

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
DECEMBER 9, 2013
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
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Harold Medlock, Police Chief
Benjamin Major, Fire Chief
Craig Harmon, Sr. Planner
David Nash, Planner II
Kecia Parker, Real Estate Manager
Elizabeth Somerindyke, Internal Auditor
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 Wiley Hughes, Destiny Now Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

5.0 RECOGNITION

5.1 Oath of Office – Council Member William J.L. Crisp administered by the Honorable Talmadge S. Baggett, Jr.

The Oath of Office was administered to Council Member William J.L Crisp by the Honorable Talmadge S. Baggett, Jr. the Bible was held by Mr. Joseph Dyer who is the oldest voter in District 6 at the age of 102 years. Council Member Crisp stated he was deeply humbled by the constituents of District 6 that have deemed him worthy to continue to serve.

5.2 Honorable Talmadge Baggett – Comments

The Honorable Talmadge Baggett stated past Mayor J.L. Dawkins had given him a task to have a copy of the book “The story of Fayetteville” authored by John Oates signed by every mayor coming into office since 1961. Mayor Robertson signed the book this evening and is the 12th consecutive Mayor to do and continue this tradition.

5.3 Finance Department honored with a Certificate of Achievement for Excellence in Financial Report Award from the Government Finance Officers Association.

Mr. Ted Voorhees, City Manager presented the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association to Lisa Smith, Chief Financial Officer and Elizabeth Somerindyke, Internal Auditor, and congratulated them on their

excellent work; this is the 7th consecutive year to receive this award.

6.0 PUBLIC FORUM

Ms. Harmony Sell, no given address; requested information regarding rules and regulations pertaining to passing school buses.

Mr. Thomas Dosier, 44740 Belford Road, NC; stated he is the President of the Fayetteville Running Club, and said he welcomed the extension of Cape Fear River Trail and Freedom Trail.

Mr. Darrell Sally, 294 Growers Way, NC 28314; stated he was speaking against the walking trails and the \$2 million price tag. Mr. Sally stated those funds could be used for Public Safety purposes.

7.0 CONSENT

MOTION: Council Member Mohn moved to approve the consent agenda; with the exception of Item 7.6 pulled for discussion and separate vote.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

7.1 Award of Construction Contract for Freedom Trail-Phase 2 to Browe Construction Company, Inc. in the amount of \$999,995.00.

7.2 Case # P-13-40F. Rezoning of property from LC to CC

7.3 Case # P13-42F. Rezoning of property from SF-15 to SF-6

7.4 Bid Recommendation for Underground Primary Power Cable to WESCO Distribution, Inc., Raleigh, NC, the lowest responsive bidder in the total amount of \$411,300.00

Bids were received as follows:

WESCO Distribution Inc., Raleigh, NC	\$411,300.00	\$3,375.00
HD Supply Power Solutions, Wake Forest, NC	\$427,000.00	\$3,489.00
Stuart C. Irby, Rocky Mount, NC	\$446,000.00	\$3,681.00
Shealy Electrical Wholesaler, Greenville, SC	\$508,000.00	\$4,021.00

7.5 Special Revenue Fund Project Ordinance 2014-8 (FY14 Juvenile Restitution)

This ordinance will appropriate the funds needed for personnel and operating costs for fiscal year 2014.

7.6 Capital Project Ordinance 2014-14 (USDA Forest Grant Service)

This item was pulled from consent by Council Member Mohn to allow for discussion and separate vote.

7.7 Capital Project Fund Ordinance Closeouts and Partial Closeouts 2014-1 through 2014-10 and Special Revenue Fund Project Ordinance Closeouts 2014-1 through 2014-5

7.8 Resolution Appointing a Deputy Tax Collector

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPOINTING A DEPUTY TAX COLLECTOR. RESOLUTION NO. R2013-061

7.9 Resolution Designating a Deputy Finance Officer

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING A DEPUTY FINANCE OFFICER. RESOLUTION NO. R2013-062

7.10 Resolution to Adopt the Proposed City Council Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2014 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2013-063

7.11 Tax Refunds Greater than \$100

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
VFI KR SPE 1 LLC	2012	Corrected Assessment	\$ 164.23
Smith, Arlene	2011	Corrected Assessment	140.08
First Citizens Leasing	2009-10	Duplicate Listing	2,324.08
First Citizens Leasing	2010	Duplicate Listing	411.27
Total			<u>\$3,039.66</u>

7.12 Adoption of a Resolution Awarding Construction Contract for Cape Fear Rivertrail-Phase 2, Part B

RESOLUTION OF AWARD OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA CAPE FEAR RIVER TRAIL, PHASE II – PART B. TIP NUMBER EB-4539B WBS41955.3.1 F.A.#STPEB-0620(21) NC DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R2013-064

7.13 Special Revenue Fund Project Ordinance Amendment 2014-4 (Appropriation of Program Income and Local Funds for Community Development Block Grant Projects)

This amendment will appropriate an additional \$185,279 in program income.

7.14 Contract with Cherry Bekaert to Audit Accounts for FY 2013-14

7.15 Approve Meeting Minutes:

112313 – Agenda Briefing

112813 – Regular Meeting

7.6 Capital Project Ordinance 2014-14 (USDA Forest Grant Service)

This item was pulled for a separate vote by Council Member Mohn

Mr. Michael Gibson, Parks, Recreation and Maintenance Director stated the funding sources for this project are a \$15,000 grant awarded through the North Carolina Department of agriculture and consumer services-North Carolina forest service from the Usda forest service under the urban and community forestry program, a \$5,500 cash match from the city for software, and a \$12,460 in-kind city match for salaries. The total budget for this program is \$32,960. The funds will be used to conduct a tree inventory in the downtown district, purchase tree inventory software, develop a tree maintenance plan, and conduct an educational session for Elected officials and the public.

Council Member Crisp verified that this is a long range program to provide for healthy trees.

Council Mohn asked if this would be an annual cost. Mr. Gibson stated we have one arborist that has and two crew members to maintain the trees in our urban area. With this software the tree canopy will be in data base that will house the scheduled maintenance plan.

Mayor Pro Tem Davy asked Mr. Gibson which other areas would be serviced. Mr. Gibson responded that all of the trees in the parks throughout the County would be serviced by the program.

Council Member Arp asked why this is a good move for the City; spending this amount of money. Mr. Gibson responded this program is for protecting the investment in our trees and parks and will provide for our children after we are gone.

MOTION: Council Member Mohn moved to disapprove Item 7.6.

Motion died for lack of a second.

MOTION: Council Member Wright moved to approve to adopt Capital Project Ordinance 2014-14

SECOND: Council Member McDougald

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

8.0 PUBLIC HEARINGS

8.1 Case # P13-41 F. The issuing of a Special Use Permit for retail larger than 2,500 square feet on property zoned NC – Neighborhood Commercial.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point 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 the intersection of Cliffdale and Hoke Loop Roads (to the north of Hoke Loop and to the west of Cliffdale). Currently this property is split zoned NC – Neighborhood Commercial and MR-5 - Mixed Residential. The applicant is requesting a Special Use Permit to build a retail establishment (Family Dollar) that will be more than 2,500 square feet. This request is conditioned on the attached site plan and TRC approval. On November 12th the Zoning Commission held a public hearing on this case. There were five speakers in favor and none in opposition of this case. The Zoning Commission voted 5-0 to recommend approval.

Mr. Harmon further advised 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; *This use exceeds the permitted, by right, building size of 2,500 sq/ft or less. As shown on the attached site plan, this project does meet the standards required by the city.*
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; *This SUP is compatible with the surrounding zoning at this intersection.*
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; *This use will provide sufficient buffers as seen on the attached site plan.*
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; *As long as screening is provided per the conditions of approval listed above.*
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; *Yes, see attached site plan.*
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 *As long as screening is provided per the conditions of approval listed above.*
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. Harold Kidd, 221 Northstone Place, NC 28303; appeared to speak in favor and stated he is the property owner and asked the Council to approve the Special Use Permit, and stated he is not aware of anyone being in opposition to the Special Use Permit request.

Mr. Gregg West, 506 Charleston Place, NC 28303; appeared to speak in favor and stated he is the broker assisting Mr. Kidd with the sale of the property and requested Council approve the Special Use Permit.

Mr. Darren Tuitt, 3735 Beam Road, Charlotte, NC 28217; appeared to speak in favor and stated he is the developer for the Dollar Store project and requested Council approve the Special Use Permit request.

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

A brief discussion ensued.

MOTION: Council Member Wright moved to approve the Special Use Permit as presented by staff, with the attached conditions and upon a finding that all of the 8 standards are met.

SECOND: Council Member McDougald

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

8.2 Case # P13-43F. Rezoning of property from LC and SF-10 to LC/CZ, located at 632 Raeford Road and being the property of Doherty Holdings, LLC (appeal of a Zoning Commission denial)

Mr. Craig Harmon presented this item Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. Mr. Harmon stated this project will be located along the commercial corridor of Raeford Road where it intersects with Little Drive and extends north into an existing single family residential neighborhood. Currently the property is split zoned. The southern portion of this lot is zoned commercial and has an auto dealership currently on it. The northern portion is zoned residential and has two single family homes on it. Little Drive is primarily a residential street with the only exceptions being the two properties that front Raeford Road, an auto dealership and a piece of commercially zoned property. Extending the zoning northward on this property would allow commercial activities deeper into the residential area than anywhere else along this section of Raeford Road. The neighbors along Little Drive have complained about the increased traffic that this business is already causing. They have also complained that the dealership

parks cars for display in the public right-of-way and that the dealership uses Little Drive to test cars as well. There are other options for this business to expand. Both to the east and west of this dealership along Raeford is property that is already zoned underutilized. Those properties however are not owned by this dealership. On November 12th the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and three in opposition of this proposal. The speakers in favor spoke to this case as being an attempt to improve the area and the current traffic problems. They indicated that other land in the area was considered, but the price was double the price of the land in question. They also indicted that the owners were aware of the split-zoning of the property when the property was purchased. Those in opposition indicted that the business had made no attempt to contact any of the home owners in the area about their plans for expansion, and that the width of Little Drive does not allow them to pass when customers are parked along the side of the street. They also complained that their yards are being used as vehicle turnarounds, and that the pager and music systems at the business can be heard inside their homes at the current distance. This case was Denied by the Zoning Commission based on (1) the Land Use Plan calls for commercial activity on only the southern portion of this property (2)any extension of commercial zoning would enter into a well-established residential neighborhood (3)there are vacant and underutilized commercially zoned properties both to the east and west of this property, where this business could expand.

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

Ms. Julie Ann Harrelson, 6205 Raeford Road, NC 28304, appeared in favor and stated she is the engineer for this project.

Ms. Carol Shackelford, 7728 Charring Cross Lane, NC 28314, appeared in opposition and stated she was standing up for the neighborhood.

Ms. Joyce Gordon, 2805 Little Drive, NC 28314, appeared in opposition and stated she had lived in this neighborhood for 48 years.

Mr. William Gordon, 2805 Little Drive, NC 28314, appeared in opposition and stated traffic safety concerns on Little Drive.

Ms. Francis Jackson, 2503 Murchison, NC 28301, appeared in opposition and stated concerns for the safety of children in the neighborhood.

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

Council Member Colvin asked Ms. Harrelson if OK Cars will be adding internet sales. Ms. Harrelson stated they already have internet sales.

Council member Wright asked if OK Cars have had any interaction with the surrounding residents. Ms. Harrelson stated they are aware of the residents' concerns.

Council Member Jensen asked how many employees work at Ok Cars. Ms. Harrelson responded there are 32.

Council Member Arp stated this item is conditional zoning contingent on the site plan and asked what kind of a buffer is required. Mr. Harmon responded it is a 10 foot buffer with a 6 foot privacy fence.

Council Member Wright stated he wanted to insure we have the interests of the residents that have been there for the past 30-40 years.

MOTION: Council Member Wright moved to deny the rezoning to LC/CZ as presented by staff

SECOND: Council Member Crisp

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

8.3 P13-395F.Initial zoning to CC (Item tabled from the November 18, 2013 City Council Meeting)

Mr. Craig Harmon presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. Mr. Harmon stated this property is a developed lot on Jim Johnson Road. It is currently zoned C3 in the County's jurisdiction. This property is adjacent to existing

commercially zoned properties in the City. This property is in very close proximity to Cedar Creek Road and Interstate 95. An auto repair business has already been built on this property. The Zoning Commission met on November 12th and voted to recommend approval of the proposed initial zoning. There were no speakers in favor or in opposition to this case. On November 18th, the City Council held a public hearing and then tabled this item. The City Council requested that the staff clarify the history of this case. Included in your packet there are attachments pertaining to several incidents where Cumberland County and PWC both documented the requirement for this project to connect to the public utilities. The earliest of these documents, the preliminary conditions of approval from Cumberland County, shows that the owner was notified that the connection to public water and sewer is required. That document also has a note that references the agreement between PWC and the City of Fayetteville requiring an annexation petition prior to PWC's review of any utility plans. This earliest document was dated November 10, 2010. The Zoning Commission and City staff recommends approval of the proposed initial zoning based on: (1) the City's Land Use Plan calls for this property to be part of an Activity Node (2) this property is currently zoned C3 in the County. CC is the City's closest equivalent district (3) this property borders existing commercial zoning in the City on two sides.

The Public Hearing had been held on November 18 and was not re-opened.

MOTION: Mayor Pro Tem Davy moved to approve the initial zoning to Community Commercial as presented by staff.

SECOND: Council Member Arp

VOTE: Unanimous (10-0)

8.4 Public Hearing to Consider Request to Annex the Stanley and King Property – 1551 Jim Johnson Road

Mr. David Nash presented this item and stated Mr. Jeremy Stanley and Mr. Richard King have submitted a petition requesting annexation of their property located at 1551 Jim Johnson Road. This property, which is contiguous to the City, consists of 2.10 acres, more or less. There is one building on the property. The building appears to be vacant at this time. Mr. Stanley proposes to use the building for a commercial use involving vehicle services. On November 12, the Zoning Commission held its public hearing on the initial zoning of this property. On November 18, the City Council held its public hearing on the initial zoning. Due to questions raised during the initial zoning public hearing, the City Council decided to table this matter, before holding the annexation public hearing. The City staff has obtained additional information about this matter; this information is presented in a separate memo. Sufficiency: The City's Real Estate Manager has verified that the petitioners, Jeremy Stanley and Richard King, are the owners of the property. Services: City operating departments and PWC divisions has reviewed the proposed annexation and they should be able to serve the property.

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

Mr. Jeremy Stanley, 3229 Sidsmill Road, NC 28312, appeared in opposition to the annexation, and requested permission to hook up to PWC water

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

Council Member Arp stated a copy of the Cumberland County Planning inspection was given to Ms. Deborah Stanley on November 10, 2010 that stated an annexation petition will be required to get PWC utilities.

A brief discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. STANLEY AND KING PROPERTY – 1551 JIM JOHNSON ROAD (AREA INCLUDES ONE TAX PARCEL; PIN 0455-38-6835) ANNEXATION ORDINANCE NO. 2013-12-549

MOTION: Mayor Pro Tem Davy moved to adopt the proposed ordinance annexing the area, effective December 9, 2013, and establish the initial zoning consistent with the prior action on the zoning case.

SECOND: Council Member McDougald

VOTE: PASSED by a vote of 7 in favor and 3 in opposition (Council Members Wright, Mohn, Crisp)

Mayor Robertson adjourned the meeting at 9:15 p.m.

Mayor Robertson reconvened the meeting at 9:25 p.m.

8.5 Pass a Resolution and Order Closing of a Portion of Wesley Avenue

Ms. Kecia Parker, Real Estate Manager presented this item and stated a petition was received from a property owner adjoining an unopened portion of Wesley Avenue requesting the street be permanently closed. NCGS §160A-299 gives authority and procedures for the City to close a city street or alley. The requested portion of Wesley Avenue is currently unopened. There are utilities in the portion that is being requested to be closed that will need to be reserved. Notice of Public Hearing has been published for 4 consecutive weeks prior to this hearing. The Notice of Public Hearing has been posted on said property. Access to the abutting properties will not be denied as a result of this closure. The County Mapping Division is responsible for determining how the property is divided amongst adjoining property owners. Typically upon vacation of the street the closed portion is divided equally from the centerline and given to the property owners adjacent to said centerline.

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

Mr. Rosco McNeill, 5711 Dudley Road, Fayetteville, appeared in favor, and stated he is one of the property owners.

Dr. Barbara Jenkins, Winston-Salem, NC, appeared in favor and stated she is one the property owners, and the petitioner.

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

A brief discussion ensued.

A RESOLUTION AND ORDER CLOSING AN UNOPENED PORTION OF WESLEY AVENUE. RESOLUTION NO. R2013-065

MOTION: Council Member McDougald moved to pass the Resolution and Order Closing a portion of Wesley Avenue reserving utility rights.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 Presentation of the Audited FY 2012-2013 Comprehensive Annual Financial Report

Ms. Lisa Smith, Chief Financial Officer introduced Ms. Michelle Thompson, a partner and the Chief Financial Officer with the City Council's audit firm, Cherry Bekaert, and stated Ms. Thompson has completed the audit of the City's FY2012-2013 Comprehensive Annual Financial Report (CAFR). Ms. Smith stated a copy of the audited financial report was provided to each member of Council on December 3, at their individual introductory meeting with the Mayor and City Manager. Ms. Smith gave an overview of the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2013

MOTION: Council Member Arp moved to accept the audited FY 2012-13 Comprehensive Annual financial Report and extended praise to Lisa Smith and Elizabeth Sommerindyke, Internal Auditor and the Finance Department

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.2 Approval of Fayetteville Area Metropolitan Planning Organization (FAMPO) Memorandum of Understanding

Mr. Michael Rutan, of the Cumberland County Fayetteville Area Metropolitan Planning Organization stated FAMPO currently has a memorandum of understanding with all its members. This MOU is updated based on the population revisions from the 2010 census. FAMPO is requesting approval of the updated memorandum of understanding for all members due to the revisions to its boundaries from the 2010 census. The City will be responsible for

payment of \$81,604.60 in FY 15 (July 2014) for its share of the local match as a member of FAMPO.

A brief discussion ensued.

A RESOLUTION ALLOWING THE MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING SETTING FORTH THE RESPONSIBILITIES AND WORKING ARRANGEMENTS FOR MAINTAINING A CONTINUING, COMPREHENSIVE, AND COOPERATIVE TRANSPORTATION PLANNING PROCESS. RESOLUTION NO. R2013-066
MOTION: Council Member Hurst moved to pass the Resolution authorizing the Mayor to sign the Memorandum of Understanding.
SECOND: Council Member McDougald
VOTE: UNANIMOUS (10-0).

9.3 Police – P25 800 MHz Radio System Purchase Contract

Assistant Police Chief, Bradley Chandler presented this item and stated the City's current 800 MHz public safety radio system is outdated technology that will no longer be supported after December 31, 2015. The system currently uses analog technology that has been replaced by digital systems. The City began researching various replacement options in 2004. Growth since that time both in the number of citizens as well as public safety service territory has created service area deficits in the current system. A public safety radio system consists of two components: coverage and the ability to clear communications. The system's current single tower site is no longer sufficient to provide adequate coverage throughout the service area. The current system also fails to comply with the new digital security standard referred to as "P25." This standard and related technology allows for improved control of communications in order to significantly reduce communication conflicts. The City has been planning for a new system to address these issues and has now run out of time to do so. The City has explored several options to address this need. The City's current system is based on Motorola equipment. Only options leveraging that existing equipment base were considered as alternatives would have required replacement of all communications equipment and are not cost effective. The State operates a backbone 800 MHz system referred to as "Viper." It is possible for the City to contract with the State to utilize this system. Initial analysis identified joining the Viper system as the most cost effective means of obtaining P25 compliance. Further analysis, however, determined that this option would further delay the City's installation of an upgraded and compliant 800 MHz system as the State has yet to finalize their P25 upgrade plans in our area. Initial cost estimates for upgrading the radio system without reliance on Viper varied widely based on differing assumptions regarding antenna locations and other system design issues. The proposed design includes two new antenna locations (for a total of three) using existing tower facilities. One of the key issues explored was the acquisition, installation, and operation of a P25 Core module which can be very expensive and complex to operate. This concern led to a conversation with the City of Durham regarding the use of the P25 Core that they recently installed as part of their system upgrade. Two options were designed and priced (1) a stand-alone system including two additional antenna locations and a P25 Core (2) a system connected to Durham's P25 Core using high speed connections. Motorola prepared bids for both options. While the cost of the stand-alone system was less than expected and consistent with estimates included in the adopted FY14 Information Technology Plan ("ITP"), life cycle cost comparisons at five and ten years indicate that working with Durham is the least expensive option. Upgrading the system will allow the City to maintain interoperability with state and local public safety agencies. The system will continue to provide communication services to other City departments including utilities. The agreement between Durham and Fayetteville allows the City to maintain total ownership of our infrastructure equipment and FCC licenses and clearly outlines the means of terminating the agreement should we decide to purchase a P25 core controller and related equipment at a later date. Joining VIPER would require the City to give ownership of all licenses over to the State. The State would never provide any agreement language allowing the City to withdraw from the VIPER system at a future date. The Motorola project bid expires December 23, 2013. It is also critical to initiate the project now in order to ensure installation prior to the

obsolescence of the existing system. The contract is under review by legal and purchasing functions, but staff is requesting signature authorization in order to keep the project on schedule. This is a sole source acquisition process due to regional compatibility issues and the City's existing investment in Motorola infrastructure and equipment. The recommended alternative includes working with Durham through an interlocal agreement. All of the key terms of that agreement have been completed and it is also being reviewed by the legal functions of both organizations. Staff is requesting authorization to execute this interlocal agreement once it has been finalized. The interlocal provides the City access to use Durham's P25 Core and provides services to support the installation and management of that connection. Fayetteville would be obligated to make an annual maintenance payment to Durham based on the number of radios in Fayetteville's system. That payment, initially estimated to be just over \$200,000 per year, reimburses Durham for a portion of the cost of their annual maintenance contract with Motorola for the Core and for a portion of the capital cost for that equipment. This fee and other operational costs were compared in a ten year life cycle cost comparison and the Durham option represents a conservative estimate of \$600,000 in savings over that ten year period. The Motorola agreement requires the Council to evidence its authorization to enter into a lease through the passage of a supporting resolution. The public safety radio system upgrade has been included in the City's ITP for the past three years.

Capital cost estimate and bid information is as follows:

FY 14 ITP Cost Estimate	\$6,531,445
Stand-Alone Bid	\$5,845,875
Durham Bid	\$4,149,433

Motorola has offered a no interest five year lease purchasing finance option that was not anticipated in the capital budget. It is necessary to adopt a project budget ordinance in order to establish project funding utilizing this financing option. The attached project budget ordinance appropriates \$4,500,000. Council's adoption of this ordinance will support the execution of the Motorola contract, but it will need to be amended in the future to add other funding sources; e.g. utility funding contribution.

Discussion ensued.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT FOR COMMUNICATIONS SYSTEMS EQUIPMENT. RESOLUTION NO. R2013-067

MOTION: Council Member Crisp moved to pass the Resolution authorizing the execution of a lease purchase agreement for communications equipment and adopt Project Ordinance No. 2014-15 and authorize the City Manager to execute purchase and finance contracts with Motorola as a sole source provider for a P25 compliant 800 MHz radio system and to execute an interlocal with Durham for radio services.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.1 Tax Refunds Less Than \$100

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Barnhill Contracting	2011-12	Corrected Assessment	\$56.13
Bullock, Burma R.	2011-12	Corrected Assessment	<u>23.26</u>
Total			<u>\$79.39</u>

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 p.m.