



**MEETING OF FEBRUARY 21, 2023**

**TO:** Mayor Jordan and City Council  
**THRU:** Susan Norton, Chief of Staff  
**FROM:** Timothy Nyander, Utilities Director  
**DATE:**  
**SUBJECT:** Kim Petrone - Water Damage Claim at 3263 N. Makeig Ct.

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**RECOMMENDATION:**

Staff recommends approval of a damage claim payment to Kim Petrone in the amount of \$32,241.27, a joint payment to Privacy Fence, Inc. & Kim Petrone in the amount of \$2,580.00, and joint payment to JDE Foundations, Inc. & Kim Petrone in the amount of \$15,178.73 for water damage remediation at 3263 N. Makeig Ct. after a City water main break caused damage to the property.

**BACKGROUND:**

On September 20, 2021, the City of Fayetteville experienced a large 36-inch diameter water main break on N. Makeig Ct. Kim Petrone owns the home located at 3263 N. Makeig Ct. This large water main break caused substantial amounts of flooding and damage to the neighborhood and to the Petrone's residence. Kim Petrone's insurance company denied her claim, so she immediately filed a damage claim with the City after the incident.

**DISCUSSION:**

Per City Code Section 39.10 – Water and Wastewater Damage Claims, “The Utilities Department Director may not authorize any payment greater than \$10,000.00 for any claim pursuant to this section. The Mayor may request the City Council to authorize an amount greater than \$10,000.00 by resolution, but in no case shall the city pay more than \$25,000.00 pursuant to this claims procedure for a damage claim related to a water or wastewater utility infrastructure occurrence unless in an extraordinary case the Mayor recommends and the City Council by two-thirds ( $\frac{2}{3}$ ) majority approves an exemption from the \$25,000.00 damage cap and approves a payment up to \$50,000.00.”

When the large water main broke, the rush of water flooded the Petrone's home destroying flooring, walls, trim, and cabinetry. Foundation damage also occurred to the residence. The foundation repairs will include excavating around the perimeter of the home and installing 18 steel piers to lift the foundation and stabilize the home. The Petrone's 6-foot wooden fence and gate were also damaged and need to be repaired.

The reimbursements and payments to remediate the water damage would include:

- Reimbursement to Kim Petrone in the amount of \$32,241.27 for hotel expenses, painting, flooring and trim, and plumbing expenses
- Joint payment to Privacy Fence, Inc. & Kim Petrone in the amount of \$2,580.00 to repair the 6-foot wooden

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fence and gate

- Joint payment to JDE Foundations, Inc. & Kim Petrone in the amount of \$15,178.73 for foundation repair to the residence to permanently stabilize the foundation after erosion caused damage after the water main break and subsequent flooding

Staff requests approval to reimburse Kim Petrone and pay for the foundation and fence repairs needed for \$50,000.00, which is the maximum amount allowed by Section 39.10 of the Fayetteville City Code.

**BUDGET/STAFF IMPACT:**

Funds are available in the Insurance Self (Non-Vehicle Damage) account within the Water & Sewer fund.

**ATTACHMENTS:** SRF Kim Petrone Water Damage Claim, 3263 Makeig Final Costs

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