediate budget impact. The maintenance costs will begin in approximately 2 years after construction of the Outer Loop projects is complete.

Council Member Arp asked if all the lighting will be the same, Mr. Jernigan responded it would be.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF INTERCHANGE LIGHTING ALONG FAYETTEVILLE OUTER LOOP (I-295). RESOLUTION NO. R2014-016

MOTION: Council Member McDougald moved to pass the Resolution and approve the agreement for the installation of interchange lighting.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

10.3 Consideration of adoption of the Community Development 2014-2015 Annual Action Plan.

Mr. Victor Sharpe, Community Development Director, presented this item with the aid of PowerPoint presentation and stated the 2014-2015 Annual Action Plan is based on priorities, goals and objectives of the 2010-2015 Consolidated Plan. This plan is a comprehensive plan addressing the City's housing, homeless, community development, and community investment

needs through 2015. The plan contains goals, objectives, and implementing strategies for each of the plan's elements. The Annual Action Plan describes the activities to be funded or implemented. The 2014-2015 Annual Action Plan is consistent with the 2010-2015 Consolidated Plan. In an effort to provide citizens an opportunity to participate in the process of developing the Annual Action Plan, the Community Development staff held four citizen participation meetings. These meetings were held in various locations throughout the City. A staff public hearing was held on February 18, 2014 and City Council was briefed on April 7, 2014. The Fayetteville Redevelopment Commission held a public hearing on April 10, 2014. The Redevelopment Commission recommended approval of the 2014-2015 Annual Action Plan. The City's Community Development Block Grant (CDBG) allocation for next year is \$1,316,282, compared to \$1,362,046 for the current year. This results in a decreased amount of \$45,764. The HOME Investment Partnership Grant (HOME) allocation for next year is \$618,840 compared to \$575,873 for the current year. This results in an increase of \$42,967. The net difference is a reduction of \$2,797 between the two grants. The deadline for submission of the grant to the Department of Housing and Urban Development is May 15, 2014. The HOME Investment Partnership Grant requires a match from the City in the projected amount of \$77,355.

Council Member Arp asked what the total cost to the city is. Mr. Sharpe responded \$77,355 is the match required of the city. Council Member Arp asked why this item was not a part of the budget adoption process. Mr. Sharpe responded, Community Development has a portion of its budget in the general fund, but this is a multi-year grant and so is not included in the FY 2014-15 budget.

Discussion ensued.

MOTION: Council Member Colvin moved to approve the 2014-15 Annual Action Plan as recommended by the Fayetteville Redevelopment Commission.

SECOND: Mayor Pro Tem Davy

VOTE: UNANIMOUS (10-0)

10.04 Resolution of the City Council of the City of Fayetteville concerning legislative matters before the General Assembly

Mr. Ted Voorhees, City Manager, presented this item and stated the 2014 Short Session of the North Carolina General Assembly reconvenes on May 14, 2014. Fayetteville's legislative delegation's support and advocacy is instrumental in assisting the City with acquiring authority to establish certain programs and in securing community assets. In an effort to ensure that key issues impacting the City of Fayetteville remain at the forefront of the N.C. General Assembly, the City develops a state legislative agenda. Each year, the City administration reviews various legislative issues that could impact the citizens and/or businesses of Fayetteville. Our State Legislative Delegation met with both City Council and the City's Senior Management Team on March 17, 2014 to review the proposed state legislative agenda for the 2014 Short Session of the N.C. General Assembly. Issues are vetted and a draft agenda was presented to the City Manager for further review and consideration. Council has been provided a copy of the resolution of the City Council of the City of Fayetteville concerning legislative matters before the General Assembly for Council's consideration; the first bullet; pertaining to a Citizen Review Board to be removed from the Resolution. Mr. Voorhees listed the items included in the Resolution:

- Oppose legislation reforming the Municipal Privilege License Tax
- Oppose HB773 to protect the City's Rental Action Management Program (RAMP)
- Support legislation extending or making permanent State Historic Tax Credits Sunset Provisions
- Preserve local authority in reference to HB74
- Support funding for the next phase of the Cape Fear River Trail
- Support an appropriation from the General Assembly for limited testing of existing wells at Texfi from NC Department of Environmental and Natural Resources' (DENR) Inactive Sites Division

- Support the restoration of right to provide fiber optic services to the citizens of Fayetteville
- Support legislation outlined in the 2013-14 North Carolina League of Municipalities Advocacy Goals

MOTION: Mayor Pro Tem Davy moved to pass the Resolution with the exception of the first bullet; addressing the citizen review board

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

10.05 Adoption of resolution to support and advocate for passage of special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to members of a Citizen Review Board

This item was tabled.

10.06 Red Light Camera Program – Resolution

MOTION: Council member Arp moved to pass the Red Light Cameras Program Resolution

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

RECONSIDERATION OF AGENDA ITEM

MOTION: Mayor Pro Tem Davy moved to approve the reconsideration of agenda item 8.08; Budget Ordinance Amendment 2014-8 and Capital Project Ordinance Amendment 2014-06 for the Cape Fear River Trail.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

MOTION: Mayor Pro Tem Davy moved to approve agenda item 8.08; Budget Ordinance Amendment 2014-8 and Capital Project Ordinance Amendment 2014-06 for the Cape Fear River Trail.

SECOND: Council Member Colvin

VOTE: PASSED by a vote of 9 in favor and 1 in opposition (Council Member Arp)

11.0 ADMINISTRATIVE REPORTS – None.

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 p.m.