

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 28, 2015
7:00 P.M.**

Present: Mayor Nat Robertson

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

Others Present: Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Scott Shuford, Development Services Director
Kevin Arata, Corporate Communications Director
Randy Hume, Transit Director
Tracey Broyles, Budget and Evaluation Director
Lee Jernigan, Interim Engineering and Infrastructure Director
Craig Harmon, Senior Planner
Gloria Wrench, PWC Purchasing Manager
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 Pastor Josiah Carle, Covenant Love Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Ms. Cathy Waddell, Fayetteville-Cumberland Human Relations Commission Chair, presented Certificates of Appreciation to Dr. Floyd Johnson and Dr. Asim Raja for their service on the Fayetteville-Cumberland Human Relations Commission.

Council Member McDougald presented a proclamation to Captain Rodger Sullivan, Interim Fire Marshall, proclaiming October 4-10, 2015, Fire Prevention Week.

Council Member Colvin presented a First Responder Appreciation Award to Assistant Police Chief Michael Petti on behalf of the Samuel Council Chapter 555th Parachute Infantry Association, Fort Bragg, North Carolina.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

6.0 CONSENT

MOTION: Council Member Mohn moved to approve the consent agenda with the exception of Item 6.04, pulled for discussion and separate vote, and Item 6.09, pulled for separate vote of

being placed on October 5, 2015, work session agenda for further discussion.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

6.01 P15-24F. The rezoning of property from SF-10 Single-Family to SF-10/CZ Limited Commercial Conditional Zoning District, located at 6651 Raeford Road and two unaddressed lots fronting Kilmory Drive, and being the property of Rick Wilhide.

6.02 P15-27F. The initial zoning of property from HS(P) (County) to CC Community Commercial Zoning District, located at 2766 Gillespie Street, and being the property of Chad Brown and Wife Erin.

6.03 P15-28F. The initial zoning of property from M(P) Manufacturing (County) to HI Heavy Industrial Zoning District, located at 2847 Bridgewood Drive, and being the property of Rogers & Breece Inc.

6.04 Pulled for discussion and separate vote by Council Member Mohn.

6.05 Budget Ordinance Amendment 2016-3 (Purchasing Function Transition)

Budget Ordinance Amendment 2016-3 will appropriate \$171,000.00 from fund balance in the General Fund to fund one-time costs associated with the transition of the purchasing function from the Public Works Commission (PWC) to the City's Finance Department.

6.06 Budget Ordinance Amendment 2016-2 (Fee Schedule Updates for Nonresident Parks and Recreation Fees)

Budget Ordinance Amendment 2016-2 will update the fee schedule to implement nonresident fees at 100 percent above resident fees for parks and recreation program participation and facility usage.

6.07 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 the 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. R2015-056

6.08 Bid recommendation for award of contract for replacement stationary batteries to ABT Power, the lowest responsive, responsible bidder, in the total amount of \$93,325.00

Bids were received on August 18, 2015, as follows:

ABT Power Management, Inc., Charlotte, NC	\$93,325.00
Industrial Battery & Charger, Inc., Charlotte, NC	\$98,012.00

6.09 Pulled for separate vote of being placed on October 5, 2015, work session agenda for further discussion by Council Member Mohn.

6.10 Approval of 2nd Supplemental Municipal Agreement with NCDOT for Safe Routes to School Project (SR-5001CD)

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. R2015-057

6.11 Resolution Authorizing the Conveyance of City-Owned Real Property to the Department of Transportation for Right-of-Way

A RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY TO THE DEPARTMENT OF TRANSPORTATION FOR RIGHT-OF-WAY (Rowan Street Bridge/Realignment Project). RESOLUTION NO. R2015-058

6.12 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction (1 1994 Emergency One Cyclone Fire Pumper and 1 1995 GMC C3500 Brush Truck

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2015-059

6.13 Supplemental Municipal Agreement for Winslow Street Streetscape Project and Capital Project Ordinance Amendment 2016-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR CONSTRUCTION OF THE WINSLOW STREETScape PROJECT. RESOLUTION NO. R2015-060

6.14 Signature Authority Designees and E-signature: Ordinance Amendment - Sec. 2-61

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE III, LEGAL AND FISCAL AUTHORITY, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2015-015

6.15 City Council Policy - Key to the City

The City Council adopted City Council Policy No. 115.18, Key to the City, which provides guidance to Council on presenting the "Key to the City" as recognition and a gesture of goodwill to recognize deserving individuals, organizations, or entities as "Ambassadors-at-Large".

6.16 Request for Legal Representation of City Employees

The City Council authorized the legal representation of City employees Harold Medlock and Christopher Hunt in the matter of *Alfricka Bennett, Administratrix for the Estate of Shaqur McNair v. City of Fayetteville, et al.*

6.17 Rescinding of Demolition Ordinances

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2015-018 (512 LINK STREET). RESOLUTION NO. R2015-061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2015-20 (615 NORTH STREET). RESOLUTION NO. R2015-062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2015-021 (619 NORTH STREET). RESOLUTION NO. R2015-063

6.18 Uninhabitable Structures Demolition Recommendations

4705 Belford Road, District 9

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 (4705 BELFORD ROAD, PIN 0417-11-6407. ORDINANCE NO. NS2015-029

1101 Bowling Green Drive, District 5

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 (1101 (Bowling Green Drive, PIN 0416-26-0403). ORDINANCE NO. NS2015-030

118 Kensington Circle, District 2

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 (118 Kensington Circle, PIN 0438-63-0179). ORDINANCE NO. NS2015-031

610 Link Street, District 2

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 (610 Link Street, PIN 0447-03-1570). ORDINANCE NO. NS2015-032

892 W. Orange Street, District 2

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 (892 W. Orange Street, PIN 0437-59-5002). ORDINANCE NO. NS2015-033

6.19 Revisions of Chapter 14, Article 1, Section 14-10 (Duties and responsibilities of the board of appeals); Chapter 22, Article 1, Section 22-3 (Definitions); Section 22-16 (Illegal dumping; owners and occupants required to keep premises free from public health and safety nuisances); Section 22-30 (Notice to abate); and, Section 22-13 (Penalties for violations)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 14-10 OF CHAPTER 14, HOUSING, DWELLINGS AND BUILDINGS, AND VARIOUS SECTIONS OF CHAPTER 22, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2015-016

6.04 Capital Project Ordinance Amendment 2016-23 and Resolution to relocate the Winslow Street Railroad Cabinet

This item was pulled for discussion and separate vote by Council Member Mohn.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR CSX TRANSPORTATION TO CONSTRUCT THE RELOCATION OF THE RAILROAD SIGNAL CABINET AT WINSLOW STREET AND FRANKLIN STREET. RESOLUTION NO. R2015-064

MOTION: Council Member Mohn moved to adopt Capital Project Ordinance Amendment 2016-23, 2015-16 Budget Ordinance Amendment Change 2016-4 and adopt the Resolution for CSX transportation to construct the relocation of the railroad signal cabinet at Winslow and Franklin Streets.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

6.09 Approve the Purchase of new 95-Gallon Schaefer Refuse Containers for Environmental Services

This item was pulled for separate vote of being placed on October 5, 2015, work session agenda for further discussion by Council Member Mohn.

MOTION: Council Member Arp moved to purchase and to place this item on the October 5, 2015, work session agenda.

SECOND: Council Member Wright

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

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Fayetteville Advisory Committee on Transit (FACT) Report

Mr. Jeff Thompson, FACT Chair, presented the FACT annual report.

7.02 City of Fayetteville Stormwater Advisory Board - 2015 Annual Report

Mr. Kevin Briscoe, Stormwater Advisory Board Chair, presented the Stormwater Advisory Board annual report.

8.0 STAFF REPORTS

8.01 FY 15 Strategic Performance Year-End Report

Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, presented this item with the aid of a PowerPoint presentation. She stated as the City of Fayetteville continues to grow and thrive, the City Council looks to chart a course with a strategic plan which articulates a vision for our community's future that will ensure vitality and sustainability. The strategic plan has five main areas that represent a commitment to serving the community. The plan is comprised of the following components: the Vision for the community, the organizational Mission and Core Values, the 5-Year Goals that support the long-term vision for the City and the annual Targets for Action (TFA) to advance progress toward the goals. This model aligns City programs and spending with long-term goals, brings critical needs into focus and provides an organizational roadmap for success. The City's strategic plan is a critical component of a larger system of planning for our organization's success, which includes the annual budget process, citizen input, capital and technology prioritization and financial planning. The City's strategic planning process is designed to build upon past successes, yet also accommodate proactive response to changing environments. This year we incorporated input from staff and citizens to shape the priorities of the plan, and to focus on areas of unity and common interests among the City Council, staff and citizens. The City of Fayetteville is a result-focused organization and as such, evaluates and reports on the advancement of the strategic plan to ensure accountability. The following six goals were identified for the next five years, which help achieve the community's vision:

1. The City of Fayetteville will be a safe and secure community.
2. The City of Fayetteville will have a strong, diverse and viable local economy.
3. The City of Fayetteville will be designed to include vibrant focal points, unique neighborhoods and high quality, effective infrastructure.
4. The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all residents.

5. The City of Fayetteville will have unity of purpose in its leadership, and sustainable capacity within the organization.
6. The City of Fayetteville will develop and maintain strong and active community connections.

City Council identified the following five top policy priorities as strategic initiatives for FY 2015:

1. Resource Police staffing
2. Establish a broader city-wide Economic Development Program
3. Complete comprehensive land use plan
4. Study and plan for Parks and Recreation capital projects funding
5. City-wide customer service initiative

Ms. Rogers-Carted stated in February, Fountainworks consulting firm met with City Council in a two-day planning retreat. The session included opportunities for participants to build upon ideas and interact in open conversation. Council worked to confirm the community vision statement which reflects a vibrant and engaged City of Fayetteville. Drawn from environmental scans, City Council determined the path our organization must follow in order to reach the community's vision and worked to confirm five-year goals. During the March follow-up work sessions and in preparation for budget development, City Council prioritized elements of a one-year tactical action plan. These are the activities that Council and staff will spend a majority of their time undertaking during the fiscal year. The City Council prioritized five top policy items and other specific targets for action for staff to enact this year to achieve these goals. Performance measures were incorporated for each of the goals so that the City can measure the impact. Moving forward we continue to build organizational capacity to further train City staff on performance management techniques and to attain the necessary tools needed to capture, validate, assess and report performance measures. We are creating an online dashboard for citizens to access the measures with a focus on equating our performance based on established targets, trending, budgeting for outcomes and strategic initiative updates. This system is currently being finalized and tested. The next step is to ensure proper staff training so that data and information is entered into the system accurately. The online dashboard report is due to launch to the public in February. An integrated system of strategic planning, budgeting for results and performance management takes years to fully develop but the benefits transform local governments into focused organizations, achieving improved results and greater transparency and accountability to the public.

9.0 PUBLIC HEARINGS

9.01 Pass a Resolution and Order Closing a Portion of Siple Avenue

Ms. Kecia Parker, Real Estate Manager, presented this item and stated N.C.G.S § 160A-299 gives authority and procedures for the City to close a City street or alley. The City is requesting that the portion of Siple Avenue be closed for safety reasons due to the Rayconda Dam being classified as high hazard. This portion of Siple Avenue will be closed as of September 30, 2017, after completion of the City's project to extend Pinewood Terrance to Raeford Road, providing an alternate connection to the Rayconda Subdivision, as previously approved by Council. Closing the street will not deny access to any property owners after that construction is complete. There is a Piedmont Natural Gas line over the said portion and an easement will be reserved for future maintenance. Staff has published

the Notice of Public Hearing for four consecutive weeks, mailed certified notices to abutting property owners, and posted the property with the Notice of Public Hearing also.

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

Ms. Alice Sosa, 2111 Pinewood Drive, Fayetteville, NC 28304, appeared in opposition and requested staff provide the Rayconda residents with a true cost of the construction needed to repair the dam.

Mr. George Sosa, 2111 Pinewood Drive, Fayetteville, NC 28304, appeared in opposition and stated this issue has been going on for almost 15 years.

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

Mr. Lee Jernigan, Interim Engineering and Infrastructure Director, stated the Rayconda Dam has been classified as a high hazard dam since 2004. Meetings have been held through the homeowners association for several years, the dam is owned by the homeowners association, the road is owned by the City. Approximately two years ago the repair of the dam by a private company was estimated around \$900,000.00.

Council Member Colvin asked Ms. Sosa what her priorities are. Ms. Sosa replied the repair of the dam. Mr. Jernigan stated at one time the residents had been asked if they would be willing to be assessed through a municipal service district for the repayment of the dam repairs, and at that time, there was no consensus from the residents to go with that option.

Council Member Crisp stated he has been in contact with the homeowner's association presidents over the past seven years. The residents have made it clear over the years they are not willing to pay for the repair of the dam. The City offered to loan the money to the residents at the time we established the dam fund, the offer was rejected and the homeowners association hired an attorney. The City cannot afford to let the dam breach; if we do, we will spend more than \$900,000.00. We cannot land lock the citizens, we need to build the road.

Council Member Mohn stated he was serving on council when the dam fund was established. There is an upper lake and lower lake, and there had been an option to build a culvert and then there would not be an upper lake; this was a lower cost option.

Council Member McDougald asked Mr. Jernigan if we close the road, then we would expect to have the dam reclassified by DENA. Mr. Jernigan replied that was correct as the road would no longer support vehicular traffic, we have met recently with DENA and they are aware of what our plans are. Council Member McDougald stated with this plan, it will leave both lakes in place for the residents to enjoy.

Council Member Jensen asked how often the homeowner's association meets. Council Member Crisp replied they do not have a set schedule for meetings, and further stated he was not invited to the last meeting they held.

Council Member Arp asked how the residents of Rayconda were notified of this public hearing, and stated he is surprised there are only two speakers from the community. Ms. Parker responded notice was published in the newspaper, the notice was also posted on the property, and certified letters were mailed to the adjoining property owners, and we also notified the homeowner's president. Council member Arp asked Mr. Sosa if everyone from the home owner's

association has access to the lake. Mr. Sosa replied all the residents have access via two access points that have gates; you can take boats on the lake and fish.

Council Member Wright stated he feels there has been a division in the community between those that live on the lake and those that live off the lake. The residents have not found solution. Ms. Sosa stated a lot of things have changed since 2013, and now we have access for everyone in the community.

Council Member Mohn asked for the president of the homeowner's association to address the City Council. Mr. Fred Rivera stated he is the President of the Rayconda HomeOwner's Association and resides at 1946 Culpepper Lane. Council Member Mohn asked how many residents is Mr. Rivera in touch with, and is there a majority of residents in favor of this proposal. Mr. Rivera stated he does his best to be in contact with all 237 residents in the community and at the August 28, 2015, meeting we had 106 in attendance, with mixed emotions and various factors that some thought would either hinder or help. This Council and past Councils have made it very clear they are not in the business of restoring residential dams. Mr. Rivera asked if the City had restored Mirror Lake in Vanstory at no cost to the residents.

Council Member Arp asked Mr. Jernigan if Vanstory residents were assessed for the repairs of Mirror Lake. Mr. Jernigan replied in the affirmative. Ms. Parker stated the Mirror Lake assessments were prepared through Cumberland County.

**A RESOLUTION AND ORDER CLOSING A PORTION OF SIPLE AVENUE.
RESOLUTION NO. R2015-065**

MOTION: Council Member Crisp moved to adopt the resolution and order closing a portion of Siple Avenue while reserving utility rights for Piedmont.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

9.02 New Bus Route to Veterans Administration Medical Center

Mr. Randy Hume, Transit Director, presented this item and stated the Veterans Administration (VA) is constructing a new Health Center in west Fayetteville near the intersection of Raeford Road (US 401) and old Raeford Road. The new center is scheduled to open approximately November 9, 2015. The new Center will be open for business from 8:00 a.m. to 4:30 p.m., Monday through Friday. The new Center is located in an area currently served by the FASTTRAC! ADA paratransit vans, but is not served by the existing fixed route buses. The current Transit Development Plan (TDP) recommended the new VA Center be served with an extension of FAST's Route 7 which serves Raeford Road but terminates at Ireland Drive. This would have been implemented in conjunction with the major route realignment that will occur when the new Transit Center opens in mid-2016. To meet the immediate service need, staff has proposed to temporarily operate a separate shuttle route connecting the VA Center with other buses in the FAST system. The proposed new shuttle route would provide hourly shuttle service from Raeford Road and Ireland Drive (connecting with Routes 7, 10, and 31) along Raeford Road to Cliffdale Road and Two Bale Lane (connecting with Route 17). Other major stops or connections would occur at Lewis Chapel Church (Route 15), near Bunce Road (Route 18), Strickland Bridge Road (Route 10), and Walmart (Route 17) in addition to the new VA Center. The new route is proposed to operate from 6:25 a.m. until approximately 5:25 p.m. Transit policies require a public hearing to establish this new route. A public hearing notice was published on September 11, 2015. The notice also advised the public of other opportunities to learn about the proposed route as well as to ask questions and provide comment. Those meetings were held on September 18, 2015, at the current VA Medical Center on Ramsey Street and on September 25, 2015, at the FAST offices on Grove Street. The meeting at the VA Medical Center was held in conjunction

with one of the VA's regularly scheduled "Town Hall" meetings and focused on veterans' transportation. Once the Council has received comments from the hearing, it is recommended City Council approve the new route as proposed or with modifications based on the public comments.

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.

Council Member McDougald asked to view the diagram of the route. Mr. Hume displayed the slide of the route.

Council Member Wright asked if there were shelters on the route. Mr. Hume replied there are several shelters along the route.

RESOLUTION TO ESTABLISH A NEW SHUTTLE ROUTE TO SERVE THE NEW VETERANS ADMINISTRATION MEDICAL CENTER. RESOLUTION NO. R2015-066

MOTION: Council Member Colvin moved to adopt the resolution establishing the new shuttle route.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

9.03 P15-23F. The issuing of a Special Use Permit for a Day Care Center in a SF-10 zoning district for property located at 2076 Poplar Drive, and being the property of Joseph Weston/Carmen Sager.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation, and stated this property is located behind New Dimension Child Care across the street from Sherwood Park Elementary School. The Hope Mills Road Land Use Plan, which was amended into the City's overall Land Use Plan, calls for an expansion of OI Office and Institutional into an area one block back from Hope Mills Road. The owners of New Dimension Child Care hope to use the existing house for a computer lab for after school homework and tutoring. They also hope to use the back yard to expand the play area for the center. The current center is licensed through the State and this addition will have to be licensed once approved for a Special Use Permit. The following conditions of approval are requested/required by staff:

1. Maintain and improve where necessary the existing fencing that surrounds this property.
2. Landscaping to meet Unified Development Ordinance (UDO) standards.
3. Combine the properties into one parcel if approved.
4. Site plan as finally approved by the Technical Review Committee (TRC).

On August 11, 2015, the Zoning Commission held a public hearing regarding this case. There was one speaker in favor and one in opposition. The speaker in opposition expressed concerns over noise from children and staff, trash being thrown in his back yard and that the owner was already using this property illegally. The Commission voted 4 to 0 to recommend approval. The Zoning Commission and City staff recommends approval of the proposed Special Use Permit based on the following:

1. The City's Land Use Plan calls for this property to be OI.
2. The 2030 Growth Vision Plan says that expansion of existing businesses is a critical component of the area's economic development.

3. This property is surrounded by commercial uses in an area slated for OI expansion in the future.

Mr. Harmon stated the Special Use Permit must meet the following findings of fact:

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.

Ms. Jean Weston, 6516 Lagoon Drive, Fayetteville, NC 28314, appeared in favor and stated she is the applicant and requested Council approval of the Special Use Permit, and further stated her mission is to keep kids busy and focused after school.

Mr. Jose' Soto, 2072 Poplar Drive, Fayetteville, NC 28304, appeared in opposition and stated the noise from the daycare center is unbearable, trash has been thrown into his yard, the children are unsupervised, and the staff at the daycare center have ignored all of his complaints.

Council Member Crisp asked Ms. Weston if the children were supervised when they were outside. Ms. Weston replied the staff is supervising the children when they are outside.

Council Member Colvin asked Ms. Weston how long she had been operating her business and asked to confirm it was state regulated. Ms. Weston stated she had operated a daycare center since 1999 and it is state regulated.

Council Member Jensen asked Ms. Weston how many employees worked at the daycare center, and how many children were enrolled at the daycare center. Ms. Weston replied there are 13 employees and 82 children enrolled at the center; it is a 24-hour operation with three shifts.

Council Member McDougald stated children can get really loud and recommended Ms. Weston be conscious of the noise levels and suggested Ms. Weston become a good neighbor and if she sees trash, to pick it up.

Council Member Wright asked if parties take place late at night or if music is playing loudly. Ms. Weston replied the State does not permit any type of parties.

Council Member Mohn stated office institutional is typically for businesses that operate during normal business hours (not 24-hour operations).

Council Member Crisp stated Council cannot set hours of operation for daycare centers, as they are state regulated.

MOTION: Council Member Colvin moved to approve the Special Use Permit for the expansion of a daycare center, with conditions as presented by staff and upon a finding that all eight standards are met.

SECOND: Mayor Pro Tem Davy

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Robertson, Jensen, Mohn, and Arp)

Mayor Robertson recessed the meeting at 9:30 p.m. and reconvened the meeting at 9:35 p.m.

9.04 P15-26F. The rezoning of property from SF-10 Single-Family to MR-5/CZ Mixed Residential Conditional Zoning District, for property located at 202 Broadfoot Avenue, and being the property of Margaret Dunn.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the owner of this property wishes to rezone to the City's Mixed Residential district with conditions (MR-5/CZ). MR-5 allows for both single-family and multifamily developments as permitted uses. Under the City's MR-5 District 13 multifamily units could be built on this property. If subdivided, three single-family units could be built on this property currently. This property is the start of a large area of SF-10 single family development that extends to the southwest of this intersection. However, there are several homes in this area that have been converted to two-, three-, and four-unit homes. This property is located on the southwest corner of the intersection of Raeford Road, Broadfoot Avenue, and Arsenal Avenue. The property is currently zoned SF-10. Under this district single-family detached units are permitted by right and two- to four-unit dwellings are permitted through a Special Use Permit process. Under the City's standards two- and four-unit dwellings are required to appear as a single-family residence and meet the single-family design standards. One of the conditions of this application is that anything built would mimic the single-family development that surrounds the property. This property was denied by the Zoning Commission for a rezoning in March of this year. It was staff's opinion that this new application to conditional zoning constitutes a substantial change which allows the applicant to reapply before the typical one-year waiting period was over. The following conditions of approval were presented:

1. Limited to no more than 8 units. (13 units would be allowed under a straight rezoning to MR-5).
2. Retain existing fence on Raeford Road.
3. Replace the existing fence on Broadfoot Avenue with wrought iron or similar metal fence.
4. Maintain existing setbacks of the SF-10 district.
5. Any new construction would be no higher than the current house.
6. All required parking will be provided on site.
7. The driveway entrance will be via Broadfoot Avenue.

8. Any new construction will be in character with the surrounding properties by using elements of those types of construction, mimicking single family.
9. The footprint of any new construction will be in character with the surrounding properties.
10. Parking along Raeford Road would be limited to what is allowed for single-family residential developments in the UDO at the time of development.

Mr. Harmon further stated on August 11, 2015, the Zoning Commission held a public hearing on this case. There was one speaker in favor and one in opposition. The speaker in favor spoke to preserving the neighborhood look while acknowledging that this area is undergoing a transition. The speaker in opposition spoke to the issues with noise, visibility, buffering and scenery. The Zoning Commission was unable to reach a recommendation with two members voting in favor and two voting in opposition.

Mr. Harmon stated the City staff recommends approval of the proposed rezoning based on the following:

1. The City's Growth Vision Plan calls for residential compatibility and property will serve as a transitional buffer from the single-family neighborhood to the commercial activity on Raeford Road.
2. The conditional zoning limits how many units can be built.
3. The conditional zoning puts restrictions on how the property will look after construction, to be compatible in appearance with adjacent residential.
4. The conditional rezoning would make new construction at a higher density be in character with other multi-unit properties on Broadfoot Avenue that are converted residential units.

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

Mr. Thomas Neville, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor and stated he is the attorney representing the applicants. Mr. Neville further stated this is a neighborhood in transition.

Mrs. Minnie Howie, 213 Valley Road, Fayetteville, NC 28305, appeared in opposition and stated she wanted to see the character of the neighborhood preserved and asked the Council to deny the rezoning request.

Mayor Pro Tem Davy stated her concern is for the character of the community, and asked how many units would be in the building. Mr. Neville estimated it would be no more than eight units.

Council Member Arp stated Council can regulate by conditions; it is unfair to ask the applicant to pay a lot of money for architectural plans before the zoning has been determined.

Council Member Jensen asked if the units will be rentals or property for purchase. Mr. Neville replied they would be rental units.

Council Member Crisp stated it is not unfair to ask what type of building will go on the property, if it is rezoned.

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

MOTION: Mayor Pro Tem Davy moved to approve the rezoning to MR-5/CZ Mixed Residential Conditional Zoning District with conditions.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.05 Code Amendment to clarify Sec. 30-5.L.4, Signs in Rights-of-Way

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated in consultation with the City Attorney's Office, clarification is provided in the agenda packet regarding the prohibition of signs in the rights-of-way. The City Attorney's Office has provided guidance regarding appropriate changes to the sign ordinance. This amendment addresses prohibition of signs in rights-of-way. The Planning Commission held a public hearing September 15, 2015, and there were no speakers for or against. The Planning Commission and staff recommend that City Council move to approve the proposed code amendment to clarify standards for signs in the rights-of-way.

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 AMEND CITY CODE ARTICLES 30-5.L.4.g SIGNS IN THE RIGHT-OF-WAY (PROHIBITED), TO CLARIFY PURPOSE AND APPLICABILITY. ORDINANCE NO. S2015-017

MOTION: Council Member Crisp moved to adopt the ordinance on the proposed amendment to clarify standards for signs in the rights-of-way.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.06 Annexation of the Brown Property - 2766 and 2772 Gillespie Street

Mr. David Nash, Planner, presented this item with the aid of a PowerPoint presentation and stated the area requested for annexation by Mr. and Mrs. Brown is on the southern side of the City, along the western side of Gillespie Street, just north of the new Walmart development site. The area consists of two tax parcels; both of these parcels are developed. The first parcel fronts on Gillespie Street and it has a situs address of 2766 Gillespie Street. The second parcel is behind the first parcel; it has a situs address of 2772 Gillespie Street. According to the City's Legal Description Map, the area consists of approximately .92 acres. According to Mr. Brown, a business known as Auto Tune, Inc., uses the land on both parcels. This business is involved in auto repair and auto towing/repossession. When Mr. Brown submitted the annexation petition, he said he wanted his properties to be annexed so that he will be able to get on the City's wrecker service rotation list. The City is processing this request as a satellite annexation. This area is in the Fayetteville Municipal Influence Area (MIA). As shown on the Vicinity Map, there are several City satellite areas nearby. In processing this annexation, staff has assumed that both of these parcels will be annexed, and that the land use of these parcels will remain the same. Staff is not aware of any proposed land use changes.

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 BROWN PROPERTY). ANNEXATION ORDINANCE NO. 2015-09-564

MOTION: Mayor Pro Tem Davy moved to adopt the annexation ordinance with an effective date of September 28, 2015, and establish the initial zoning consistent with prior action on the zoning case.
SECOND: Council Member Colvin
VOTE: UNANIMOUS (10-0)

9.07 Annexation of the Information Operations Consultants LLC Property - 2847 Bridgewood Drive

Mr. David Nash, Planner, presented this item with the aid of a PowerPoint presentation and stated Information Operations Consultants LLC has recently purchased property along the eastern side of Bridgewood Drive. The LLC has requested that this property be annexed into the City. As shown on the attached Vicinity Map and Legal Description Map, Bridgewood Drive is located west of the Fayetteville Regional Airport, north of Airport Road. The LLC plans to build a training facility on this property. The facility will need PWC water and sewer. The property is inside the Fayetteville MIA. City Council Policy No. 150.2 requires that the property be annexed before PWC utilities are provided. The LLC submitted an annexation petition on July 8, 2015, requesting that the property be annexed as a non-contiguous area. The property consists of one tax parcel (PIN 0435-14-6951) with a size of about 2.47 acres.

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

Mr. Ned Garber, 565 Gillespie Street, Fayetteville, NC 28301, appeared in favor and stated he is available to answer any questions Council members may have.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (THE INFORMATION OPERATIONS CONSULTANTS LLC PROPERTY). ANNEXATION ORDINANCE NO. 2015-09-565

MOTION: Mayor Pro Tem Davy moved to adopt the annexation ordinance with an effective date of September 28, 2015, and establish the initial zoning consistent with the prior action on the zoning case.
SECOND: Council Member McDougald
VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Metropolitan Housing Authority - TEFRA - Revitalization of Grove View Terrace

Mr. Jonathan Charleston, Attorney representing the Metropolitan Housing Authority, presented this item and stated the Fayetteville Metropolitan Housing Authority is seeking the City of Fayetteville's approval of the issuance of multifamily revenue bonds to finance the redevelopment of Grove View Terrace with the proceeds of tax exempt bonds. These bonds are also known as qualified private activity bonds. The City will have no liability whatsoever for the repayment of principal or interest on the bonds, and the faith and credit, and the taxing power of the City will not be pledged to support the bonds. These bonds will be payable solely from funds and revenues received by the Authority. The Authority has tentatively agreed to assist Grove View Terrace Associates LP, a North Carolina limited partnership, or an affiliated or related entity in the financing of the acquisition, redevelopment, construction and equipping of the existing Grove View Terrace housing development through the issuance of up to \$20,000,000.00 in housing bonds. The Authority is a general partner in the limited partnership development entity. The existing 216 units will be demolished and replaced with 272 units at the same location.

The community will offer 14 two-story and 4 three-story buildings consisting of 184 two bedrooms/one bath units and 88 three bedroom/two bath units in 18 garden style buildings. The community will have a separate community building with a leasing office, covered sitting porch, laundry room with washers/dryers, and two computer centers with internet, multi-purpose room with kitchenette, game/craft area and television/sitting area. The grounds will offer playground, tot lot, covered picnic area with two tables and grill and outdoor sitting areas with benches. As a pre-condition for the exclusion from gross income for federal income tax purposes of interest on all qualified private activity bonds, the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") requires, among other things, that the issuance of bonds be approved either by an elected official or body of elected officials of the applicable governmental entity after a public hearing (a "TEFRA hearing") following reasonable public notice (a "TEFRA notice"). Accordingly, although the bonds will be issued by the Authority, the law requires that any bonds issued by the Authority for the Developments may only be issued after approval of the plan of financing by the City Council following a public hearing with respect to such bonds. A public hearing with respect to the issuance of the bonds for the financing of the Development was held by the Authority at its September 17, 2015 meeting and a certificate regarding the results of the public hearing will be delivered to the City Council. The TEFRA notice was published in *The Fayetteville Observer* on September 3, 2015, as required by the TEFRA rules. Mr. Charleston concluded his presentation by stating given the time constraints associated with the financing of the development, it is important for City Council to authorize the issuance of the bonds at this September 28, 2015, meeting, and thanked the Council on behalf of the FMHA for their consideration of this request.

MOTION: Mayor Pro Tem Davy moved to approve the issuance of qualified private activity bonds by the FMHA for the Grove View Terrace housing development project.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

10.02 Economic Alliance Proposed Amended Interlocal Agreement

Mr. Jay Reinstein, Assistant City Manager, presented this item and stated The NC Alliance was launched in 2012 as a division of the Fayetteville-Cumberland Regional Chamber. The City, along with the Public Works Commission and Cumberland County, has provided funding to The NC Alliance to support the economic development activities and programs on behalf of the governing bodies and the community. In FY 15, the Chamber organized its 2005 Task Force and charged it with the responsibility of examining the combined Chamber and The NC Alliance structure for efficiency and effectiveness. The Task Force presented its report and recommendations to the City Council and concluded that the Chamber and The NC Alliance would best meet its objectives if it was separated. City Council received the report and recommendation to create a separate entity and subsequently charged the City Manager to work with the County Manager and The NC Alliance staff to develop a proposed Interlocal Agreement for City Council's and Cumberland County's consideration. In FY 15 the Fayetteville Regional Chamber of Commerce commissioned the 2025 Task Force to study, reevaluate, and make recommendations that would appropriately reposition the Chamber of Commerce and the NC Economic Alliance to meet the needs of the business community and ensure that The NC Alliance is solely focused on industrial recruitment activities for the community. The 2025 Task Force recommended the separation of the NC Economic Alliance from the Fayetteville Regional Chamber. City Council accepted the 2025 Task Force Report and recommendations and instructed the City Manager to work with the NC Alliance staff and the Cumberland County Manager to develop a proposed governance model. The current staff and Board of the NC Economic Alliance have worked closely with the City Manager and the County Manager to develop a proposed Interlocal Agreement that will govern the new separate and independent organization. The now proposed amendment to the

Interlocal Agreement adds two additional members--the Mayor Pro Tem and the most recent Chair of the County Commission--to a temporary committee that will establish the nonprofit entity by developing and filing its by-laws. The amendment is offered for Council's consideration out of a concern that the previous committee's configuration did not broadly reflect the community. The temporary committee will exist for a short time, as its mission is limited to establishing the new nonprofit entity. The committee will dissolve after the actual board members are appointed by the City Council, County Commissioners, and the Economic Alliance Foundation. The proposed amendment adding the two additional members can be found in Paragraph (3) of the Agreement. There is no budget impact at this time; however, City Council will need to authorize the release of approved funding for the second half of FY 16, no later than December 2015, if The NC Alliance or the new structure is to continue.

MOTION: Council Member Arp moved to approve the Interlocal Agreement with Cumberland County.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:36 p.m.