

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MAY 27, 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); Lawrence O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget Manager
Rusty Thompson, Engineering and Infrastructure Director
Victor Sharpe, Community Development Director
Scott Shuford, Development Services Director
Mark Brown, PWC Customer Services Director
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 Larry Bellamy of Rhema Ministries Church of God in Christ.

3.0 PLEDGE OF ALLEGIANCE

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

The Pine Forest High School Football team was recognized by Council Member Hurst, Fayetteville Beautiful Chair, for their efforts in joining the City-wide clean up event that was held on May 3, 2014, and stated they set a fine example for other students to follow.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda with the exception of Items 6.02, 7.02, and 7.03. All four items to be placed on the June 23, 2014, regular City Council meeting agenda, with no additional advertising.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

5.0 REPORTS FROM BOARDS AND COMMISSIONS

5.1 Fayetteville Firemen's Relief Board, Board of Trustees

Lt. Tommy Warren, Fayetteville Fire Department, provided the Fayetteville Firemen's Relief Board annual report.

7.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

6.01 P14-08F. The rezoning of property from MR-5 Mixed to LC Limited Commercial Zoning District or to a more restrictive district, located at 1401 Hope Mills Road, and being the property of Anna Dees.

6.02 P14-09F. The initial zoning of property from C(P) Commercial County Zoning to CC Community Commercial Zoning District or to a more restrictive district, located at 2830 Gillespie Street, and being the property of Susan Sherrill.

This item was pulled from the agenda and tabled for the June 23, 2014, regular meeting.

6.03 Approval of Meeting Minutes:

- 032414 - Discussion of Agenda Items
- 032914 - Special Meeting
- 041414 - Discussion of Agenda Items
- 042814 - Discussion of Agenda Items
- 042814 - Regular Meeting
- 050514 - Work Session

6.04 P13-34F. The initial zoning of property to CC Community Commercial district, located at 2808 Gillespie Street, 175 Maple Street, and Ash Street, and being the property of Susan Surlles Sherrill (Jim Price, WRS Realty - authorized agent).

This item was pulled from the agenda and tabled for the June 23, 2014, regular meeting.

6.05 A resolution of the City Council to endorse a request to name I-295 "The Airborne and Special Operations Highway".

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ENDORSING A REQUEST TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO NAME I-295 "THE AIRBORNE AND SPECIAL OPERATIONS HIGHWAY". RESOLUTION NO. R2014-024.

6.06 Award Contract for 2015, Phase I Street Resurfacing Program to the lowest responsive, responsible bidder in the amount of \$1,961,155.20 to Highland Paving Company, LLC, Fayetteville, NC.

The project was first advertised for bids to be opened on April 24, 2014; however, only two bids were received. Therefore, in accordance with North Carolina General Statutes which require three bids in order to open on the first advertisement, the project was re-advertised and bids were opened on May 2, 2014. Bids received are as follows:

- Highland Paving Company, LLC, Fayetteville, NC..... \$1,961,155.20
- Barnhill Contracting Co., Fayetteville, NC..... \$1,985,120.90

7.0 PUBLIC HEARINGS

7.01 Public hearing on the proposed Fiscal Year 2014-2015 Annual Operating Budget.

Mr. Theodore Voorhees, City Manager, presented this item with the aid of a PowerPoint presentation, and stated the Council participated in a strategic planning retreat that was held in February 2014. The City Manager's recommended budget was presented on May 12, 2014, and the recommended budget for the City's electric, water, and waste water utilities was presented on May 5, 2014. The budget documents have been available for public review on the City's website and in the office of the City Clerk. From the strategic planning retreat Council determined the top five priorities are police staffing, establishing a broader City-wide economic development program, parks and recreation capital project funding, customer service initiative throughout the organization, and development of a comprehensive land use plan. The major highlights of the proposed general fund budget include a recommended general tax rate of 49.8 cents per \$100.00 value, and an increase of 4.2 cents. It advances Council's five strategic priorities, it funds the CIP/ITP, it transitions to program budget with performance measures, it continues to support best practice reviews of City support services and it projects unassigned fund balance at 11 percent. The total proposed tax increase by expenditure would be 92.1 percent for Police and Police support, 4.2 percent for Development Services enhancements, and 3.7 percent for Economic Development. Mr. Voorhees stated the next steps are to receive public comment and for Council to reach a consensus. Additional budget work sessions have been scheduled and budget adoption has been scheduled for June 9, 2014. Mr. Voorhees made note that there have been some changes to the proposed budget that the Council has been made aware of, some of which have been covered in the media. This presentation was simply a re-cap of the original proposal put forward. Mr. Voorhees stated he looked forward to

the public comments and looked forward to working with the Council to produce a final product that we can all be proud of on June 9, 2014.

MOTION: Council Member Mohn moved to limit all speakers to three minutes, but not allow speakers to pool their time and to allow all citizens that signed up to have the opportunity to speak at this public hearing.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

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

Mr. Julius Cook, 1055 Alexwood Drive, Hope Mills, NC 28348, spoke in favor of the Culinary Arts and Farming Incubator.

Mr. Jerry Reinhoel, 516 Deerpath Drive, Fayetteville, NC 28311, spoke in opposition of the proposed Fiscal Year 2014-2015 Budget.

Mr. Richard Kugelman, 1790 Potomic Road, Fayetteville, NC 28304, spoke in favor of the Culinary Arts and Farming Incubator.

Mr. Van Herring, 604 Larkfield Court, Fayetteville, NC 28314, spoke in favor of the Culinary Arts and Farming Incubator.

Pastor Mark Rowden, 987 Eastland Road, Fayetteville, NC 28314, spoke in opposition of the proposed Fiscal Year 2014-2015 Budget and spoke in support of Police Chief Medlock's request for increased staffing.

Mr. James Lacy, 2013 Blackfriars Road, Fayetteville, NC 28304, spoke in opposition of the proposed Fiscal Year 2014-2015 Budget and spoke in support of Police Chief Medlock's request for increased staffing.

Mr. Damion Paul, 1559 Rossmore Drive, Fayetteville, NC 28314, spoke in opposition of the proposed Fiscal Year 2014-2015 Budget.

Mr. Charles McKeller, 313 Wareham Court, Fayetteville, NC 28311, spoke in opposition of the proposed Fiscal Year 2014-2015 Budget.

Ms. Nancy Shakir, 1224 Martindale Drive, Fayetteville, NC 28304, spoke in opposition of the proposed Fiscal Year 2014-2015 Budget.

Mr. L.A. Barner, 37 Rhew Street, Fayetteville, NC 28303, spoke in opposition of the proposed Fiscal Year 2014-2015 Budget.

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

7.02 Annexation of Commercial Development Site - Gillespie Street

This item was pulled from the agenda and tabled for the June 23, 2014, regular meeting.

7.03 Annexation of Sherrill Property-Gillespie Street

This item was pulled from the agenda and tabled for the June 23, 2014, regular meeting.

8.0 OTHER ITEMS OF BUSINESS

8.01 Consideration of exemption from annexation per City Council Policy 150.2 relative to PWC water services to the Bullard Circle area

Mr. Scott Shuford, Development Services Director, presented this item and stated there are several residences within the three subdivisions on Bullard Circle that have unsafe levels of arsenic in their wells. To receive PWC water services, under City Council Policy 150.2 the properties must be annexed or exempted by City Council. This area is within the City's Municipal Influence Area, that is expected to become part of the more urbanized area. The City limits are currently just north of the multifamily development above McCloskey Road. The recent surge in new restaurant and shopping services on Ramsey Street is likely to continue as I-295 opens. The new Carver Creek State Park immediately north and west of Bullard Circle precludes development in that area but could accelerate recreation/visitor-oriented development in the area in coming years. There are five undeveloped parcels between the neighborhood and the park that could be developed. While the neighborhood and these parcels are in the direct path of growth, without public services the immediate area may not continue to build out because of concerns about health of the area and its low-lying character (at least three streams or drainage areas converge beside this neighborhood). Mr. Shuford stated to receive PWC

sewer and/or water, one of two things must happen: The property must be annexed or the City Council must exempt the area from City Council Policy 150.2. The two basic approaches to the annexation are (a) Voluntary petitions: Individual property owners could petition for voluntary annexation if they are contiguous to the City or, if not contiguous, if all the properties within that subdivision (there are 3 different subdivisions) also petition; and (b) Involuntary annexation: Under this approach, an area of 66 properties that includes the United Workers Lodge would meet standards. If PWC water is extended and the area is not annexed, typical annual household water costs would be \$325.00; PWC-provided water would be \$115.00 less with annexation because of lower inside-City water rates. If PWC water is extended and the area is not annexed, total costs for a typical homeowner would be \$1,917.00, or \$290.00 less annually than if annexed.

Council Member Wright asked Mr. Shuford how many residents were in the Bullard Circle area. Mr. Shuford replied approximately 100.

Council Member Arp asked for verification that PWC will install water only (to City standard) and sewer will not be installed. Mr. Shuford confirmed that is correct.

Council Member Crisp stated he views this item as a health hazard, and the Bullard Circle residents will pay more for PWC water than City residents.

Council Member Jensen stated she had spoken with many of the Bullard Circle residents and stated most are using bottled and filtered water.

Council Member Colvin asked for confirmation there would be no expense to the City residents by taking the proposed action. Mr. Shuford confirmed that is correct.

MOTION: Council Member Jensen moved to approve an exemption from annexation per City Council Policy 150.2 relative to PWC water services to the Bullard Circle area.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

8.02 Uninhabitable Structures Demolition Recommendations

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation and multiple photographs of the property. He stated staff recommends adoption of the ordinance authorizing the demolition of the structure. He reviewed the following demolition recommendation:

133-135 Person Street

Mr. Shuford stated the structure is a vacant two-story commercial structure located in the Downtown Historical District that was inspected and condemned as a dangerous structure on October 7, 2011. A hearing on the condition of the property was conducted October 19, 2011, in which the owner did not attend. The property owner's representative contacted the Code Enforcement Division on October 18, 2011, to discuss what repairs were needed to bring the structure into compliance. A subsequent Hearing Order to submit repair plans within 60 days, obtain all related permits within 10 days of plan approval, and to complete the repairs within 90 days of permit issuance was issued and mailed to the owner on October 31, 2011. The subject structure has structural defects in the roof system, flooring system, and the façade. The Development Services Department retained a structural engineer to inspect the façade due to concerns about the stability; the engineer's report stated the façade was unstable and could fall onto the sidewalk unexpectedly. In response to the engineer's report, the City of Fayetteville blocked the sidewalk area in July 2012. The property owner filed a Certificate of Appropriateness Application with the Historic Resources Commission on January 22, 2013, requesting permission to demolish the structure. The Historic Resources Commission approved the request for demolition with the condition the demolition be delayed 365 days to provide the owner the option to sell or repair the structure. To date there have been no repairs. The utilities to the building have been disconnected since August 2008. In the past 24 months there have been no calls for 911 services to the property. There have been no code violation cases and there are no pending assessments. The low bid for demolition will be determined through a formal bidding process.

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 (133 Person Street PIN 0436-63-8958). ORDINANCE NO. NS2014-011.

MOTION: Mayor Pro Tem Davy moved to adopt the ordinance authorizing demolition of the structure located at 133-135 Person Street, allowing staff to work with the property owner and assuring staff will take the necessary precautionary measures so as not to damage the adjoining structures.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

8.03 Parks Maintenance Community Service Support Program

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated Council Member Colvin submitted a City Council agenda item request that was considered by Council during the May 5, 2014, Council work session. The submission stated that “[CM Colvin] would like Council to adopt into policy a partnership with Cumberland County’s District Attorney’s Office and Cumberland County Bar Association and local legal community; in which clients who were required to complete community service hours to perform those hours through our Parks and Recreation Department (Litter Pickup Crews).” As was discussed during the work session, the Parks, Recreation and Maintenance Department currently accepts community service workers Monday through Saturday at the recreation centers and Clark, Mazarick, and Lake Rim Parks. The workers must complete and pay the fee for a background check which is done by the Department in order to protect the security and integrity of youth activities that occur at these locations. The Department is prepared to extend this program to community service workers who seek to assist the right-of-way and gateway clean-up crews Monday through Friday. The Department does not currently operate right-of-way or gateway clean-up programs on Saturday. Doing so would require additional supervisory personnel to manage volunteer and support positions. There is no budget impact as long as Council supports the continuation of the existing program. If the Council supports the existing program, then no action is required. Staff can work to increase the awareness and utilization of the program. If the Council would like staff to prepare a weekend right-of-way litter cleanup program with the ability to utilize volunteer labor, then additional work will be needed to develop staffing, policy, and procedures to create that program and bring it back to Council for concurrence and budgetary support. Mr. Gibson concluded by stating staff recommends that Council take no action, and continue to support the existing program that will be extended to community service workers.

Ms. Karen McDonald, City Attorney, stated liability was looked into for persons serving community service, and we would not want to have anyone in this program who has committed serious crimes. We need to have safeguards in place.

Council Member Colvin said it was a goal of the Gateway Committee to help the Parks and Recreation Department beautify the City, and said no action is necessary for this item. We are basically supporting the program as presented and to move forward.

Consensus was to take no formal action on this item.

8.04 Approve Best Practices Plan to discontinue the City’s Call Center and transition to PWC Customer Programs Call Center

Mr. Jay Reinstein, Assistant City Manager, and Mr. Mark Brown, PWC Customer Services Director, presented this item. Mr. Reinstein stated DavenportLawrence Consulting has provided assessment, analysis, and preliminary recommendations concerning the City of Fayetteville (COF) Customer Call Center. Due to some personnel changes, there is an opportunity to leverage the DavenportLawrence preliminary findings and begin the execution of the consolidation of the COF Customer Call Center into the PWC Customer Programs Call Center to increase efficiency and maximize resources during peak times. This project currently represents two phases. Phase 1 is the planning and execution of the transition of all resources to

the PWC location, leverage the PBX, and operating in a more current state environment with some improvements. This involves changes in technology (post Cityworks implementation), telephony, minimal process changes, people transfer (HR), and support. Phase 2 is the planning (Roadmap) for leveraging of COF technology (Cityworks software) for work order management and development of new processes. Phase 2 also encompasses training of COF Call Center and Customer Programs Call Center personnel to leverage resources during peak periods. This training consists of new scripts and training on both Cityworks software and Navigate Customer Care and Billing modules. This crossover of resources can support peak periods of customer calls in both call center areas. There may be other items within scope of Phase 2. These will be defined at a later date and a new, detailed Charter/Scope Document prepared.

Council Member Arp affirmed there is no increase cost to the taxpayer but there is an increase in the level of service.

MOTION: Council Member Arp moved to approve the plan to discontinue the City’s Call Center and transition the function to the PWC Customer Programs Call Center, as reviewed and recommended by the Best Practices Committee.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes - April 2014

2013 Taxes.....	\$359,602.72
2013 Vehicle.....	78,576.57
2013 Taxes Revit.....	1,890.88
2013 Vehicle Revit.....	38.86
2013 FVT.....	10,171.71
2013 FTT.....	10,171.73
2013 Storm Water.....	12,206.35
2013 Fay Storm Water.....	24,412.69
2013 Fay Solid Waste Fee.....	19,082.91
2013 Annex.....	0.00
2012 Taxes.....	8,637.80
2012 Vehicle.....	15,931.39
2012 Taxes Revit.....	0.00
2012 Vehicle Revit.....	0.00
2012 FVT.....	2,427.41
2012 FTT.....	2,427.41
2012 Storm Water.....	176.57
2012 Fay Storm Water.....	353.15
2012 Fay Recycle Fee.....	696.51
2012 Annex.....	0.00
2011 Taxes.....	743.02
2011 Vehicle.....	1,797.65
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	387.86
2011 FTT.....	387.87
2011 Storm Water.....	12.00
2011 Fay Storm Water.....	24.00
2011 Fay Recycle Fee.....	38.00
2011 Annex.....	0.00
2010 Taxes.....	497.91
2010 Vehicle.....	742.88
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	0.00

2010 FVT.....	129.49
2010 FTT.....	129.48
2010 Storm Water.....	0.00
2010 Fay Storm Water.....	0.00
2010 Fay Recycle.....	0.00
2010 Annex.....	0.00
2009 and Prior Taxes.....	1,394.73
2009 and Prior Vehicle.....	2,605.78
2009 and Prior Taxes Revit.....	0.00
2009 and Prior Vehicle Revit.....	0.00
2009 and Prior FVT.....	466.89
2009 and Prior FTT.....	159.94
2009 and Prior Storm Water.....	0.00
2009 and Prior Fay Storm Water.....	0.00
2009 and Prior Fay Recycle Fee.....	0.00
2009 and Prior Annex.....	31.55
Interest.....	30,316.17
Revit Interest.....	67.96
Storm Water Interest.....	532.68
Fay Storm Water Interest.....	1,065.37
Annex Interest.....	7.33
Fay Recycle Interest.....	904.39
Fay Transit Interest.....	1,456.23
Total Tax and Interest.....	\$590,703.84

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 p.m.