

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JANUARY 12, 2015
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); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9) (via telephone)

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
Tracey Broyles, Budget and Evaluation Director
Lee Jernigan, Traffic Engineer
Karen Hilton, Planning and Zoning Manager
David Nash, Planner
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 Apostle 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 Colvin moved to approve the agenda and reconvene the closed session recessed at the January 12, 2015, discussion of agenda items meeting.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Mr. Robert Anderson, 511 Argyll Road, Fayetteville, NC 28303, expressed concerns regarding the Cargill request for a waiver of City Council Policy No. 150.2.

6.0 CONSENT

MOTION: Council Member Mohn moved to approve the consent agenda, with the exception of Item 6.08, pulled for a separate vote.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

October 27, 2014 - Discussion of Agenda Items

October 27, 2014 - Regular Meeting

November 3, 2014 - Work Session

November 10, 2014 - Discussion of Agenda Items

November 10, 2014 - Regular Meeting

November 19, 2014 - Agenda Briefing

November 24, 2014 - Discussion of Agenda Items

November 24, 2014 - Regular Meeting

December 15, 2014 - Special Meeting

6.02 Special Revenue Fund Project Ordinance 2015-8 (FY 15 Juvenile Restitution Program)

The funding sources for this program are \$87,672.00 in grant funds awarded by the North Carolina Department of Public Safety, a local match of \$12,152.00 from Cumberland County, and a local match of \$12,151.00 and an in-kind match of \$1,000.00 for insurance from the City of Fayetteville.

6.03 Bid Recommendation for the Purchase of 75 ft. Tubular Galvanized Steel Poles awarded to Transamerican Power Products, Houston, TX, the lowest bidder, in the amount of \$93,000.00 and 80 ft. Tubular Galvanized Steel Poles in the amount of \$97,625.00.

This bid recommendation was for the purchase of 25 Tubular Galvanized Steel Poles at 75 ft.. Bids were received October 28, 2014, as follows:

Transamerican Power Products, Houston, TX.....	\$93,000.00
WESCO, Raleigh, NC.....	\$98,500.00
Valmont, El Dorado, KS.....	\$118,025.00
Dis-Tran Steel, LLC, Pineville, LA.....	\$121,025.00
ROHN Products, Peoria, IL.....	\$121,250.00
Trinity Meyer, Memphis, TN.....	\$121,950.00
MD Henry, Pelham, AL.....	\$122,600.00
Sabre Tubular Structures, Alvarado, TX.....	\$145,150.00

This bid recommendation was for the purchase of 25 Tubular Galvanized Steel Poles at 80 ft.. Bids were received October 28, 2014, as follows:

Transamerican Power Products, Houston, TX.....	\$97,625.00
WESCO, Raleigh, NC.....	\$107,025.00
Trinity Meyer, Memphis, TN.....	\$119,150.00
Valmont, El Dorado, KS.....	\$124,250.00
Dis-Tran Steel, LLC, Pineville, LA.....	\$126,950.00
MD Henry, Pelham, AL.....	\$129,125.00
ROHN Products, Peoria, IL.....	\$132,500.00
Sabre Tubular Structures, Alvarado, TX.....	\$153,475.00

6.04 Bid Recommendation for the Purchase of Bus Breakers to Siemens Industry, Inc., lowest bidder, in the amount of \$62,690.00 and for the purchase of Feeder Breakers to Siemens Industry, Inc., lowest bidder, in the amount of \$276,040.00.

This bid recommendation was for the purchase of two 2000 Ampere Bus Breakers. Bids were received October 30, 2014, as follows:

Siemens Industry, Inc., Wendell, NC.....	\$62,690.00
ABB, Inc., Lake Mary, FL.....	\$64,712.00

This bid recommendation was for the purchase of ten feeder breakers. Bids were received October 30, 2014, as follows:

Siemens Industry, Inc., Wendell, NC.....	\$276,040.00
ABB, Inc., Lake Mary, FL.....	\$288,910.00

6.05 Bid Recommendation for the purchase and installation of a Soft Touch Hands-Free Car Wash System at the Fleet Maintenance Wash Bay to Mark VII Equipment, lowest bidder, in the amount of \$133,999.00.

Bids were received November 6, 2014 as follows:

Mark VII Equipment, Arvada, CO.....	\$133,999.00
AUTEC, Inc., Statesville, NC.....	\$173,027.43
HOWCO, Inc., Charlotte, NC.....	\$173,418.66

6.06 Bid Recommendation for the award of contract for the Doc Bennett Road Water Main Project to Tony E. Hawley Construction in the amount of \$1,227,262.00.

Bids were received November 18, 2014, as follows:

Tony E. Hawley Construction, Kenly, NC..... \$1,227,262.00
 Odell Smith & Sons, Inc., Spring Lake, NC... \$1,248,738.45
 Gaines & Company, Knightdale, NC..... \$1,295,274.00
 State Utility Contractors, Monroe, NC..... \$1,315,228.00
 Herring-Rivenbark, Inc., Kinston, NC..... \$1,427,176.50
 Utilities Plus, Inc., Linden, NC..... \$1,437,558.57
 Autry Grading, Hope Mills, NC..... \$1,737,073.57

6.07 Tax Refunds Greater Than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Michael Perez	2011	Corrected Assessment	\$ 152.76
First Citizen Leasing	2011-13	Corrected Assessment	1,103.52
Everbank Commercial	2010	Corrected Assessment	121.29
Everbak Commercial	2011-13	Corrected Assessment	263.21
Total			<u>\$1,640.78</u>

6.08 Pulled by Council Member Mohn for a separate vote.

6.09 Capital Project Ordinance Amendment 2015-22 (Linear Park Project)

This capital project ordinance amendment will appropriate additional donations of \$62,502.00 and additional investment income of \$1,496.00 for the Linear Park project. These additional funds, along with the remaining funds previously appropriated, will help construct the connection under the new Grove Street bridge location, which will complete Phase 3 of the project.

6.10 Capital Project Ordinance Amendment 2015-23 (Municipal Agreements with NCDOT)

This capital project ordinance amendment will increase the total appropriation for various municipal agreements with the North Carolina Department of Transportation (NCDOT) by \$328,680.00. The increased appropriation is funded by additional federal funding of \$469,937.00, offset by a \$141,677.00 reduction in required local funding from the General Fund. The projects impacted include the Winslow Street streetscape improvement project and a future project on Raeford Road. An anticipated project for sidewalks on Bunce Road is not being moved forward as expected by the NCDOT.

6.11 Adopt Resolution of Award for the Winslow Street Streetscape Project

RESOLUTION OF AWARD OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE - WINSLOW STREET STREETScape PROJECT - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TIP Y-4806A. RESOLUTION NO. R2015-001

6.12 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. R2015-002

6.08 PWC-Phase5AnnexationAreas12and13-ConfirmAssessment Roll

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

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2015-003

MOTION: Council Member Wright moved to confirm the Assessment Roll

SECOND: Council Member Colvin

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

Member Mohn)

7.0 OTHER ITEMS OF BUSINESS

7.01 Request by Cargill for a waiver of City Council Policy No. 150.2 requiring an annexation petition to receive new or expanded PWC services at Underwood and River Roads.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item with the aid of a PowerPoint presentation and stated PWC currently provides sewer and water service to the Cargill buildings along the south side of Underwood Road. While Cargill could service the new building with its own extension of existing lines, DOT requires a utility to do the work if those lines go under one of its roadways, thus involving PWC and thereby triggering City Council

Policy No. 150.2. Another major consideration in its request is that Cargill has been working with DOT for a few years to relocate Underwood Road to the northern edge of its property to solve problems with its trucks backing up onto the public roads. Cargill indicates that discussion is nearly completed. The process involves not only DOT agreement, but also a formal petition to the Cumberland County Attorney's Office and review by various agencies prior to a public hearing. If the road could be relocated before going forward with the new building, there would be no need for new PWC services and thus no need to petition for annexation. City Council Policy No. 150.2 is applicable in this instance only because of a technicality associated with the NC DOT requirement for PWC involvement relative to utilities under the road. Staff proposes that the waiver be limited in applicability to encompass only this unusual circumstance; the PWC work to connect existing utilities from the south side to the north side of Underwood Road; future expansion requiring any new services from PWC would trigger the requirement for either an annexation petition or another request for a waiver.

Council Member McDougald asked if there will be additional employment opportunities as a result of the expansion. Mr. Mike Klauke, Facilities Manager at Cargill, responded they anticipate five to ten additional jobs once all the expansion has been completed.

Mayor Robertson asked what the total investment amount is. Mr. Mike Klauke responded it is \$30 million.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE WAIVER OF ANNEXATION REQUIREMENTS FOR THE "CARGILL SITE".

RESOLUTION NO. R2015-004

MOTION: Mayor Pro Tem Davy moved to approve the resolution exempting Cargill from the requirement of annexation otherwise associated with the PWC's connection of existing services south of Underwood Road, under the road, to the north side to the new administration building.

SECOND: Council Member Arp

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

7.02 Revenue and Expenditure Report for Annual Funds for the Three-Month Period Ended September 30, 2014

Ms. Lisa Smith, Chief Financial Officer, presented the Revenue and Expenditure Report for annual funds for the three-month period ended September 30, 2014, with the aid of a PowerPoint presentation.

Council Member Crisp asked how the City finances are doing. Ms. Smith responded she believes we are in fine shape at this point; no red flags.

8.0 ADMINISTRATIVE REPORTS

8.01 Tax Refunds of Less than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Michael Perez	2011-12	Corrected Assessment	\$61.97
TOTAL			\$61.97

8.02 Monthly Statement of Taxes - November 2014

2014 Taxes.....	\$17,566,037.25
2014 Vehicle.....	190.98
2014 Taxes Revit.....	10,183.43
2014 Vehicle Revit.....	0.00
2014 FVT.....	10.00
2014 FTT.....	10.00
2014 Storm Water.....	559,732.69
2014 Fay Storm Water.....	1,007,518.94
2014 Fay Solid Waste Fee.....	942,266.75
2014 Annex.....	0.00
2013 Taxes.....	16,386.61
2013 Vehicle.....	11,115.14

2013 Taxes Revit.....	0.00
2013 Vehicle Revit.....	13.76
2013 FVT.....	1,419.41
2013 FTT.....	1,419.42
2013 Storm Water.....	419.89
2013 Fay Storm Water.....	839.72
2013 Fay Recycle Fee.....	1,177.55
2013 Annex.....	0.00
2012 Taxes.....	2,228.83
2012 Vehicle.....	2,467.01
2012 Taxes Revit.....	0.00
2012 Vehicle Revit.....	1.37
2012 FVT.....	359.23
2012 FTT.....	359.23
2012 Storm Water.....	57.31
2012 Fay Storm Water.....	114.60
2012 Fay Recycle Fee.....	181.44
2012 Annex.....	0.00
2011 Taxes.....	536.43
2011 Vehicle.....	879.50
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	158.67
2011 FTT.....	158.70
2011 Storm Water.....	72.00
2011 Fay Storm Water.....	144.00
2011 Fay Recycle.....	76.00
2011 Annex.....	0.00
2010 and Prior Taxes.....	1,598.91
2010 and Prior Vehicle.....	1,668.34
2010 and Prior Taxes Revit.....	0.00
2010 and Prior Vehicle Revit.....	0.00
2010 and Prior FVT.....	277.35
2010 and Prior FTT.....	117.36
2010 and Prior Storm Water.....	61.33
2010 and Prior Fay Storm Water.....	98.65
2010 and Prior Fay Recycle Fee.....	42.21
2010 and Prior Annex.....	0.00
Interest.....	6,706.24
Revit Interest.....	2.33
Storm Water Interest.....	100.97
Fay Storm Water Interest.....	176.13
Annex Interest.....	0.00
Fay Recycle Interest.....	181.89
Fay Transit Interest.....	365.22
Total Tax and Interest.....	\$20,137,932.79

9.0 CLOSED SESSION

MOTION: Council Member Mohn moved to reconvene the closed session recessed at the January 12, 2015, discussion of agenda items meeting.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:50 p.m. The regular session reconvened at 9:00 p.m.

MOTION: Council Member Mohn moved to go into open session.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.