

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 8, 2014
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:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Harold Medlock, Police Chief
Randy Hume, Transit Director
Dwayne Campbell, Chief Information Officer
Tracy Davis, Corporate Communications Director
Lisa Harper, Assistant City Attorney
Steven K. Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Financial Officer
Mike Lallier, PWC Commissioner
Wick Smith, PWC Commissioner
Lynn Green, PWC Commissioner
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 Reverend Sonny Kelly, Director of Operations and Programs for Fayetteville Urban 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 with the removal of Item 8.01.

SECOND: Mayor Pro Tem Davy

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Hurst announced the Fayetteville Beautiful Clean-Up of Cross Creek would be held on Saturday, September 13, 2014, beginning at 8:00 a.m.

Council Member Hurst announced the current vacancies on the Historic Resources Commission, Taxicab Review Board, Wrecker Review Board, and Stormwater Advisory Board and encouraged interested citizens to apply for these positions.

Council Member Arp announced there were free game tickets for active duty military for the Durham Bulls game on September 11, 2014.

Council Member Arp announced a “Warrior Jam” event would take place on October 5, 2014, at Festival Park.

Mr. Jay Reinstein, Assistant City Manager, and Council Member Kathy Jensen provided an overview of the new employee program “Core Value Awards”.

Mayor Robertson presented a Certificate of Excellence to Mr. Jerry Wilson, author of the book “Cancer...A Blessing?”.

Council Member Hurst presented a Certificate of Excellence to Miss Nikya Ariel Hightower for representing North Carolina in the National American Miss Pageant.

Mayor Robertson presented a Certificate of Appreciation to Ms. Alisa Debman and Mr. Bobby Washington for their community service with the Great Oaks Youth Development Center.

6.0 PUBLIC FORUM

Mr. Ralph Locklear, 150 Square Lane, Shannon, NC 28386, provided photographs and a brief overview of a safety rescue device he invented and patented.

Mr. Marshall Hartsfield, P.O. Box 267, Hope Mills, NC 28348, spoke in opposition to the potential Sanderson Farms chicken plant.

Mr. Richard Fradenburgh, 7081 Kings Loop, Fayetteville, NC 28304, expressed concerns regarding flooding in his yard.

Mr. Grady Dobson, 4577 Cedar Creek Road, Fayetteville, NC 28312, spoke in opposition to the potential Sanderson Farms chicken plant.

Dr. Rakesh Gupa, 2595 Vixen Street, Fayetteville, NC 28303, spoke in opposition to the potential Sanderson Farms chicken plant.

Ms. Jackie Taylor, 1040 Vander Road, Fayetteville, NC 28312, spoke in opposition to the potential Sanderson Farms chicken plant.

Ms. Mable C. Smith, 1606 Deep Creek Road, Fayetteville, NC 28312, spoke in opposition to the potential Sanderson Farms chicken plant.

Pastor Reginald Wells, 201 Woodwind Drive, Fayetteville, NC 28304, spoke in opposition to the potential Sanderson Farms chicken plant.

Ms. Harmony Sell, 4509 Parkwood Circle, Fayetteville, NC 28303, expressed concerns regarding her daughter.

Mr. Justin Smith, 291 Cedar Creek Road, Fayetteville, NC 28312, spoke in opposition to the potential Sanderson Farms chicken plant.

7.0 CONSENT

MOTION: Council Member Arp moved to approve the consent agenda with the exception of Item 7.05 for a separate vote.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

7.01 Automation of City Contracts

Council approved the use of digital and e-signatures and automation of the contract routing process.

7.02 Special Revenue Fund Project Ordinance 2015-4 (2014 Cumberland County Supervised Treatment and Rehabilitation Services Program)

The \$56,104.00 grant is from the Federal Byrne Justice Assistance Grant Program, passed through the North Carolina Department of Public Safety - Governor's Crime Commission. The required local match of \$18,701.00 will be provided by the City's General Fund. The funds will be used to fund salary and benefits for a Drug Treatment Center Coordinator, housing assistance, and substance abuse treatment for participants. The project ordinance will formally establish the budget for the program.

7.03 Parks and Recreation - NCDOT Agreement for Big Cross Creek Multi-Use Trail Project Extension

The supplemental agreement amends the agreement to extend the completion date for one year with the following amended provision: Scope - The City and/or its agent shall complete pre-construction activities to include Environmental Document, Right-of-Way Certification, and final PS&E package by October 20, 2016. This does not change the scope of the project; it

extends the time to complete all portions of the project.

7.04 Tax Refunds Greater Than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Kaavu LLC Series 4	2013	Corrected Assessment	\$641.05
Total			\$641.05

7.05 Pulled by Council Member Arp for a separate vote.

7.06 Capital Project Ordinance 2015-11 - Aquatic Center at Westover Recreation Center

The ordinance appropriated \$2,000,000.00 for the construction of the aquatic center and related ancillary costs. Consistent with the adopted fiscal year 2015 budget, the sources of funding will include a \$1,750,000.00 transfer from the General Fund and a \$250,000.00 transfer from the Risk Management fund as an interfund loan.

**7.07 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING
THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2014-
045**

**7.08 Award Bid to Tri-Point Truck Center, Inc., low bidder for the Purchase of One (1)
56,000 lb. GVWR Cab and Chassis with 12 Cubic Yard Dump Body, Sand Spreader and
Plow and the amount of \$126,769.00**

Bids were received as follows:

Tri-Point Truck Center, Inc., Raleigh, NC.....	\$126,769.00
MHC Cooper Kenworth, Raleigh, NC.....	\$156,369.16

**7.05 Budget Ordinance Amendment 2015-2: Transit Partnership with Fayetteville State
University, Budget Office and Internal Audit and Organizational Performance Functions,
Fiber Network Services, and Public Works Commission Economic Development and
Community Support**

This item was pulled for a separate vote by Council Member Arp.

MOTION: Council Member Arp moved to vote on four separate sections of this item as follows: (1) Transit Partnership with Fayetteville State University, (2) Budget Office and Internal Audit and Organizational Performance Functions, (3) Fiber Network Services, and (4) PWC Economic Development Community Support.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

1. Transit Partnership with Fayetteville State University

Mr. Ted Voorhees, City Manager, presented this item and stated at the September 2, 2014, work session, City Council directed staff to move forward with the transit partnership with Fayetteville State University (FSU). Staff is moving forward with final negotiations with FSU and planning for the required public hearing for the route extension to be effective January 5, 2015.

The proposed budget ordinance amendment will appropriate \$144,896.00 to fund the projected route costs for January through June 2015. The projected costs include four full-time positions, temporary staff, overtime pay, fuel, and maintenance costs. The sources of funding reflect a net loss in fare revenues of \$8,548.00 based upon projected fares from non-student riders, offset by the loss of current student fare revenues, \$71,850.00 in contributions from FSU, and \$81,594.00 from Federal Transit Administration maintenance and operating assistance grants.

MOTION: Mayor Pro Tem Davy moved to approve the Transit Partnership with Fayetteville State University.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

2. Budget Office and Internal Audit and Organizational Performance Functions

Mr. Ted Voorhees, City Manager, and Ms. Lisa Smith, Chief Financial Officer, presented this item and stated staff proposed development of enhanced budget, audit, and organizational performance functions at the May 28, 2014, budget work session. This proposal resulted directly from Council's direction included in Resolution. No. 2013-052 regarding the creation of an enterprise budget function and supporting the Council's fulfillment of its fiduciary responsibilities.

Based upon Council direction on June 2, 2014, a follow-up presentation on the proposal was made at a special meeting on August 20, 2014. At that meeting, staff provided comparative data for peer cities and an overview of risks inherent in the current environment. The central budget office and internal audit function will enable the City Manager, as Budget Officer, to develop recommendations for the entire City budget, including the utility system budget, and also enable Council to exercise greater fiduciary oversight of utility funds. At that meeting, Council directed the City Manager to develop a proposal to build out these functions. Ms. Smith stated the City Manager proposes the following staffing changes to implement the enhanced functions:

- Budget Office: Staff of five comprised of a Budget Director and four Analysts with a net increase of three positions as two will transfer from the Finance Department.
- Internal Audit: Staff of three comprised of an Internal Audit Manager and two Internal Auditors and requires the addition of a Financial Reporting Manager to "back fill" financial reporting duties, with a net increase of three positions in the Finance Department.
- Strategic Planning and Organizational Performance: Staff of two comprised of a Senior Assistant to the City Manager and a Management Analyst, with a net increase of one position in the City Manager's Office.

Ms. Smith stated to fund the enhanced functions, the City Manager proposes to allocate the cost of the budget office and internal audit program between the City and the PWC proportionately based on size of annual operating fund budgets, excluding internal service funds. The increased costs for the Strategic Planning and Organizational Performance function and the Financial Reporting Manager position are proposed to be funded by the City alone. The fiscal year 2015 adopted budget for the General Fund includes \$526,637.00 for these functions. The City Manager recommends that the PWC share of the funding for the budget office and internal audit function be funded from the current PWC operating budgets for the Electric and Water and Wastewater funds, for which contingency funding of \$2,231,200.00 and \$1,181,100.00 respectively was identified during the budget process. To implement the proposed plan, Budget Ordinance Amendment 2015-2 will decrease the total General Fund appropriation for support services by \$17,389.00, which reflects the impact of the expenditure increase of \$377,861.00 offset by the \$395,250.00 cost redistribution to the Electric and Water and Wastewater funds. These changes allow for a \$17,389.00 reduction of the General Fund fund balance appropriation. There are no changes required to the budget ordinance for the Electric and Water and Wastewater funds as the operating budgets include sufficient contingency funding to be used for the \$395,250.00 cost redistribution.

Council Member Colvin asked if it is common practice to have a centralized budget office. Mr. Voorhees responded it was and that it would allow for uniform reporting and provide transparency and greater oversight.

Council Member Crisp asked if the internal audit function would be responsible for determining the accountability of City property. Ms. Smith responded it would be one of the responsibilities and it would be under their purview.

Council Member Arp stated there has been a shift in the way they do business and asked what PWC's opinion of this proposal is. Mr. Voorhees responded that Council is most certainly welcome to discuss with PWC Commissioners.

Council Member McDougald stated this is an opportunity to trim some fat, whether that is at PWC, by merging positions.

Council Member Wright asked the City Manager to briefly outline the vision of the City with regards to best practices, and why did they want to go in this direction. Mr. Voorhees responded in his professional opinion the City lacks scale of their operations and depth in some of their key functions, two of which are budget and audit. The City and PWC growing up separately over many years has led to disparate staffing levels. He stated this is an opportunity to change that trend and gain synergy.

Mayor Pro Tem Davy asked if PWC had an internal audit and budget staff. Ms. Smith stated she is aware of PWC staff for those operations.

Council Member Jensen stated she has not heard that there has been any communication or discussion on this item between staff from the City and PWC and further stated she is not getting the answers she needs to make a decision.

Council Member Mohn questioned what increased transparency there would be from creating a combined budget department and suggested they should reorganize before they grow staff.

Mr. Voorhees responded there would be a unified budget document instead of two volumes in two different formats. He stated it would all be one organization.

Council Member Arp stated in the past the budget process has been convoluted and difficult to deal with and stated he is in full agreement to have a unified process. He said they have two award winning Finance Departments and expressed concern for hiring additional employees before they merge these functionalities.

Council Member Crisp stated he did see a need for a uniform Budget Office, and asked how they find the funding for this new department next year. Council Member Crisp stated an internal audit is necessary; an audit trail is essential to protect the taxpayers' investments. He further stated he does not want to take away PWC's ability for spending criteria in terms of ability to handle their electric and water funds.

Council Member Wright stated he is in favor of a unified budget office and this is a best practice moving forward. He stated they are unlike other municipalities in that they basically have two different entities in one city; the City and PWC are operating separately. Dealing with two budgets is stressful and complicated.

Mr. Voorhees stated creating a budget department with the proposed staffing levels will bring the City roughly on par with their peer municipalities. He stated it is a noteworthy and laudable goal of the sixth largest governing body of the State of North Carolina.

Mayor Pro Tem Davy acknowledged we do have two great award winning departments, and with a unified department they will most likely continue to win awards and maybe earn even more awards. He stated they need to focus on what they need going into the next budget.

Mayor Robertson asked where the money will come from to fund the proposed budget office in the future fiscal years. Mr. Voorhees responded the cost will be built into the base budget.

MOTION: Council Member Colvin moved to adopt Budget Ordinance No. 2015-2; Budget Office and Internal Audit Organizational Performance Functions.

SECOND: Council Member Hurst

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

3. Fiber Network Services

Mr. Ted Voorhees, City Manager, presented this item and stated at the September 2, 2014, work session, Council concurred with the staff proposal for the City to pay \$80,000.00 to the Public Works Commission for fiscal year 2015 fiber network access fees. As no funding was included in the City's budget for fiscal year 2015 for these services, the proposed budget ordinance amendment will appropriate \$80,000.00 from General Fund fund balance for these services. A budget ordinance amendment will be provided at an upcoming Council meeting for related adjustments to the Electric Fund budget.

MOTION: Council Member Arp moved to approve the Fiber Network Services as presented.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

4. PWC Economic Development and Community Support

Mr. Ted Voorhees, City Manager, presented this item and stated City Council has expressed an interest in additional oversight of PWC funding for economic development and support of community events. To meet that interest, the budget ordinance amendment also includes the addition of Sections 14 and 15, which identify authorized expenditures for these activities at \$325,000.00 for specific economic development expenditures, notwithstanding utility rate reductions and facility impact fee waivers, and \$130,000.00 for community sponsorship activities. Any additional expenditure would require prior approval by the City Council.

MOTION: Council Member Arp moved to approve the PWC Economic Development and Community Support as presented.

SECOND: Council Member Wright

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

8.0 OTHER ITEMS OF BUSINESS

8.1 Proposed Budget, Internal Audit and Organization Performance Programs

This item was pulled from the agenda by Council Member Arp.

8.2 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Hurst presented this item and stated the Appointment Committee met on Wednesday, August 27, 2014, to review applications for appointments to boards and commissions. It is from that meeting the Appointment Committee presents the following recommendations for appointment to the City of Fayetteville boards and commissions:

<u>Board of Adjustment</u>	<u>Term</u>
Ms. Mikele Haywood (1st Term)	Oct. 2014–Sept. 2017
<u>Fair Housing Board</u>	
Ms. Cheri Siler-Mack (1st Term Attorney)	Oct. 2014–March 2016
Mr. John Czajkowski (1st Term Real Estate)	Oct. 2014–March 2016
<u>Fayetteville Advisory Committee on Transit (FACT)</u>	
Ms. Jessica Durham (1st Term)	Oct. 2014–March 2016
<u>Fayetteville City Planning Commission</u>	
Ms. Shalonda Crumity (1st Term)	Oct. 2014–Sept. 2016
Dr. William J. Fiden (2nd Term)	Oct. 2014–Sept. 2016
Mr. Richard Wagner (1st Term)	Oct. 2014–Sept. 2016
Mr. Jared Welch (1st Term)	Oct. 2014–Sept. 2016
Ms. Emily Neff-Sharum (1st Term Alternate)	Oct. 2014–Sept. 2016
Mr. Clabon Lowe (1st Term Alternate)	Oct. 2014–Sept. 2016
<u>Fayetteville City Zoning Commission</u>	
Mr. Cletus (Jack) Cox (2nd Term)	Oct. 2014–Sept. 2016
Mr. Romain Donnell Stanley (1st Term)	Oct. 2014–Sept. 2016
Mr. David Atkinson (1st Term Alternate)	Oct. 2014–Sept. 2016
Mr. Andre Washington (1st Term Alternate)	Oct. 2014–Sept. 2016
<u>Fayetteville-Cumberland Human Relations Commission</u>	
Mr. Michael Burns (1st Term)	Oct. 2014–Sept. 2016
Ms. Sheila Cuffee (1st Term)	Oct. 2014–Sept. 2016
Mr. Wesley Fountain (1st Term)	Oct. 2014–Sept. 2016
Ms. Antoinette Morris (1st Term)	Oct. 2014–Sept. 2016
Ms. Georgeanna Pinckney (1st Term)	Oct. 2014–Sept. 2016
Ms. Susan Reynolds (1st Term)	Oct. 2014–Sept. 2016
Ms. Cathy Waddell (2nd Term)	Oct. 2014–Sept. 2016
Mr. Brian Weir (1st Term)	Oct. 2014–Sept. 2016
<u>Fayetteville-Cumberland Parks and Recreation Advisory Commission</u>	
Mr. Robert Lints (2nd Term)	Oct. 2014–Sept. 2017
Ms. Joyce Malone (1st Term)	Oct. 2014–Sept. 2017
Ms. Jean Walker (1st Term)	Oct. 2014–Sept. 2017
<u>Fayetteville Finance Corporation</u>	
Mr. William M. Brooks (No Term Limit)	Oct. 2014–Sept. 2015
Mr. C. Keith Love (No Term Limit)	Oct. 2014–Sept. 2015
Ms. Lisa Smith (Required by position)	Oct. 2014–Sept. 2015
Mr. Ted Voorhees (Required by position)	Oct. 2014–Sept. 2015
<u>Historic Resources Commission</u>	
Ms. Nicolette Lesa (2nd Term)	Oct. 2014–April 2016

Joint City and County Appearance Commission

Mr. Roger Ruppe (1st Term) Oct. 2014–Sept. 2016

Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission

Ms. Dorothy Adams (1st Term) Oct.2014–Sept. 2016

Public Works Commission

Mr. Wade Fowler (1st Term) Oct. 2014–Sept. 2018

Stormwater Advisory Board

Ms. Kiki Rupert (2nd Term) Oct. 2014 –Sept, 2016

MOTION: Council Member Hurst moved to approve the Appointment Committee recommendations.

SECOND: Council Member Crisp

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

8.3 Appeal of Residential Rental Property Review Board Decision - 5300 Birch Road

Mr. Scott Shuford, Development Services Director, stated the property owner appealed a RAMP Registration Revocation to the Residential Rental Property Review Board (Board). After being granted a continuance of the original hearing date, the property owner failed to appear at a re-scheduled hearing. The Board did not grant a further continuance of the appeal hearing. The property owner is appealing the Board's decision to the City Council. Mr. Shuford stated on May 6, 2014, a third verified solid waste code violation within the past 12 months occurred at 5300 Birch Road, a residential rental property. Pursuant to provisions of the Rental Action Management Program (RAMP), the property owner was issued a RAMP Registration Notice and Registration Application on May 12, 2014. The notice advised the property owner that the property must be registered in RAMP within ten business days. As of June 19, 2014, the property owner had failed to register the property in RAMP. The property owner was issued a RAMP Registration Revocation notice advising the property owner that the subject property could not be used as residential rental property for a period of one year. The notice also advised that the property owner could appeal the revocation to the Board by filing a written appeal. On July 3, 2014, the property owner filed a written appeal of the RAMP Registration Revocation Notice. An appeal hearing before the Board was then set for a special meeting on July 30, 2014. A related Hearing Notice was issued to the property owner on July 15, 2014, indicating the date, time, and location of the hearing. On July 21, 2014, a written request from the property owner to continue his appeal hearing to a date after August 8, 2014, was received. The property owner indicated that his attorney representing him in the hearing would not be available until after August 8, 2014. RAMP Code provisions require that the Board Chair approve any appeal hearing continuances. On July 23, 2014, the Board Chair approved the property owner's request for a continuance of his appeal hearing. The appeal hearing was set for August 13, 2014. A related Hearing Notice was issued to the property owner on July 25, 2014, indicating the date, time, and location of the hearing. On August 13, 2014, the Board meeting was called to order. The appeal hearing was opened. The property owner's attorney, Marshall Pitts, was present for the hearing, but the property owner was absent. Attorney Pitts advised the Board that he did not know why the property owner was not present, and that he tried, unsuccessfully, to contact him. RAMP Code provisions require the presence of the appellant (property owner) at the appeal hearing. Attorney Pitts motioned to have the hearing continued until another date. After some discussion, the Board denied Attorney Pitts' motion to continue the hearing, thereby denying the appeal. On August 14, 2014, the property owner appeared at City Hall and advised Code Enforcement staff that he did not appear at the hearing because he had a panic attack.

Council Member Crisp asked what the solid waste violations consisted of. Mr. Shuford responded it was for debris and trash in the yard.

Ms. Karen McDonald, City Attorney, stated based on the ordinance the Council can only make a decision based on the record. The issue they have here tonight is somewhat of a challenge in that the Board denied the request for the continuance, and therefore made its decision without having a full blown hearing. The Council can either uphold the decision of the

Board or remand it back to the Board for a hearing.

Council Member Colvin requested clarification on the process. Mr. Shuford provided an overview of the RAMP program.

Council Member Wright stated it is difficult to make a decision without being able to ask questions, and stated he believes the item needs to be returned to the Board.

Mayor Pro Tem Davy asked why Mr. Daniels was not present at the hearing. Mr. Shuford stated a medical reason for the absence.

Council Member Hurst stated due process was given and they need to support RAMP and the Board.

Council Member Arp stated he agrees with Council Member Hurst in supporting the RAMP process and Board, but will support the return of this item; providing grace at this time.

Mayor Pro Tem Davy expressed her support and appreciation for the RAMP Board.

Council Member Wright expressed his appreciation for the RAMP Board.

MOTION: Council Member McDougald moved to send this item back to the RAMP Board.

SECOND: Council Member Colvin

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

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:31 p.m.